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ದಿನಾಂಕ : DATE:

SC: OBC quota in local bodies can't exceed 50% limit

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The Supreme Court on Thursday said provisions for reservations of seats for OBCs in local bodies can't be so made that it exceeds the 50% limit.

It said the quantum of reservation for backward classes ought to be local body-specific and should not exceed 50% of total seats for SCs, STs and OBCs taken together.

A three-judge bench presided over by Justice A M Khanwilkar read down provisions of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 to hold that reservation for OBCs may be up to 27% but subject to the outer limit of 50% aggregate.

The court quashed results of OBC reserved seats in local bodies of districts Washim, Akola, Nagpur and Bhandara and directed the state election commission to announce polls there within two weeks.

The court pointed out the reservation for OBCs is only a "statutory" dispensation to

be provided by the state legislations unlike the "constitutional" reservation regarding SCs/STs which is linked to the proportion of the population.

"As regards the State legislation providing for reservation of seats in respect of OBCs, it must ensure that in no case the aggregate vertical reservation in respect of SCs/STs/OBCs taken together should exceed 50% of the seats in the concerned local bodies," the bench said.

Referring to the Constitution Bench decision in 'K Krishna Murthy (Dr) and Ors v Union of India & Anr' (2010), the court said triple test conditions have to be fulfilled before providing reservations for the OBCs. They are to set up a dedicated commission to collect empirical data on backwardness, specify the proportion of reservation required in local body and wise in light of recommendations of the Commission, and such reservation nor to exceed the aggregate of 50% of the total seats reserved in favour of SCs/STs/OBCs taken together.