



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 22590 of 2026

Dashrath Yadav

.....Petitioner(s)

Versus

State of Uttar Pradesh and 3 others

.....Respondent(s)

Counsel for Petitioner(s)	: Jalaj Singh, Rajneesh Kumar Srivastava, Shashank Pandey, Smt. Priyanka Srivastava, Vinod Kumar Jaiswal
Counsel for Respondent(s)	: Udayan Nandan, C.S.C., Prakhar Saran Srivastava

Court No. - 1

**HON'BLE AJIT KUMAR, J.
HON'BLE GARIMA PRASHAD, J.**

1. Heard Sri Samir Sharma, learned Amicus Curiae, Sri Ashish Kumar Singh, learned Senior Advocate assisted by Sri Rajneesh Kumar Srivastava, Sri Dharendra Kumar Srivastava, Sri Raghav Arora and Sri Raj Kumar Singh, learned counsel for the petitioner, Sri Manish Goyal, learned Additional Advocate General assisted by Sri A.K.Goyal, learned Additional Chief Standing Counsel for the State-respondents, Sri Tarun Agarwal, learned Senior Advocate assisted by Sri Prakhar Saran Srivastava and Sri Satyendra Kumar Singh, learned counsel for the State Election Commission and Sri Shashi Nandan, learned Senior Counsel assisted by Sri Udayan Nandan, learned counsel for the dedicated commission.

2. In this bunch of writ petitions all the petitioners are seeking identical relief in the nature of direction to the State Election Commission to

finalise the electoral roll for conducting elections of Panchayats in State of Uttar Pradesh applying the rules of reservation as they exist on date within a time bound period and then hold elections of Village Panchayats, Kshetra Panchayats and Zila Panchayats within a time frame as may be prescribed by this Court.

3. In some petitions, challenges also led to section 12BB(3) which vests power in the State Government to notify a date for holding general elections and by-elections of Pradhans, Up-Pradhans or Members of any village with consultation of the State Election Commission for the power being absolutely discretionary. A further challenge is laid to section 12(3-A) vesting power with the State Government to appoint an Administrator to hold office of the Pradhan for such period not exceeding six months in larger public interest, who shall have all the powers and functions and duties to Gram Panchayat, its Pradhan and Committees to be exercised, performed and discharged by him in the capacity of Administrator.

4. The challenge is laid to the above provisions on the ground that they are ultra vires Article 243-E of the Constitution.

5. Inaction on the part of State Government in notifying a date for holding Panchayat elections in the State of Uttar Pradesh pursuant to the provisions contained under Section 12BB(3) and consequential inaction on the part of State Government the petitioners have approached this Court for appropriate relief so as to ensure that the mandate contained under sub Article (3) of Article 243-E is carried out in its letter and spirit.

6. Briefly stated facts are that lastly the Panchayat Elections were held by the State Election Commission with notification issued by the State Government in the year 2020 and elected body was placed in office for a

period of five years as the term was to expire in the month of May 2026. On 18.07.2025 the State Election Commission issued a notification publishing programme for preparation of electoral roll for election of three tier panchayats and 18.11.2025 was fixed for publication of final electoral roll. This notification came to be further amended on 06.01.2026 with a revised programme fixing 15.01.2026 as published for final electoral roll. Yet another amended notification came to be issued on 17.04.2026 in order to correct the duplication of voters in the voter list and also computerised voter list to be published with further assigning of voting centres/ places/ mapping of wards of such places, serial number of voters, distribution of SBN, downloading of the electoral roll etc. and 10.06.2026 was fixed as a final publication of voters list/ electoral roll. However, thereafter, nothing further progressed and it appears that entire process of finalisation of electoral roll was put to rest with a view, it appears to appointing a dedicated Commission to identify people belonging to Other Backward Castes (OBC) with a door to door survey to understand and came out with empirical in black and white as to the socio economic and political backwardness of different castes within the OBC Class and that too in the light of the judgment of Supreme Court in the case of **Dr. K. Krishna Murthy and Others v. Union of India (2010) 7 SCC 202** by applying triple test formula laid down in this judgment.

7. In other words instead of a routine head count of the population belonging to OBC in compliance with the U.P. Panchayat (Determination and Publication of Number of Persons belonging to the Backward Classes) Rules, 1994, the State Government, it appears, thought in its wisdom to have a better empirical data to understand a socio economic and political backwardness of persons belonging to OBC

to redefine the scope of reservation for OBCs in Panchayat Elections. Consequently a dedicated Commission came to be constituted vide notification dated 18.05.2026 just prior to the term existing Panchayat coming to end to conduct a contemporaneous rigorous empirical inquiry into the nature and implication of backwardness with respect to the Backward Class citizens within the State of Uttar Pradesh. A dedicated Commission of five members consist of (i) Justice Ram Autar Singh (Retired), Judge, Allahabad High Court; (ii) Sri Brijesh Kumar (Retired), District Judge; (iii) Sri Santosh Kumar Vishwakarma (Retired) Additional District Judge; (iv) Dr. Arvind Kumar Chaurasiya (Retired) IAS; and Sri S.P. Singh (Retired) IAS. With the constitution of Commission on 18.05.2026 it also appointed an Advisory Committee on 06.06.2026 consisting of (i) Justice Devendra Kumar Arora (Retired), Judge, High Court; (ii) Sri J.P. Singh, Principal Secretary, Parliamentary Affairs; (iii) Sri Uday Pratap Singh, Legal Remembrancer; (iv) Sri Pradeep Dubey, Principal Secretary, U.P. Vidhan Sabha; (v) Sri D.K. Singh, Up Lokayukta; (vi) Sri Rajendra Singh, Information Commissioner; (vii) Sri Rajesh Verma, President, State Backward Commission; and (viii) Sri Arun Sinha, (Retired) IAS.

8. The job assigned to the Advisory Committee was to have consultation with the dedicated Commission on the data so collected to arrive at a final conclusion for the purposes of finalisation of empirical data.

9. With the above notification of the Commission and Constitutional Advisory Committee, the State Government and the State Election Commission complete backtracked as far as the finalisation of electoral roll and accordingly shelved the panchayat elections for nearly five months till now since the expiry of the term of previous office bearers.

Since the elections were not to be held as was decided by the State Government as well as the State Election Commission, the State Government decided to appoint Administrators to the various bodies exercising its power under Section 12(3)A.

10. Sri Samir Sharma, learned Advocate and Amicus Curiae in the present case submitted that triple test obligations that were provided for in the judgment of Supreme Court in *Dr. K. Krishna Murthy (supra)* further elaborated vide para 21 in the case of *Suresh Mahajan (supra)* under the triple test obligations to be carried out by the State Government only first obligation stood discharged till date i.e. appointment of dedicated Commission but the second obligation for the Commission to carry out investigation to collect the empirical data, as the affidavit filed by the Commission shows that not much progressed as taken place. The 60% of the work claimed by the Commission to have been completed only shows a half hearted exercise and submits in the light of paras 23 & 24 of the judgment in *Suresh Mahajan (supra)*, the likely report of the Commission based on present exercise and what has been carried out deserves to be ignored. He submitted that the Commission was to present the first report in three months' time but even after expiry of five months' period, today it is seeking for further time, even to submit a report in respect of district Agra.

11. Mr. Sharma argued that looking at the object, as discussed in various paragraphs of the judgment of the Supreme Court, the dedicated Commission in the present case applying the format as it has, is a remote goal to be achieved. The purpose to provide democratic empowerment is not going to be achieved by looking at the data collected by the Commission in the present case, more especially with reference to

district Agra. Sri Sharma argued that in this factual background the Constitution mandate cannot be ignored for holding elections to the office of Gram Panchayat within the time frame prescribed for under Article 243-E read with Section 12BB(3) of the Panchayat Raj Act, 1947. Mr. Sharma argued that in view of the latest judgment of Supreme Court in *Suresh Mahajan (supra)* neither the State Government nor Election Commission can withhold elections in the name of inquiry and investigation be conducted by the dedicated Commission.

12. Adopting the arguments of learned Amicus Curiae, Sri Ashish Kumar Singh, learned Senior Advocate appearing for the petitioner in Writ - C No. 7008 of 2026 though questioned the vires of Section 12(3-A) of the Panchayat Raj Act, 1947 but agreed that there was no such pleading raised nor relief claimed in the writ petition. Mr. Singh though sought to contend before the Court that earlier similar provision was brought through ordinance which was questioned before this Court and the Division Bench has quashed the same but in SLP filed before Supreme Court since the enactment came amending the Act, 1947 incorporating the said provisions phrased in the same language and that remain unchallenged, the Supreme Court dispose of the petition leaving the question of law. He sought to contend that the ratio in the judgment of Division Bench was not touched, reversed by the Supreme Court and therefore, in the light of judgment of **NHPC**, if the defects remain unattended and unremoved, a similar provision by way of statutory amendment should not be upheld.

13. Sri Ashish Kumar Singh however, submits that in the absence of pleadings questioned the vires he is not pressing much upon it and instead arguing the point that constitutional mandate contained under

Article 243-E cannot be ignored just for pending compliance of judicial pronouncement made under Article 141 of the Constitution by top Constitutional Law Court. He submits that the Supreme Court itself held in **Kishan Singh Tomar** case that if the government is not notifying the elections and constitutional mandate are violated, the Commission itself would approach the High Court for necessary directions. He submits that the Commission is before this Court and has not filed any counter affidavit questioning the petitions as far as obligations to conduct panchayat body elections are concerned.

14. Sri Dhirendra Kumar Srivastava, learned Advocate has also drawn the attention of the Court to page 9 of the affidavit filed today on behalf of dedicated Commission seeking further time to submit preliminary report in respect of Agra that the Advisory Committee of Commission itself expressed that there was no criterion laid by the State Government neither any guideline provided how to determine more backward among the backward class people. The Advisory Committee, therefore, observed it absolutely that the Commission though would continue with its task of investigation and inquiry but no such report can be prepared on the basis of data to give details of more backward among the backward, which in fact according to learned counsel for the petitioners, is the real object behind collection of empirical data. He therefore, submits that the data collected by the Commission is just a head-count based upon statistical data already with the government department and officials at block level, district level and division level. He therefore, submits that the government since

cann change the present reservation regime for OBCs, it is just borrowing time so as to defer the elections in the name of awaited report of dedicated Commission.

15. Another counsel Mr. Satendra Singh Yadav, argued that the impugned Government Order very much shows that by one stroke of pen the outgoing Gram Pradhans were appointed as Administrator not only ignoring the relevant provisions of the Panchayat Raj Act providing for administrative Committees to be constituted in the event of supersession of Pradhan nor even the Government shows any empathy towards public sentiments and emotions that renders popular support to bring in a political party in power or vice versa merely because an outgoing Pradhan is clothed with power of Administrator does not mean that his political shades for being in a political party or popular support for which he had been elected to the office, get washed away and elected office is not at the pleasure of the Government rather it is conditioned by the tenure prescribed under the provisions of the Constitution and the relevant Acts and Rules. The State Government has a large administrative machinery and could have easily elected a government official to work as an Administrator for these Panchayat bodies. More especially in the circumstances when the Government was not sure as to whether a dedicated Commission could not have been assured that the dedicated Commission would be submitting its report within the time limit prescribed by it. Further the State Government does not bear with it the political shades of a political party, may be in office, for running the administration, which may affect the entire people of the State who may have bending towards different political parties. The State Government is to act independent of a political party in power, otherwise social diversity can never be addressed to.

16. In the entire counter affidavit that has been filed by the State in some of the petitions, no such cogent reason has been assigned as to why the Government decided to appoint outgoing Pradhans as Administrators of the Panchayat body on the eve of expiry of its term. In Public Interest Litigation No. 593 of 2026 filed by Sanjay Kumar Sharma which questions the Government Order dated 25.05.2026 appointing outgoing Pradhans as Administrators, a detailed counter affidavit has been filed on behalf of the State by one Anil Kumar, Principal Secretary, Panchayat Raj Department, Government of Uttar Pradesh. No specific reply has been made to the averments made in paragraph no. 16 of the writ petition and defended the action only on the ground that with the vesting of power of administration of Gram Panchayat with Pradhan to act as an Administrator, is only a temporary arrangement and does not amount to extension of office of Pradhan. It has been averred vide paragraph no. 35 that sufficient safeguards have been provided for the exercise of power of Administrator as it would not be taking any policy decision and only looking after the routine work of Gram Panchayat.

17. It is argued that, the allocation of work by the outgoing Pradhan while in office and the quality of work under the contract agreement become more vulnerable in such circumstances, the sitting Pradhan having no liability whatsoever but to continue in office gives him more political edge to abuse his position. This of course cannot be the objective for appointment of an Administrator. An Administrator has to be an independent person except in the event the elections have been held and during an interregnum period for a week or two the outgoing Pradhan is made to continue by way of stopgap arrangement. Here, in this case, the Government itself provided six months for office and as we have noticed above that the Commission is not in a position to furnish

even preliminary report after expiry of five months since its constitution, the elections may not be held according to the State Government stand awaiting the final report of the Commission, its acceptance and its application. This is not the stopgap arrangement which is contemplated under Section 12(3-A) nor such unguided power in the name of public interest can be assumed to be existing with the State Government to appoint an outgoing Pradhan as an Administrator of the Panchayat body.

18. Replying the argument raised on behalf of the petitioners, Sri Manish Goyal, learned Additional Advocate General raised a plea that acquiring an empirical data qua members of OBC as held in the judgment of Supreme Court in *Dr. K. Krishna Murthy (supra)* followed by the judgment in the case of **Vikas Kishanrao Gawali v. State of Maharashtra & Others (2021) 6 SCC 73** and further followed in the case of **Suresh Mahajan v. State of Madhya Pradesh, (2022) 12 SCC 770** made it a condition sine qua non for holding elections to three tier Panchayats in the State of U.P. The argument advanced is that the empirical data on the triple test formula laid by the Supreme Court once obtained, it would certainly affect the existing 27% of OBC reservation may be proportionate to the State population as per the reservation Rules, 1994 and therefore, the report of the dedicated commission constituted by the State Government deserve to be awaited before any elections are held. Sri Goyal argued that even previously when the matter of elections of Municipal Bodies arose and the Division Bench of this court directed for holding elections in the case of **Vaibhav Pandey v. State of U.P. & Others** that was decided along with other connected matters vide judgment and order dated 27.12.2022 the said judgment came to be stayed by the Supreme Court in SLP being No. Civil Appeal No. 2047 of 2023 (arising out of SLP (C) No. 128 of 2023) and finally upon submission of report

by the dedicated Commission and adopted by the State Government, the Supreme Court directed for holding elections vide order dated 27.03.2023 and the State Government holding the elections following the report submitted by the dedicated Commission. Sri Goyal argued that the dedicated Commission here in respect of the Panchayat Bodies have been identically constituted on the same terms and conditions and three of the members of the previous commission are also the members of the Commission.

19. Sri Goyal further argued that in view of Article 342-A and 338B(9) of list of castes of OBCs have drawn by the National Commission for Backward Classes after having consultation with the Union and every State Government because sub-Article 9 provides for consultation of all major policy matters and further take us to the Article 366(26C) to attend that social and educational backward classes means such backward classes as are defined under Article 342-A and has been enlisted in the Central list, may be also in relation to the Backward classes of the State or Union territories. The argument advanced by Sri Goyal is that listing out of caste from the category of OBCs in view of the Constitutional mandate contained under Article 342-A may not be permissible, however, he hastens to add that empirical data as is required from the dedicated Commission is aimed at getting data from socio-economic and least represented politically groups within the OBC, to serve a larger purpose of socio-economic empowerment to means to be provided by the respective State Governments. Regarding binding effect of the judgment of Dr. K. Krishna Murthy (*supra*) for which the report

is awaited by the Government and the resultant delay in elections, Mr. Goyal argued that binding effect of Article 141 is to be read in harmony with Article 342-A of the Constitution.

20. Advancing the argument in defence of the government Order dated 25.05.2026 appointing outgoing Pradhans as Administrators of their respective Gram Panchayats, Sri Goyal argued that except for apprehension being raised that an outgoing Pradhan might have entered into contract for carrying out various works within the Gram panchayat and would be therefore, in a position to further influence the work of contract to the disadvantage of the villagers, there is not substantial material placed before the Court nor any data besides the fact that there is no cogent pleading in the petitions as to why the outgoing Pradhans would not be suitable fit to hold the position of an Administrator. He argues that the Administrator appointed by way of stop gap arrangement has not been vested with the power to take policy decision which in itself is a sufficient safeguard. Sri Goyal argued that besides the fact that there is no sufficient pleading questioning the vires of Section 13(3-A), in purported exercise of which, the Government Order has been issued and a similar provision under Municipal Corporation Act, 1959 was challenged before the Division Bench of this Court in Anugrah Narayan Singh vs. State of U.P. & Others, 2006 (2) ALJ 151 (DB) it upheld the said provision rejecting the plea ultra vires. Sri Goyal submitted that the only difference was that in that provision a District Magistrate or an official not below the rank of Deputy Collector was to be appointed as an Administrator by the District

Magistrate. Sri Goyal argued that such a stop gap arrangement in exercise of power by the Government would not automatically amount to arbitrary exercise of power.

21. Sri Manish Goyal further argued that looking at the terms of reference of the Commission vide para 3 of the notification dated 18.05.2026 the entire notification and inquiry was with a purpose to attain empirical data. He submits that since collection of empirical data is aimed at restructuring the reservation for OBCs has opposed to the flat 27% reservation on the basis of proportionate representation of population, the report of dedicated Commission would matter for the public in large and therefore, the element of public interest was very much involved in issuing the Government Order exercising power under Section 12(3-A).

22. We had earlier given hearing to Shri Shashi Nandan, learned senior counsel appearing on behalf of the Commission on various dates as to the what is the progress made by the Commission during these months after its Constitution, the Commission as on date has come up with data that 60% of survey work has been completed to collect the empirical data of population of OBC and for this purpose Commission has been holding sittings in various districts and as on date 40 district survey has been conducted. Since our last order we had questioned the working of the Commission taking example from the documents submitted by it through various affidavits that in respect of the district of Agra where the population is more than 25 lakhs and only 175 persons had turned up to appear before the Commission and only 29 persons had filled up the proforma form to give details, how can it be sufficient or otherwise an

empirical data as it contemplated under the orders of Supreme Court, a report has been submitted today to this Court and taking further notice to this Court to the fact that the Advisory Committee had not met today a report has been placed before us which has been prepared by the dedicated Commission in respect of district Agra, so to say preliminary report after having consultation with the Advisory Committee.

23. During the course of argument, Sri Shashi Nandan, learned Senior Advocate appearing for the Commission had very fairly stated that dedicated Commission has nothing to do with the elections as it lies within the domain of State Government and State Election Commission to perform its duties to fulfil the Constitutional obligations as contemplated under Article 243-E of the Constitution and the provisions as contained in Section 11(B), 11(C) and 12(B)(ii) of the Panchayat Raj Act, 1947.

24. He however submitted that before holding elections, the determination and publication of number of persons belonging to backward classes as prescribed under Rules, 1994 have to be strictly adhered to, meaning thereby the head counts of the members belonging to OBC have to be collective.

25. Supporting the stand of the Commission in its obligation under the notification by virtue of which it was constituted to collect empirical data, Sri Shashi Nandan, learned Senior Advocate submitted that sincerity on the part of Commission is apparent as it has published a programme for having physical sitting in each district of the State to collect the data and for this purpose a very wide publication was made in every district in various newspapers of the State so as to make people know about the physical sitting of the Commission in each district and

consequently also to avoid circulation of form to be filled by the persons belonging to OBC was circulated through the Nodal Officer namely the District Magistrate and his supporting officers of the district to collect the empirical data.

26. Sri Shashi Nandan submitted that physical sitting in each district has been successful in a sense people have emerged to appear before the Commission and submitted their forms which have been collected and on the basis of that the analysis is being done by the Commission in consultation with the Advisory Committee constituted by it. Sri Shashi Nandan submitted that the Agra example in itself is sufficient to demonstrate that the Commission has made sincere efforts in the last five months in collecting data and soon within two months' time or so it will be completing the exercise by collecting data in the remaining 35 districts. Sri Shashi Nandan submitted that though the Advisory Committee did not meet for a long time, the job of the Advisory Committee was to analyse the data collected by the Commission and therefore, the role of the Advisory Committee could come after the data is collected. In respect of Agra as the Court required data, the Commission held consideration of the Advisory Committee and data has been placed before the Court.

27. Arguing about the scope of empirical data, and the resultant action taken by the State Government, Sri Shashi Nandan very fairly concedes that to change the present format of reservation based on proportionate population of OBCs considering the total population of the State and so also the district wise for reserving seats, the State need to amend eventually to find out whether on the basis of empirical data the

seats/berths in Panchayat bodies reserved for OBCs have to be changed either by reducing or increasing the same.

28. Sri Tarun Agarwal, learned Senior Advocate assisted by Sri Prakhar Saran Srivastava, learned counsel appearing for the State Election Commission submits that Commission has finalised the electoral roll and published on 10.06.2026 and submits that Commission can very well conduct elections if given sufficient time. He submits that only formality left is for the State to provide data of reservations for SC/ST and OBCs, purchase of indelible ink which now the Commission thinks to purchase through open public tender process, the Commission is not shying away from holding elections, if ordered.

29. Having considered the rival submissions, the following questions arise for determination:

- (i) What are the purport and requirements of the Supreme Court's directions concerning OBC reservation in local bodies, and what inquiry and legal steps are required to give effect to them within the existing reservation scheme?
- (ii) Whether the exercise stated by the Dedicated Commission to be sixty per cent complete fulfils the requirements of empirical inquiry laid down in *K. Krishna Murthy (supra)*, *Vikas Kishanrao Gawali (supra)* and *Suresh Mahajan (supra)*?
- (iii) Whether the State's obligation to obtain empirical data concerning the backwardness of OBCs justifies the State Government and the State Election Commission in deferring Panchayat elections indefinitely or until the inquiry and recommendations are complete?
- (iv) Whether the Government Order dated 25.05.2026 providing for appointment of outgoing Pradhans as Administrators under

section 12(3-A) of the U.P. Panchayat Raj Act, 1947 deserves to be quashed?

(v) Whether sections 12(3-A) and 12-BB(3) of the U.P. Panchayat Raj Act, 1947 are ultra vires Article 243-E of the Constitution?

30. The first two questions are connected and are considered together. The Supreme Court's directions and their purport must first be ascertained, followed by the Commission's purpose, its procedure and implementation, and the manner in which its recommendations can be given effect.

The Supreme Court's directions and their purport

31. In order to appreciate the issue, it is necessary to first understand what exactly is the judgment of the Supreme Court about in the matter of *K. Krishna Murthy (supra)*.

32. The controversy arose on account of introduction of twenty seven per cent reservation for people belonging to Other Backward Class in Panchayat and Urban local bodies elections to justify their proportionate representativeness. Challenge was laid, on grounds that 73rd and 74th amendment to the Constitution bringing in reservation especially for OBC were violative of principles of equality, democracy and fraternity which are part of the basic structure our constitution; and there was no intelligible criterion to identify OBCs for preferential treatment by way of reservations; moreover such reservations violate anti discrimination clause under Article 15 of the Constitution; OBCs being already well represented in elected bodies, the purpose to empower weaker sections of society would not get served; there were no cogent empirical findings about prevalence of backwardness, nor there was any such recommendation to provide reservation to OBCs as a class as

contemplated under Article 340 of the Constitution; on the basis of available data to qua OBC as a group no assumption can be drawn about parity of backwardness amongst different castes of OBCs forming a group; such the Reservations in electoral arena would bring in more divisiveness at the local community as well as and national level; reservation on caste lines may ultimately become instruments of political favouritism, and would be in conflict with preambular objective of promoting sense of fraternity among citizens. An argument was advanced that courts have to strive for a balance between competing consideration, to wit, justice to backwards, equity for forwards and to ultimately bring in efficiency for the entire system.

33. A suggestive argument was advanced that since principles behind reservation in education and public employment are distinct from political reservation in elected bodies, the objective of empowering weaker sections would get better served through political reservations if political parties nominate larger numbers of candidates belonging to OBCs to contest elections.

34. The Supreme Court in the above case examined the principles of law, justice and equity, doctrine of basic structure, purpose and objective behind reservations especially in the background of the principle of arresting backwardness to strike a balance in providing justice to backwards 'equity to forwards'. In a country where social diversity plays a paramount role in framing policies with a view to empower weaker sections of society including women irrespective of their caste, their fair representation in local self governments that affects them at the grassroots level of political systems, the court gave thoughtful consideration to a fact that as there existed a lot of uncertainty in the

identification of backward classes for reservations and it was eventually an uphill task to be undertaken by the State governments to identify people to be clothed with backwardness. The Court also took notice of the upper ceiling of to fifty per cent reservations in total quantum of all vertical reservations. Agreeing to the argument that a criterion independent of reservation benefits provided under Article 15(4) and 16(4) needed to be evolved to quantify and then prescribe reservations in local-self governments. Stressing upon the ideology of political groups and political affiliations for subjective considerations for local issues and how socio-economic backwardness may become a barrier in attaining a level playing field, the Court's observations in paragraphs 54 to 57 require consideration.

“54. In the domain of political participation, there can be no objective parameters to determine who is more likely to get elected to representative institutions at any level. The choices of voters are not guided by an objective assessment of a candidate's merit and efficiency. Instead, they are shaped by subjective factors such as the candidate's ability to canvass support, past service record, professed ideology and affiliations to organised groups among others. In this context, it is quite possible that candidates belonging to the SC/ST/OBC categories could demonstrate these subjective qualities and win elections against candidates from the relatively better-off groups. However, such a scenario cannot be presumed in all circumstances. It is quite conceivable that in some localised settings, backwardness in the social and economic sense can also act as a barrier to effective political participation and representation. When it comes to creating a level playing field for the purpose of elections to local bodies, backwardness in the

social and economic sense can indeed be one of the criteria for conferring reservation benefits.

55. It must be kept in mind that there is also an inherent difference between the nature of benefits that accrue from access to education and employment on one hand and political representation at the grassroots level on the other hand. While access to higher education and public employment increases the likelihood of the socio-economic upliftment of the individual beneficiaries, participation in local self-government is intended as a more immediate measure of empowerment for the community that the elected representative belongs to.

56. The objectives of democratic decentralisation are not only to bring governance closer to the people, but also to make it more participatory, inclusive and accountable to the weaker sections of society. In this sense, reservations in local self-government are intended to directly benefit the community as a whole, rather than just the elected representatives. It is for this very reason that there cannot be an exclusion of the “creamy layer” in the context of political representation. There are bound to be disparities in the socio-economic status of persons within the groups that are the intended beneficiaries of reservation policies. While the exclusion of the “creamy layer” may be feasible as well as desirable in the context of reservations for education and employment, the same principle cannot be extended to the context of local self-government.

57. At the level of panchayats, the empowerment of the elected individual is only a means for pursuing the larger end of

advancing the interests of weaker sections. Hence, it would be counter-intuitive to exclude the relatively better-off persons among the intended beneficiaries from the reservation benefits that are designed to ensure diversity in the composition of local bodies. It is quite likely that such persons may be better equipped to represent and protect the interests of their respective communities. We can now attempt to provide answers to the contentious issues.”

35. In paragraph 63 of *K. Krishna Murthy (supra)*, reported in *(2010) 7 SCC 202*, the Supreme Court, while upholding the constitutional validity of OBC reservation in local self-government, held that some “fresh thinking” and “policy-making” were required. The relevant passage is extracted below:

“63. As noted earlier, social and economic backwardness does not necessarily coincide with political backwardness. In this respect, the State Governments are well advised to reconfigure their reservation policies, wherein the beneficiaries under Articles 243-D(6) and 243-T(6) need not necessarily be coterminous with the Socially and Educationally Backward Classes (SEBCs) [for the purpose of Article 15(4)] or even the backward classes that are underrepresented in government jobs [for the purpose of Article 16(4)]. It would be safe to say that not all of the groups which have been given reservation benefits in the domain of education and employment need reservations in the sphere of local self-government. This is because the barriers to political participation are not of the same character as barriers that limit access to education and employment. This calls for some fresh thinking and policy-making with regard to reservations in local self-government.”

36. The Court, having found no constitutional guidance as such to the quantum of reservation, supported the doctrine of “proportionate reservation as a rule of thumb” but cautioned that reservation should not exceed the upper ceiling limit of 50 per cent. However, since the court had no material to examine the alleged overbreadth in the quantum of reservation prescribed for OBCs, it expressed the necessity for the State governments to have empirical data by conducting intensive exercise across the State from micro to macro level. Vide para 82 the court held thus:-

“82. In view of the above, our conclusions are:

- (i) The nature and purpose of reservations in the context of local self-government is considerably different from that of higher education and public employment. In this sense, Article 243-D and Article 243-T form a distinct and independent constitutional basis for affirmative action and the principles that have been evolved in relation to the reservation policies enabled by Articles 15(4) and 16(4) cannot be readily applied in the context of local self-government. Even when made, they need not be for a period corresponding to the period of reservation for the purposes of Articles 15(4) and 16(4), but can be much shorter.
- (ii) Article 243-D(6) and Article 243-T(6) are constitutionally valid since they are in the nature of provisions which merely enable the State Legislatures to reserve seats and chairperson posts in favour of backward classes. Concerns about disproportionate reservations should be raised by way of specific challenges against the State legislations.
- (iii) We are not in a position to examine the claims about overbreadth in the quantum of reservations provided for OBCs

under the impugned State legislations since there is no contemporaneous empirical data. The onus is on the executive to conduct a rigorous investigation into the patterns of backwardness that act as barriers to political participation which are indeed quite different from the patterns of disadvantages in the matter of access to education and employment. As we have considered and decided only the constitutional validity of Articles 243-D(6) and 243-T(6), it will be open to the petitioners or any aggrieved party to challenge any State legislation enacted in pursuance of the said constitutional provisions before the High Court. We are of the view that the identification of “backward classes” under Article 243-D(6) and Article 243-T(6) should be distinct from the identification of SEBCs for the purpose of Article 15(4) and that of backward classes for the purpose of Article 16(4).

(iv) The upper ceiling of 50% vertical reservations in favour of SCs/STs/OBCs should not be breached in the context of local self-government. Exceptions can only be made in order to safeguard the interests of the Scheduled Tribes in the matter of their representation in panchayats located in the Scheduled Areas.

(v) The reservation of chairperson posts in the manner contemplated by Articles 243-D(4) and 243-T(4) is constitutionally valid. These chairperson posts cannot be equated with solitary posts in the context of public employment.”

37. From the above discussion, three principles emerge from the above judgment of Supreme Court:

(i) To provide empowerment to weaker and backward sections of society at the level of local self governments reservations for

them is justified so long as political backwardness continues and level playing field is not created.

- (ii) Paramount consideration for providing reservation in local self government is to ensure that socio-economic backwardness does not emerge into denial of political participation in elections to their disadvantage at local level.
- (iii) To first restructure reservation from current regime of proportionate reservation in terms of population a rigorous investigation and enquiry is to be conducted to identify people belong to a particular caste or group of castes so much so socially and economically weak that puts a barrier to their political participation and hence needed reservation backing to remain in mainstream of the political system, The "overarching objective" being "to empower elected representatives who are sufficiently interested in the welfare of local communities and also accountable to them."

38. Thus, unless empirical data is collected to determine which castes or categories within OBCs should be included in, or excluded from, political reservation, no restructuring of reservation would be possible or permissible, and proportionate representation as the basis for reservation would have to be continued.

39. Again in the case of *Vikas Kishanrao Gawali (supra)* a three judges bench reiterated the above principles. While it questioned the provisions 12(2)(c) of Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 providing for 27 per cent reservation for OBCs in Panchayats, the court conditioned it with 50 per cent ceiling. However, the court observed that the static percentage based formula to provide reservation was against both the Constitutional philosophy of reservation for OBCs and a principle of empowerment of backward class people. But judicial dictum

of Constitution bench judgment in *K. Krishna Murthy (supra)*, was followed and the triple test was stated as follows:

- “(1) to set up a dedicated Commission to conduct contemporaneous rigorous empirical inquiry into the nature and implications of the backwardness qua local bodies, within the State;
- (2) to specify the proportion of reservation required to be provisioned local body wise in light of recommendations of the Commission, so as not to fall foul of overbreadth; and
- (3) in any case such reservation shall not exceed aggregate of 50 per cent of the total seats reserved in favour of SCs/STs/OBCs taken together.”

40. The Court of course, did not agree to the stand of State that reservations in favour of OBCs should be linked to population holding such a stand to be too wide in its terms but held that it had rightly allowed the State Election Commission to hold elections and elections in only five districts were held to be subject to outcome of petitions. Paragraph 16 of *Vikas Kishanrao Gawali (supra)* is extracted in full below:

- “16. Indeed, this Court had allowed the State Election Commission to conduct elections on the basis of old dispensation in terms of orders dated 28.08.2019, 07.11.2019 and 13.12.2019, by recording prima facie view as noted in the order dated 18.12.2019. However, it was made amply clear that the elections in respect of five districts (Nagpur, Washim, Akola, Dhule and Nandurbar) were allowed to proceed subject to the outcome of present writ petition(s) questioning the validity of Section 12(2)(c) of the 1961 Act. Thus understood, the respondents cannot take benefit of the prima facie

observations to repel the challenge to the old dispensation being continued despite the decision of the Constitution Bench of this Court and more particularly, to the notifications reserving seats for OBC candidates exceeding the quantitative limitation of aggregate 50 per cent of total seats in the local bodies concerned.”

41. In *Vikas Kishanrao Gawali (supra)*, the Court also distinguished the population-linked constitutional reservation for Scheduled Castes and Scheduled Tribes from statutory OBC reservation. For OBCs, it has been held that the proportion must be justified in the context of the nature and implications of backwardness. Population supplies a numerical input; it does not, by itself, establish political barriers or the extent of reservation needed to address them.

42. Paragraph 15 of *Vikas Kishanrao Gawali (supra)* rejects population alone as justification for OBC reservation. Twenty-seven per cent is a maximum, not an assured allotment. The evidence may justify a lesser measure, and the combined vertical reservation for Scheduled Castes, Scheduled Tribes and OBCs must remain within fifty per cent. Women's horizontal reservation is not an additional vertical quota. The Scheduled Areas exception for Scheduled Tribes cannot justify excess OBC reservation in general areas; an ordinary State amendment cannot itself displace the ceiling.

43. Read together, these decisions require the State to ascertain the nature and extent of political backwardness through a rigorous empirical inquiry and to determine the reservation required local body-wise. Thus, the obligation rests upon the State and must be discharged through the executive. Constituting a Dedicated Commission begins the process; it does not complete compliance. The Commission must ensure that the

inquiry proceeds on stated criteria for identifying and assessing barriers faced by particular groups in political participation, and then give reasoned recommendations. The State must then reconfigure its reservation policies accordingly, including groups found to be politically backward and ousting those which are getting education and employment benefits but do not need political participation / reservation in local self-government. The State must give effect to those findings through the competent executive or legislative process, including amendments where the proposed changes cannot be implemented under the existing statutory powers.

The earlier urban report and the present Commission

44. The State had earlier constituted a Dedicated Backward Classes Commission by notification dated 28.12.2022 for the inquiry concerning OBC reservation in urban local bodies, including Nagar Nigams. It submitted its report on 09.03.2023, within 71 days, or just over ten weeks. It recommended reservation in proportion to the OBC population or twenty-seven per cent, whichever was less, subject to the combined fifty per cent limit for SCs, STs and OBCs and without disturbing the constitutional reservation for SCs and STs. The recommendation thus retained the existing population-based formula rather than proposing a different percentage derived from measured political backwardness.

45. In *State of Uttar Pradesh v. Vaibhav Pandey, Civil Appeal No. 2047 of 2023 and connected appeals (supra)*, the Supreme Court, by order dated 27.03.2023, recorded the State's submission that the report had been submitted and permitted issuance of the election notification. The State's submission that the Supreme Court accepted the report must be understood in that context. There was no occasion in that order to

adjudicate upon the report's methodology or the adequacy of the empirical inquiry. The relevant question is what change, if any, the inquiry brought about in identifying political backwardness or determining the reservation required to address it.

46. Sri Manish Goyal relies upon that report and the Maharashtra report dated 07.07.2022, which follows the same formula in Chapter 12. Both contain political, social and economic information. The question for the present inquiry is whether the procedure explains how findings of political backwardness determine the proportion recommended, rather than merely reproducing the population-based allocation.

47. By notification dated 18.05.2026, the State has constituted the Uttar Pradesh State Rural Local Bodies Dedicated Backward Classes Commission to conduct a contemporaneous and rigorous empirical inquiry into the nature and implications of backwardness among backward classes in the three-tier Panchayat bodies throughout Uttar Pradesh. Its notified functions include an inquiry based on updated data and facts concerning representation in rural local bodies, and recommendations for proportionate reservation, local body-wise. Its terms of reference also require it to ascertain the proportion of backward classes in the total population from available records, reports, surveys and data, and to examine that material in accordance with the Supreme Court's directions. The notification permits expert and institutional assistance, data analysis and study tours. It fixes the Commission's tenure at six months, while separately requiring its report within three months or such period as the State may fix or extend. The Chairman and members were appointed on 20.05.2026; three, including the Chairman, had served on the earlier urban Commission. These provisions define the

Commission's purpose, territorial scope and the means available to it. They do not, however, prescribe criteria or empirical parameters for identifying political backwardness, assessing political barriers or translating that assessment into the reservation required in each local body.

The procedure, questionnaires and their implementation

48. The Commission's affidavit states that it has adopted the following methodology for conducting the empirical inquiry:

- “(i) Collection of data regarding representation of OBCs in Rural Local Body of Uttar Pradesh.
- (ii) Publication of general information inviting suggestions/objections of general public.
- (iii) Formation of advisory committee of experts relating to backwardness existing in rural areas of Uttar Pradesh.
- (iv) Study of secondary sources.
- (v) Tour programme of districts and blocks/villages of Uttar Pradesh to collect empirical evidence relating to backwardness existing in rural areas of Uttar Pradesh.
- (vi) Obtaining information and opinion of social scientists regarding empirical evidence for determining representation of citizens of other backward classes in politics.
- (vii) Obtaining opinion of political parties recognized as National and State political parties to ascertain the political representations of citizens of other backward classes in rural areas of Uttar Pradesh.
- (viii) Analysis of evidence.”

49. The affidavit of the Commission further describes population records, publication of notice on 06.06.2026, meetings with departmental officers and field visits. The Commission states that it collected information on land holdings, infrastructure, employment, education, malnutrition and health. These are the steps claimed in the affidavit. Their adequacy depends upon how the information is verified and analysed as evidence of political backwardness.

50. The Commission submits that it has undertaken district visits, invited public participation and collected forms and statements. In the status report dated 05.10.2026, it states that about sixty per cent of its work had been completed and that it would endeavour to complete the exercise within the stipulated time. The significance of that progress must be examined through the information collected, the method of verification and the use proposed to be made of it. By that date, more than four months had elapsed since its constitution on 18.05.2026; a period of five months has already passed by the hearing in October.

51. The affidavit contains the questionnaire used for this exercise. It asks for estimates of population, opinions about social conditions and economic difficulties, and views on political representation. The Hindi form and its English translation are reproduced in separate boxes below.

प्रश्नोत्तरी — हिन्दी मूल

उत्तर प्रदेश राज्य स्थानीय ग्रामीण निकाय समर्पित पिछड़ा वर्ग आयोग, 2026

नाम: _____ ग्राम/ग्राम पंचायत: _____

पिता का नाम: _____ विकास खण्ड: _____

उम्र: _____ जनपद: _____

मोबाइल नं.: _____ जाति/वर्ग: _____

व्यवसाय: _____

प्रश्न नं०-1: आपके ग्राम पंचायत में पिछड़े वर्ग की जनसंख्या कितनी हो सकती है तथा किस वर्ग के

लोग ज्यादा हैं?

उत्तर: _____

प्रश्न नं०-2: आपके ग्राम/ग्राम पंचायत में पिछड़े वर्ग के लोगों की सामाजिक स्थिति कैसी है तथा किस वर्ग के लोग ज्यादा हैं?

उत्तर: _____

प्रश्न नं०-3: क्या आपके ग्राम/ग्राम पंचायत में पिछड़े वर्ग के लोगों के साथ बराबरी का व्यवहार किया जाता है?

उत्तर: _____

प्रश्न नं०-4: क्या आपके ग्राम/ग्राम पंचायत में पिछड़े सभी लोगों के पास पक्का घर, शौचालय, पीने का पानी व आधुनिक चीजें जैसे मोटरसाइकिल, चूल्हा, फ्रिज, कूलर आदि हैं।

उत्तर: _____

प्रश्न नं०-5: क्या आपके ग्राम/ग्राम पंचायत में सामाजिक मामले पंचायत के माध्यम से निपटाये जाते हैं?

उत्तर: _____

प्रश्न नं०-6: आपके ग्राम/ग्राम पंचायत के पिछड़े वर्ग के व्यक्तियों के पास आय का मुख्य स्रोत क्या है? कितने वर्ग के व्यक्ति भूमिहीन या आवासहीन हैं?

उत्तर: _____

प्रश्न नं०-7: आपके ग्राम/ग्राम पंचायत में पिछड़े वर्ग के लोगों में राजनीतिक पिछड़ेपन का कारण आर्थिक या जागरूकता की कमी है?

उत्तर: _____

प्रश्न नं०-8: आपके क्षेत्र में पिछड़े वर्ग की किस जाति का राजनीतिक प्रतिनिधित्व सर्वाधिक है?

उत्तर: _____

प्रश्न नं०-9: क्या पिछड़े वर्ग के लोगों राजनीतिक प्रतिनिधित्व जनसंख्या के अनुपात में कम हैं?

उत्तर: _____

प्रश्न नं०-10: क्या पिछड़े वर्ग का पर्याप्त राजनीतिक प्रतिनिधित्व आर्थिक विपन्नता के कारण कम है?

उत्तर: _____

प्रश्न नं०-11: क्या राजनीतिक प्रतिनिधित्व पिछड़े वर्ग की भागीदारी अन्य वर्गों के राजनीतिक प्रभाव के कारण प्रभावित होती है?

उत्तर: _____

प्रश्न नं०-12: पिछड़ी जाति के वर्गों की दशा सुधारने हेतु जिससे उनकी भागीदारी राजनीति में ज्यादा से ज्यादा हो सके, आप कोई सुझाव देना चाहेंगे?

उत्तर: _____

प्रश्न नं०-13: अन्य पिछड़े वर्ग के लोगों में कितने डॉक्टर, इंजीनियर, अध्यापक व सरकारी सेवक आदि उच्च पद धारक हैं?

उत्तर: _____

दिनांक: _____ हस्ताक्षर: _____

Questionnaire — English translation

Uttar Pradesh State Rural Local Bodies Dedicated Backward Classes Commission, 2026

Name: _____ Village/Gram Panchayat: _____

Father's name: _____ Development Block: _____

Age: _____ District: _____

Mobile number: _____ Caste/category: _____

Occupation: _____

Question 1: What may be the population of the backward classes in your Gram Panchayat, and which class has the largest number of persons?

Answer: _____

Question 2: What is the social condition of persons belonging to the backward classes in your village/Gram Panchayat, and which class has the largest number of persons?

Answer: _____

Question 3: Are persons belonging to the backward classes treated equally in your village/Gram Panchayat?

Answer: _____

Question 4: Do all backward class persons in your village/Gram Panchayat have a permanent house, a toilet, drinking water and modern items such as a motorcycle, stove, refrigerator and cooler?

Answer: _____

Question 5: Are social matters in your village/Gram Panchayat settled through the Panchayat?

Answer: _____

Question 6: What is the principal source of income of backward class persons in your village/Gram Panchayat? How many classes have persons who are landless or without housing?

Answer: _____

Question 7: Is political backwardness among backward class persons in your village/Gram Panchayat caused by economic factors or lack of awareness?

Answer: _____

Question 8: Which caste among the backward classes has the greatest political representation in your area?

Answer: _____

Question 9: Is the political representation of backward class persons lower than their proportion in the population?

Answer: _____

Question 10: Is adequate political representation of the backward classes reduced because of economic deprivation?

Answer: _____

Question 11: Is the political participation and representation of the backward classes affected by the political influence of other classes?

Answer: _____

Question 12: Would you offer any suggestions for improving the condition of backward caste classes so that their participation in politics may be increased?

Answer: _____

Question 13: How many persons belonging to the Other Backward Classes hold positions such as doctors, engineers, teachers, government servants or other higher posts?

Answer: _____

Date: _____ Signature: _____

52. Agra illustrates the implementation of this procedure. The detailed compilation placed before the Court contains the completed questionnaires annexed to the affidavit. It records that 175 residents attended the meeting, 29 filled the forms and statements were separately recorded from 47 persons. The meeting minutes record a rural population of 25,10,940, including an OBC population of 12,40,142. One completed form answers Question 9, concerning representation relative to population, with “कम है” (“it is less”); its answer to Question 10 attributes the position to economic conditions in general terms. Neither answer identifies an election period, seat count, nomination history or a measurable extent of the asserted political barrier.

53. Several forms have been filled by persons who do not belong to the OBC category. The answer concerning social conditions is “केवल” (only), without a complete explanation. Several other answers are ticks or brief affirmations. A respondent outside the OBC category may have relevant knowledge, but the Commission must identify its basis and test

its relevance. The form cannot be treated as evidence of OBC political backwardness merely because it was collected at the meeting.

54. The affidavit of the Commission states that essentially the same exercise was followed elsewhere, that no separate district report is prepared, and that the information will be included in the final report. It also states that almost the same procedure was followed by the earlier Urban Dedicated Commission.

55. The small number of responses does not, by itself, establish either a representative inquiry or its invalidity. The Commission must explain how respondents were selected, which castes and local bodies they represent, how absent groups were reached, and how general, incomplete or repeated responses were verified and translated into findings. The overlap, if any, between the questionnaires and the separately recorded statements, and the weight assigned to each, must also be explained. Publicity and photographs establish that a meeting occurred; the reliability of the inquiry depends upon the relevance, verification and analysis of the information obtained.

56. The Commission's reports describe further collection of information, but do not disclose the parameters for assessing political backwardness or the method of translating the material into recommendations. The State submits that population and other official data are already available. Field visits and public interaction can supplement that material if the questions are objectively designed, the indicators defined and the answers verified against relevant records. A population estimate, an opinion that representation is low or a general statement about poverty does not itself identify the political barrier faced by a particular caste in a particular local body. The inquiry must explain how the measured social

and economic conditions affect candidature or effective participation and why reservation of the proposed extent would address that difficulty.

57. The exercise is extensive, involves public resources and may require further verification, supplementation and analysis. The order dated 09.10.2026 records that the Advisory Committee had not then met the Commission and that its first meeting was scheduled for 12.10.2026; it does not establish whether that later meeting occurred. Expert assistance should inform the questions, selection of respondents and assessment criteria before extensive collection is undertaken. Developing and applying a defensible method may require further time. The claim of substantial completion must therefore be assessed by the inquiry and analysis accomplished, rather than by the number of visits or responses collected. Without a disclosed method, further visits do not explain why continued delay is necessary.

58. The second requirement of the triple test is a reasoned proportion of reservation for each local body, avoiding overbreadth; the third is observance of the aggregate ceiling. No single scientific formula is prescribed, but compliance with the ceiling cannot substitute for an inquiry establishing the need and extent of reservation. Following the earlier procedure or recommending the existing maximum does not, by itself, establish either compliance or non-compliance. The question is whether current evidence and reasons justify the recommendation. The material presently furnished does not disclose that connection and has therefore not prima facie been shown to achieve the Supreme Court's object. The Commission's eventual conclusions remain open for examination.

Implementation of the recommendations

59. The Commission's report is the evidentiary basis for the State's reservation determination; it is not itself that determination. The triple test requires the State to specify the proportion for each local body in the light of the recommendations. The State must therefore examine the evidence, the reasons for the proposed proportion and its conformity with the statutory and constitutional limits before making the order applicable to the elections.

60. Two distinct questions arise at this stage. The first is whether the recommendation is justified by the inquiry. The second is whether the existing law authorises its implementation. A recommendation cannot answer either question merely by stating a percentage. Nor can the State cure a deficient inquiry simply by amending a provision. The empirical justification and the legal power must both exist.

61. If the recommendation retains population proportion or twenty-seven per cent, whichever is less, subject to the aggregate ceiling, it may not propose any change to the statutory scheme. The State must still show that the recommended reservation is justified for the local bodies concerned and must undertake the applicable determination and allotment process. Continuation of the existing formula does not dispense with the inquiry. Equally, the absence of a changed percentage does not alone prove that a properly reasoned inquiry has served no purpose.

62. A recommendation for a lower proportion within the existing limits does not necessarily require amendment of the Act. Sections 11-A(2) and 12(5)(a) must be applied consistently with the binding decisions concerning political backwardness, overbreadth and the aggregate ceiling. The State must identify how the recommendation can lawfully

be reflected in its determination of reserved offices and seats. A statutory maximum cannot be treated as an automatic entitlement, but neither can an administrative order introduce a scheme unsupported by the governing law.

63. A different issue arises if the recommendation seeks to alter the classes recognised for reservation. Section 2(bb) links the Panchayat Raj Act to Schedule I of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994. The Commission cannot delete or alter an entry in that Schedule. The State must identify the competent power and prescribed process for changing the list or the statutory reference. A legislative amendment is required only where the proposed change cannot be made through an existing valid statutory power; the report cannot itself supply that power.

64. Likewise, separate allocations for particular sub-classes must be examined against the existing definition, reservation provisions and delegated powers. A distinction revealed by the evidence does not itself establish a legally operative sub-quota. If the proposed distribution is beyond the scheme authorised by the Act, the enabling provisions must first be changed through the competent legislative process. Any change must remain consistent with the purpose of political reservation and the applicable constitutional limits.

65. At the Rules level, a changed method of computation, allotment or rotation must be examined under the Uttar Pradesh Panchayat Raj (Reservation and Allotment of Seats and Offices) Rules, 1994. Where the existing Rules do not authorise that method, their relevant provisions require amendment under the rule-making power, including Section 110, consistently with the parent Act. The separate population-determination

Rules require alteration only if the machinery for ascertainment or publication of population is affected. They cannot substitute for the political-backwardness inquiry.

66. The further process thus depends upon the actual recommendation: a lawful reservation order under existing powers, amendment of the allocation Rules, or a change to the statutory scheme where those powers are insufficient. It is not possible to identify a necessary amendment to every provision before knowing what change is proposed. The State has not placed a defined course of implementation before the Court. Submission of the report cannot therefore be assumed to conclude every step needed before a changed scheme becomes applicable.

Empirical data: measurement and relevance to political participation

67. For this inquiry, empirical data must mean current, verifiable information derived from records, observation or field investigation and evaluated through a disclosed method. *K. Krishna Murthy (supra)*, paragraph 48(iii) of the original judgment, places the responsibility on the executive to investigate barriers to political participation; *Vikas Kishanrao Gawali (supra)*, paragraphs 12 and 15, requires a rigorous local-body inquiry and rejects population alone as its basis. These decisions do not prescribe a numerical definition of adequate representation or a formula converting social and economic disadvantage into reserved seats. A useful assessment may compare a caste within OBC's share of elected seats and offices with its population share in the relevant local body, using a stated period and distinguishing reserved-seat success from election to open seats. Representation share can be calculated as the number of seats or offices held by the caste within OBC divided by the corresponding total, multiplied by one hundred; the

population share requires the same defined area and a reliable denominator. For illustration, a caste within OBC's holding one-third of the seats in a district does not, without its population share, distribution across local bodies and the circumstances of that representation, establish that it is adequately represented. District totals must not conceal exclusion in individual local bodies. Social and economic indicators may explain barriers, but must be connected through evidence to political participation. Any recommendation to reduce an existing measure or provide greater support to an under-represented caste within OBC must explain that connection and remain within the statutory powers, limits and aggregate ceiling. This identifies the assessment needed to give effect to the directions; it does not impose an automatic entitlement to population-proportionate seats or create sub-class quotas by judicial formula.

68. The inquiry must distinguish three matters: the measurable social and economic conditions of a caste within OBC; the barriers through which those conditions affect political participation; and the reservation required to address the barriers established. *Krishna Murthy (supra)* and *Gawali (supra)* require an empirical inquiry and a reasoned local-body-wise proportion; they do not prescribe a deprivation-to-quota formula. The following framework explains an assessment that could be developed and tested by the Commission with expert assistance. Its figures and weights, except those identified as record data, are illustrations for consideration.

69. The Commission should begin with a data register for each local body, caste and stated period, identifying population, eligible voters, candidates, nominations, votes, elected members and chairperson

offices. Representation on open and reserved seats must be distinguished and successive elections examined. Social indicators may include educational deprivation and verified experiences of exclusion; economic indicators may include landlessness, income deprivation, insecure work and inability to meet contest costs. Each rate must identify its numerator and an appropriate household, adult or candidate denominator. A representative, stratified field inquiry should reach persons who do not attend public meetings, account for non-response and verify the answers against records. District-level collection may organise the exercise, but district averages must preserve findings for the separate local bodies and tiers.

70. Each indicator can be expressed on a common scale, but the Commission must explain the causal link asserted rather than equate poverty with political backwardness. For example, a landlessness rate measures deprivation; evidence that verified candidates cannot obtain nominations or contest because of financial dependence concerns a political barrier. Population share and elected-seat share permit a representation comparison, but a gap alone does not identify its cause. Sparse responses, repeated forms and general assertions cannot be treated as measured proportions without a sampling and validation method. The Agra minutes record population and broad participant statements; the missing assessment is how those observations establish a political barrier for a particular caste and local body.

71. The questionnaire must be designed to obtain information relevant to the inquiry entrusted to the Commission. General opinions about whether reservation should continue, or whether a community is backward, cannot by themselves measure political backwardness or

determine the extent of reservation required. Each question should address a defined indicator, use clear and neutral language, specify the relevant period and local body, and provide answers capable of consistent recording, comparison and verification. Questions concerning education, income or access to resources should be linked with questions examining their effect on political participation: whether an eligible person sought nomination, contested an election or encountered a specific obstacle, what that obstacle was, and whether the account is supported by election records or other evidence. Facts within the respondent's knowledge must be distinguished from opinions and estimates. The form should record the respondent's relevant category and basis of knowledge; a response from a person outside the caste under study may provide contextual information but cannot be treated as that caste's own experience of exclusion. Appropriate sampling, a trial of the questionnaire, trained investigators and checks for incomplete, repeated or inconsistent responses are necessary to make the answers useful. The questions and method of analysis should be settled before the responses are evaluated, so that the collected information can be examined as the inquiry proceeds against stated parameters. Without that connection between the questions, measurable indicators and the object of the inquiry, circulation of forms and collection of answers do not establish that the required empirical assessment has been undertaken.

72. A composite measure may assist comparison if its indicators, normalisation and weights are disclosed and justified before evaluation. Social, economic and political-barrier measures should remain separately visible, so that correlated deprivation is not counted twice and adequate representation is not overlooked. The parameters and weights must be settled through expert scrutiny and an identified decision by the

competent authority, rather than adjusted afterwards to reproduce a preferred percentage. Comparisons with open-seat results and sensitivity testing are necessary. The illustrative weighting below is not a legal adequacy threshold or a reservation percentage; a different weighting can reverse the ranking. A scientific assessment must disclose that uncertainty and explain why the selected method measures political disadvantage, rather than merely producing a numerical appearance of precision.

73. The final recommendation requires a further remedial assessment: whether reservation is necessary, which barriers it can address, and why the proposed proportion is suitable and avoids overbreadth. A deprivation score cannot itself select the percentage. Where numerical modelling is used, the Commission must justify the lawful objective and provide evidence of how the proposed allocation is expected to improve effective participation, distinguishing existing reserved-seat success from representation achievable on open seats. Any caste allocation must have a valid statutory basis and comply with the applicable limits; review should examine whether the predicted improvement occurs. Without that link between measurement, political exclusion and the likely effect of the remedy, population data and a composite score do not complete the triple test.

74. The inquiry should first examine whether the existing benefit of political reservation remains necessary for each OBC caste, whether its extent requires reduction, and whether another caste requires greater protection. Here, removal means withdrawal of an unnecessary reservation benefit through the legally prescribed process; it does not mean removing elected representatives from office. Sustained success in

open seats over successive elections, together with evidence that the relevant barriers to political participation have diminished, may support consideration of a reduction or withdrawal. Success chiefly in reserved seats would not, by itself, establish that the need has disappeared, since that success may reflect the protection being examined. Conversely, persistent exclusion from candidature or election, supported by evidence connecting social or economic disadvantage with political barriers, may justify considering an increase. Neither population share nor the comparison score alone determines either result. The Commission should compare the existing arrangement with the likely position under each proposed change and explain why that change would address the identified political backwardness. A reduction for one caste does not automatically establish an entitlement to the same number of seats for another; the necessity and extent of each recommendation require separate justification, followed by an assessment of their combined effect within the applicable legal limits. Any caste allocation must have statutory authority. This is a proposed approach to the inquiry, rather than a numerical formula prescribed by the Supreme Court.

100-seat illustration for reference

75. Assume a hypothetical assessment area with a total population of 30,00,000: caste A within OBC has 80,000 persons, caste B has 97,000 and caste C has 3,00,000. The remaining 25,23,000 residents may include other OBC castes and other categories. For calculation only, assume 100 elected member seats, held by these castes in the numbers shown below. All population, representation, survey and weighting figures in this example are hypothetical. An actual inquiry must apply consistent areas and periods and assess each local body and tier

separately. The trial score measures investigative priority; it is not a reservation percentage.

Measure / calculation	Caste A	Caste B	Caste C
Population; total = 30,00,000	80,000	97,000	3,00,000
Population share P = population ÷ 30,00,000 × 100	2.6667%	3.2333%	10.0000%
Assumed seats held; total = 100	1	2	4
Representation R = seats held ÷ 100 × 100	1%	2%	4%
Gap P – R (percentage points)	1.6667	1.2333	6.0000
Representation ratio R ÷ P	0.3750	0.6186	0.4000
Social indicator S: adults educationally deprived, hypothetical sample of 200	120/200 = 0.60	60/200 = 0.30	140/200 = 0.70
Economic indicator E: households below a	50/100 = 0.50	40/100 = 0.40	65/100 = 0.65

stated threshold, hypothetical sample of 100			
Political-barrier indicator B: verified barrier responses, hypothetical sample of 100 eligible persons	$40/100 = 0.40$	$70/100 = 0.70$	$50/100 = 0.50$
Trial score $T = .25S + .25E + .50B$	0.4750	0.5250	0.5875
Sensitivity: $T' = .50S + .25E + .25B$	0.5250	0.4250	0.6375
Interpretation	A ranks below B under T, but above B under T'	Changing weights reverses the A/B ranking	High score is not a 58.75% or 63.75% quota

76. A separate, wholly hypothetical remedy scenario may be tested for caste C. Suppose a reasoned assessment supports an objective of 7% effective representation, expected representation without the proposed allocation is 3%, and each percentage point of the proposed allocation is estimated to add 0.8 percentage points of effective representation. Then $q = (7 - 3) \div 0.8 = 5$ percentage points. The objective and effect estimate are assumptions for this example; they cannot be derived from the deprivation score or population share alone. Before applying such a model, the Commission must establish those inputs through evidence,

justify its assumptions and show the statutory authority and limits for the proposed allocation.

77. The example has two separate steps. First, it compares people, representation and disadvantage; secondly, it shows how a possible seat allocation could be tested, using additional assumptions. With 30 lakh residents and 100 elected seats, the population shares of A, B and C are about 2.67%, 3.23% and 10%. We separately assumed that they currently hold 1, 2 and 4 seats, so their representation shares are 1%, 2% and 4%. The difference shows a gap for investigation; it does not mean that the same number of extra seats must be reserved. We then invented survey results: among 200 adults surveyed in each caste, 120 in A, 60 in B and 140 in C are educationally deprived; among 100 households, 50, 40 and 65 fall below an assumed income threshold; and among 100 eligible persons, 40, 70 and 50 face an assumed, verified political barrier. These figures produce the social, economic and political-barrier rates shown in the table. We chose to give social and economic disadvantage one-quarter weight each and political barriers one-half weight. For C, this gives $(0.25 \times 0.70) + (0.25 \times 0.65) + (0.50 \times 0.50) = 0.5875$. This is a comparison score, not 58.75% reservation and not a number of seats. Changing the weights changes the comparison, as the table demonstrates. The seat example therefore introduces three more assumptions which the score does not supply: a justified objective of 7 seats for C out of 100; an expectation that C would obtain 3 seats without the proposed allocation; and an expectation that each seat reserved under that proposal would add, on average, 0.8 seats to C's representation. On those assumptions, 5 reserved seats would add an expected 4 seats: $5 \times 0.8 = 4$; adding the expected 3 gives 7. The figure of 3 is a separate hypothetical prediction without the proposed

allocation, not the 4 seats initially assumed to be held. The objective of 7 and the improvement rate of 0.8 were also chosen for illustration; they have not been established by the population or survey figures. Thus, the calculation shows the information and assumptions needed to test an allocation, rather than proving that C should receive 5 reserved seats. In a real inquiry, the Commission must justify those assumptions with evidence, assess the other castes together, and establish that the proposed allocation is legally authorised and within the applicable limits.

78. All these figures remain hypothetical. In particular, the expectation of two open-seat wins after the allocation has not been calculated from the comparison score or the survey figures. In an actual inquiry, that expectation and the proposed objective must be supported by a reasoned assessment of election evidence and the barriers identified. A generic OBC reservation also does not guarantee that a particular OBC caste will occupy its seats. The example assumes that an allocation specifically for C is legally authorised; it does not establish that authority. The calculation therefore explains how to compare the expected effect of a proposed remedy with the position without it. It does not supply a scientifically established formula for fixing reservation, or prove that C should receive five reserved seats.

Illustration concerning Gram Panchayat member seats

79. As a further illustration, take a hypothetical rural district with 30,00,000 residents, including 80,000 persons of OBC caste A, 97,000 of caste B and 3,00,000 of caste C. Their district population shares are respectively 2.6667%, 3.2333% and 10%. The remaining 25,23,000 residents include other OBC castes and other categories. For simplicity, assume 600 Gram Panchayats with 5,000 residents each. Under section

12 of the U.P. Panchayat Raj Act, 1947, a Gram Panchayat area exceeding 3,000 residents has 15 member seats besides the Pradhan. The illustration therefore uses 9,000 member seats and keeps the 600 Pradhan offices separate. These are hypothetical arrangements, not figures taken from a particular district.

District illustration	Assumed number	Calculation
Rural population	30,00,000	600 Gram Panchayats × 5,000 residents
Gram Panchayat member seats	9,000	600 × 15 member seats
Pradhan offices, examined separately	600	One per Gram Panchayat

80. The number of Gram Panchayats is an express assumption; it cannot be obtained from the district population alone. In practice, the notified Panchayat areas, applicable population figures and ward delimitation determine the seats. This example concerns Gram Panchayat members only. The inquiry for Kshetra and Zila Panchayats must be undertaken separately under their applicable provisions; their seats are not included in these calculations.

Step 1: identify a gap for inquiry

81. Assume that, in a stated election, the three castes hold the following member seats across the 600 Gram Panchayats. Representation share means seats held divided by 9,000, multiplied by 100. The results are invented solely for illustration.

Caste	District population / share	Assumed Gram member seats held	Share of 9,000 member seats
A	80,000 / 2.6667%	90	1%

B	97,000 / 3.2333%	180	2%
C	3,00,000 / 10%	360	4%

82. For C, $360 \div 9,000 \times 100 = 4\%$. Its assumed district population share is 10%, leaving a six-percentage-point difference. That difference identifies a question for investigation; it does not establish that C must receive another 540 reserved seats to reach 10%. The Commission must examine the population and results of each Gram Panchayat, distinguish open-seat success from success in reserved seats, and examine candidature, nomination outcomes and successive elections. A district average may conceal strong representation in one Panchayat and exclusion in another. The 9,000-seat total is a summary denominator, not a district pool from which reserved seats may be transferred freely between Panchayats.

Step 2: examine the causes through defined indicators

83. Retain the following wholly hypothetical survey assumptions for the district comparison: in samples of 200 adults from each caste, educational deprivation is reported for 120 persons in A, 60 in B and 140 in C; in samples of 100 households each, 50, 40 and 65 fall below an assumed income threshold; and in samples of 100 eligible persons each, 40, 70 and 50 report a specified, verified political barrier. These yield the social indicator S, economic indicator E and political-barrier indicator B below. The indicators, thresholds, reference periods and verification method must be defined in advance. These sample sizes are assumed for arithmetic and do not establish statistical adequacy or representativeness.

Caste	Assumed S / E / B rates	Trial score: .25S + .25E	Alternative: .50S
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		+ .50B	+ .25E + .25B
A	60% / 50% / 40%	0.4750	0.5250
B	30% / 40% / 70%	0.5250	0.4250
C	70% / 65% / 50%	0.5875	0.6375

84. For C, the trial calculation is $(0.25 \times 0.70) + (0.25 \times 0.65) + (0.50 \times 0.50) = 0.5875$. These weights are illustrative choices, not a judicially prescribed or scientifically validated formula. C has the highest combined trial score, but B has the highest political-barrier rate, at 70%. Giving greater weight to education reverses the relative ranking of A and B. The score therefore helps organise further questions and verification, rather than determine a reservation percentage. The Commission must identify whether, and how, the measured disadvantage prevents candidature or effective political participation in the Panchayat concerned. A district survey score cannot be assigned to every Panchayat without supporting local evidence.

Step 3: test reduction and increase within a particular Gram Panchayat

85. To show the next step without treating the district as a single electoral body, select one hypothetical Gram Panchayat of 5,000 residents and 15 member seats. Assume that A has 500 residents, B has 1,000, C has 1,500, and the remaining categories have 2,000. These local population shares differ from the district shares. For this test alone, assume four OBC reserved member seats, two SC reserved member seats and no ST reserved member seat. Four of 15 is 26.6667%, and six of 15 is 40%; these figures are arithmetically within 27% and 50% respectively. There is not a determination that these reservations are legally available: the relevant SC/ST population, the triple test, the

governing allocation and rotation rules, and the applicable legal limits must support the actual arrangement. Women’s reservation must also be applied in accordance with law and is not an additional vertical category to be added mechanically to these totals.

86. The following comparison assumes, solely to explain the arithmetic, that specific allocations among OBC castes are legally authorised. It does not establish that authority under existing law. Suppose a properly supported local inquiry finds that A has sustained success in open seats and no longer requires the particular reserved-seat protection, while C continues to encounter identified political barriers. The Commission might then test the following alternative. The total OBC allocation remains four seats; one seat is shifted from A to C within this hypothetical Panchayat. All results and forecasts below are assumptions, not conclusions derived from the population figures or comparison scores.

Selected Gram Panchayat	A	B	C
Population / share of 5,000	500 / 10%	1,000 / 20%	1,500 / 30%
Existing test allocation: OBC reserved seats	1	1	2
Assumed total representatives under that arrangement	4: 1 reserved + 3 open	2: 1 reserved + 1 open	2: 2 reserved + 0 open
Alternative test allocation: OBC reserved seats	0	1	3
Assumed	3: 0 reserved + 3 open	2: 1 reserved + 1 open	3: 3 reserved

expected under alternative	total the			+ 0 open
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87. Under the first test arrangement, A has four representatives, B has two and C has two. Under the alternative, A is expected to have three, B two and C three. A’s reserved-seat benefit falls from one seat to none, while its assumed ability to win three open seats remains. C’s reserved-seat allocation rises from two to three, and its expected representation rises by one. B’s allocation remains one reserved seat. In both arrangements, the three castes together hold eight of the 15 member seats, and other categories hold the remaining seven. This is a transparent test of a proposed redistribution, not a calculation of entitlement from population: C would hold three of 15 seats, or 20%, although its local population share is 30%. The inquiry must explain why the proposed protection addresses the barriers found; population parity is not assumed as the required result.

88. The expectation that A would still win three open seats after the change must be supported by election evidence, not merely copied from earlier results. Likewise, the finding that C needs another reserved seat must rest on identified political barriers and an assessment of the proposed remedy. Success mainly in reserved seats does not itself show that protection is no longer necessary. If the evidence does not support these assumptions, the alternative must be revised or rejected. This local example cannot justify withdrawing A’s benefit throughout the district, particularly when the district overview shows a different pattern of representation. The Commission must investigate each relevant local body and make reasoned recommendations at the appropriate level.

Step 4: explain the recommendation and its limits

89. The process thus proceeds from recorded representation, to investigation of its causes, to a reasoned assessment of whether protection should continue, decrease, cease or increase, and finally to testing the legally available arrangement. The comparison score does not supply the answer; the evidence connecting disadvantage with political exclusion must do so. Every proposed allocation must use whole seats and comply with the applicable statutory provisions, binding reservation limits, rotation requirements and women's reservation. Any necessary change in legislation or rules must be undertaken through the prescribed process. The State may examine this sequence of inquiry, but must use their own statutory structure, local-body data and supported methodology.

90. The relevant figures, their sources, the questions asked, the way the answers were checked and the reasons for the proposed change should be available for scrutiny, while protecting personal information. Affected persons should have an appropriate opportunity to point out wrong figures or missing facts in accordance with the applicable procedure. A scientific method requires clear measures, objective questions, reliable information and checks that others can examine.

Findings on questions 1 and 2

91. The inquiry is required to produce reliable findings on political backwardness and a reasoned basis for the reservation needed in each local body. The procedure disclosed so far identifies ways of collecting information, but does not explain the criteria for assessing it, the validation of the responses or the connection between the findings and the proportion to be recommended. The Agra material illustrates that

missing connection. Neither repetition of the earlier procedure nor the volume of activity answers it.

92. On the material presently furnished, the exercise has not prima facie been shown to fulfil the Supreme Court's required empirical assessment and local-body-wise justification. That is a finding about the explanation and material before the Court, not a prediction that the Commission can never produce a sound report. A fruitful inquiry must lead to evidence-based recommendations; their lawful implementation must then be undertaken by the competent authority. Neither stage has been demonstrated as complete, and the further implementation course remains unexplained. Questions 1 and 2, insofar as they concern the Commission's exercise, are answered to that extent, with the eventual report's validity left open.

Question 3 — Whether the pending inquiry permits deferral of elections

Can elections await the inquiry and its implementation?

93. The third question is: can elections await the inquiry and its implementation? Article 243-E fixes a Panchayat's term at five years from its first meeting and requires the succeeding election to be completed before expiry. Its six-month provision concerns premature dissolution, not an extension after completion of the full term. Article 243-K entrusts electoral rolls and elections to the State Election Commission.

94. Collection of empirical data by conducting the rigorous investigation into backwardness economic, social and political may be aimed at restructuring of OBCs vertical reservations at local self governance stage but it must be seen in a larger spectrum as a tool to fix poverty stricken, socially backward with less political representation area with majority of

population of particular caste or group of castes within the OBCs. For every economy to be advanced such backwardness is a taboo and the economy cannot grow into an advanced economy, if a large section of society remains denied any advancement in economy, social assimilation with different castes, having a level playing field to contest elections. Neither real objective enshrined under Article 15 can be achieved, nor can we grow into an advanced nation despite having trillions of dollars in our coffers. And so the task for a dedicated Commission is to evolve such a system of survey to interact with individual, investigate into individual's record, and identify him or her as backward socially and economically and even to analyse and arrive a conclusion as to whether a particular caste or as such a group of caste is so much so backward that it needs reservation to have political participation for upliftment of its people.

95. In another case of *Suresh Mahajan (supra)* the court, held that holding of the elections of local self government in a prescribed timeline is mandatory in nature and no delimitation or formation wards can be taken as a ground to postpone elections, It is worth interesting to note here that in that case this dedicated Backward Commission had prepared only first report on 5.5.2022 as the first step towards the triple test obligation and the Court refused to examine the report as mere preparation of first report by the dedicated Commission could not have been regarded as complete compliance of triple test formula requirement. Vide paragraphs 21 to 27 the Court held thus:

“21. During the course of the argument, our attention was drawn to the First Report dated 05.05.2022 prepared by the Backward Classes Commission constituted by the State Government, as the

first step towards the triple test obligation as per the decision of this Court. However, we do not intend to examine the said report or comment upon it in the present proceedings.

22. Suffice it to note that mere preparation of the First Report by the stated Commission cannot be regarded as complete compliance of triple test requirement. In one sense, it is an inchoate situation and only a step towards final declaration by the State Government to provide specified just percentage of reservation for OBC category local body wise.

23. Mr. Tushar Mehta, learned Solicitor General was at pains to impress upon us that the First Report having been prepared by the Backward Classes Commission appointed by the State dated 05.05.2022, the State Government would now move into action and undertake the remaining steps to notify the seats to be reserved for Other Backward Classes in the concerned local bodies. Prima facie, going by the spirit of the judgment of this Court in *Vikas Kishanrao Gawali (supra)*, even that exercise needs to be undertaken by the especially appointed Commission (dedicated) for that purpose. The report as presented to us has not engaged itself in that exercise which it ought to have done local body wise. Hence, this report in the present form will be of no avail.

24. In other words, the exercise of collation of empirical data and after analysis thereof, the Commission is expected to make recommendations regarding the number of seats to be reserved for Other Backward Classes “local body wise”. Apparently, that exercise has not been undertaken by the Commission. The State

Government can act upon only thereafter and as per the recommendations of the Commission - which is an independent body created to ensure that there is no over-breadth of such reservation in the “concerned local body”.

25. Be it noted by all concerned that the nature and purpose of reservation in the context of local self-government is markedly different from that for higher education and public employment, as expounded by the Constitution Bench³ of this Court.

26. As aforesaid, the State Election Commission need not wait any further, but shall notify the election programme without any further delay in respect of local self-government whose election(s) had become due; and in the present case, as aforesaid, overdue in respect of 23,263 local bodies across the State of Madhya Pradesh, as of now.

27. Acceding to the argument set forth on behalf of the State of Madhya Pradesh would be over-looking and in fact a case of violation of the successive directions given by this Court to the State Election Commission to speed up the election process in respect of local bodies where elections are due/overdue and to proceed without providing reservation for Other Backward Classes (but limited to the constitutional reservation for Scheduled Castes and Scheduled Tribes) until the completion of triple test formality by the State “in all respects”. As and when, the formalities of triple test are completed, that can be reckoned for future elections to be held thereafter. However, elections which are already due need not and cannot be delayed on that count in view of the constitutional mandate.”

96. This is a long drawn exercise and awaiting its final outcome the constitutional mandate to hold local self government/body elections cannot be deferred. A reasonable wait for a report in terms of time so as to honour the verdict of the Supreme Court may be justified but of course, if such a dedicated Commission can justify its measures in obtaining empirical data and its genuineness in a given case.

97. So merely because a report is there which can be termed as consisting of empirical data it cannot be applied under flat 27 per cent reservation based upon proportionate representation in panchayat or local bodies elections is restructured. Now, if a dedicated Commission is holding similar enquiry, on same parameters, such that already due elections can be deferred in anticipation of a future report that may consist of empirical data which may require restructuring of vertical reservations of OBCs. In a polity as envisaged in our Indian Constitution, where thus have been codified for providing class based (consisting reservation) for they being too much downtrodden or in other words socially, economically backward to be their in the mainstream and consequentially rules have been framed to provide reservation, all this will have to be first amended based on empirical data. A System so already in place has to be changed and this may entail with it a long drawn process for which election to local bodies at any level and more especially at Panchayat level cannot deferred as it would defeat the very objective of self governance enshrined in our constitution. Firstly a local self government must be in place with a system to operate as on date and in future after amending rules of reservation including/ excluding a particular caste from the group of OBCs on the basis of empirical data, the elections may be held with restructured vertical reservation. In all the authorities of the Supreme Court there has been repeated observations

that election upon expiry of term have to be held within time as is the constitutional mandate. We have referred to above and quoted relevant paragraphs of the judgment in ***Vikas Kishanrao Gawali (supra)*** and ***Suresh Mahajan (supra)***. Article 243-E(3) clearly provides for election to constitute Panchayat before expiration of its duration as specified and before expiration of six months of its dissolution. Article 243E of the Constitution of India is reproduced below:

“243E. Duration of Panchayats, etc.—(1) Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Panchayat shall be completed—

(a) before the expiry of its duration specified in clause (1);

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayat for such period.

(4) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the

remainder of the period for which the dissolved Panchayat would have continued under clause (1) had it not been so dissolved.”

98. Section 12 (3) of U.P. Panchayat Raj Act 1947 is couched /covered in almost similar language Section 12(3) is reproduced herein below:

“(3) (a) A Gram Panchayat shall, unless sooner dissolved under Clause (f) of sub-section (1) of Section 95, continue for five years from the date appointed for its first meeting and no longer.

(b) An election to constitute a Gram Panchayat shall be completed

—

(i) before the expiry of its duration specified in Clause (a);

(ii) before the expiration of a period of six months from the date of its dissolution:

Provided that were the remainder of the period for which the dissolved Gram Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Gram Panchayat.

(c) A Gram Panchayat constituted upon the dissolution of a Gram Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Gram Panchayat would have continued under Clause (a) had it not been so dissolved.

(d) The constitution of a Gram Panchayat shall be notified in such manner as may be prescribed and thereupon the Gram Panchayat shall be deemed to have been duly constituted, any vacancy therein notwithstanding:

Provided that the constitution of a Gram Panchayat shall not be so notified till the Pradhan and at least two-thirds of the members of the Gram Panchayat have been elected.”

99. Supreme Court has already held provision as contained under Article 243-E to be mandatory and so the law applies to Section 12(3) of Panchayat Raj Act, 1947 as well, and neither the State government, nor the State Election Commission can defer/postpone the elections beyond the expiry of the full term of the Panchayat bodies, or in case of premature dissolution, beyond six months from the date of dissolution of panchayat bodies in the name of awaited report of a dedicated Commission.

100. The triple-test requirements for having empirical data is aimed at providing restructured OBC reservation. But, they do not make the completion of the inquiry a condition precedent for holding every local body election. In *Suresh Mahajan v. State of Madhya Pradesh, (2022) 12 SCC 770 (supra)*, the Supreme Court directs that overdue elections proceed without awaiting the triple-test exercise. If that exercise remains incomplete when the programme is issued, OBC reservation cannot be provided and the seats concerned must be treated as open, while preserving the constitutionally required reservations. Paragraph 31 expressly extends the directions to all States and Union Territories and their Election Commissions. Paragraph 13 states: “until the triple test formality is completed ‘in all respects’ by the State Government, no reservation for Other Backward Classes can be provisioned”.

101. The State relies upon the interim stay dated 04.01.2023. In *State of Uttar Pradesh v. Vaibhav Pandey, Civil Appeal No. 2047 of 2023 and connected appeals (supra)*, decided on 27.03.2023, the Supreme Court

noted receipt of the report on 09.03.2023 and permitted notification within two days. Paragraph 7 states that the earlier direction “is set aside and shall stand substituted by the present order of this Court”. The appellate disposition must be respected. It does not declare a general suspension of the constitutional timetable, and no reason for interference can be inferred from an incorrect premise that OBC-designated seats were left unelected.

102. The modification dated 18.05.2022 in *Suresh Mahajan* (supra) permitted elections on revised recommendations while reserving their validity and correctness. The order dated 06.05.2025 in **Rahul Ramesh Wagh v. State of Maharashtra, SLP (Civil) No. 19756 of 2021 and connected matters**, required elections under a Maharashtra-specific interim reservation arrangement, subject to those proceedings. This cannot be applied to the state of uttar pradesh while the inquiry under the dedicated Commission remains incomplete.

103. The Commission was constituted shortly before the expiry stated in the State's affidavit. Its report will not necessarily complete the process. Recommendations changing the proportions or treatment of particular groups will require consideration under the statutory scheme and, where necessary, consequential amendments before implementation. If it again recommends the existing twenty-seven per cent arrangement, that recommendation must still be supported by the inquiry. The State cannot keep elections pending throughout this process. The existing reservation arrangement is to continue for these elections while the inquiry and the subsequent legal steps proceed separately.

104. The statutory power to provide reservation remains and must be exercised consistently with the Supreme Court's decisions. These

directions do not strike down the Panchayat legislation. Nor can temporary administration under Section 12(3-A) substitute indefinitely for elected government. The period now allowed for elections cannot enlarge an administrator's statutory tenure.

105. The third question is accordingly answered against postponement. The entire Panchayati Raj election shall proceed under the existing reservation arrangement, including twenty-seven per cent OBC reservation. The Commission's continuing inquiry and the process for giving lawful effect to its recommendations shall not delay these elections.

106. The questions No. 1., 2. and 3 are as framed above them stand answered in favour of petitioners seeking directions to government and State Election Commission to notify dates for elections to Panchayat bodies as is constitutionally mandated.

Question 4 — Appointment of outgoing Pradhans as Administrators

107. In so far as challenges laid to the government order dated 25.05.2026 issued on the eve of completion of tenure of presently elected panchayat body and its Pradhan are concerned, this has been issued in purported exercise of power vested under Section 12(3-A) of the Panchayat Raj Act, 1947. Section 12(3-A) runs as under:

Section 12(3-A) provides:

“[(3-A) However, anything contained in the other provisions of this Act, where, due to unavailable circumstances or in the public interest. It is not possible to conduct the election for constituting any village Panchayat before expiry of its terms, State Government or any authority authorized for this purpose by it, by

order, may appoint an administrative committee including such number of persons, which may be considered sufficient, having eligibility to be elected as member of village Panchayat or an administrator and the members of administrative committee or administrator shall hold the office for the period, which may be specified in the aforesaid order, not more than six months and all the powers, functions and duties of the village Panchayat, its Pradhan and committees, as may be, shall be vested in such administrative committee or administrator and shall be used, exercised and done by him.]”

108. Going a little bit into events that preceded the government order, as we have referred to at initial stage of letter, government, four times notification were issued, published, revised and re-revised programmes for electoral and publicise final voters’ list but then nothing happened, and the government suddenly decided to postpone the prerequisite and statutorily proceeded to issue this government order. The reason assigned was that a dedicated backward Commission has been appointed to submit the Report and in a maximum six months period provided to submit the Report, elections may not be held, obviously in public interest as there existed no such unavoidable circumstances. The judgment of the ***K. Krishna Murthy (supra)*** was delivered on 11th May 2010, ***Vikas Kishanrao Gawali (supra)*** on 4th March 2021 and ***Suresh Mahajan (supra)*** on 10th May 2022 so the State government had ample opportunity to constitute such a Commission at any time during last 15 years much before the expiry of tenure of presently elected body to have reports in advance to hold elections within time. Still further, the government could have constituted a separate Commission like the one constituted prior to Urban local body elections and could have obtained a

report. We have already discussed the above and held that merely because empirical data is to be collected, unless and until based on Commission's Report rules are amended, the existing regime of reservation has to be followed. So neither there existed any unavoidable circumstances, nor any element of public was involved in not holding elections as mandated under Article 243-E of the Constitution and Section 12(3) of the Panchayat Raj Act, 1947 since the government and State Election Commission could not complete pre-election formalities and could not hold elections, it became imperative to appoint administrator to the panchayat bodies to take over affairs the administration. The exercise of power became inevitable and so we hold. However, another point argued was, why to continue outgoing Pradhan's as Administrator.

After going through the pleadings in various writ petitions questioning the Government Order and appointment of outgoing Pradhans as Administrator of their respective Gram Panchayats and the grounds raised, we find merit in the arguments advanced on behalf of the State by learned Additional Advocate General that only apprehension has been shown in the writ petitions regarding act and conduct of such Administrators.

In our considered view, once the provisions as contained under Section 12(3-A) have been held to be intra vires and it provides for appointment of a person other than Government official as Administrator, the exercise of power by the State Government in appointing an outgoing Pradhan as Administrator cannot be held to be per se bad. It could be an individual case where an Administrator is not found to be discharging duties properly that action may be required and we do not see the

bonafides of the government in replacing such Administrator in the event serious complaints are made and they are examined by the Government. An outgoing Pradhan who has held the office without any complaint if continued as Administrator does not become unsuitable because he completed his tenure in office previously. If such Pradhan is permitted to work as Administrator to discharge routine duties to run the office of Gram Panchayat and manage the affairs, it would be more convenient for the local villagers to interact with the Administrator than a government official. Hence we hold the appointment of the outgoing Pradhan as Administrator of the respective village to be a justified action at the end of the Government.

109. The challenge to the Government Order dated 25.05.2026 and to the appointments of outgoing Pradhans as Administrators is rejected. The fourth question is answered accordingly.

Question 5 — The challenges to the statutory provisions

110. A bare reading of section 12(3-A) of the U.P. Panchayat Raj Act, 1947 discloses that power is to be exercised where due to unavoidable circumstances or in public interest it is not practicable to hold an election to constitute a gram panchayat before expiry of its duration. We do not find the provision to be unreasonable in the sense that absolute power is vested with the government to hold it to be in direct conflict with the provision as contained under Article 243-E of the Constitution. The reasons for unavoidable circumstances or public interest are contextual given to a particular situation. Well of course, power is to be reasonably exercised.

111. Neither we find pleadings to be sufficient, nor much arguments have been advanced to go into question of vires but the government

order has been questioned and exercise of power has been questioned on the ground that nothing occasioned as to make it unavoidable a circumstance to restrain the government from holding elections nor any such paramount public interest was involved which may have compelled the government to issue such a government order.

Final directions

112. In view of the above, the Writ Petitions, insofar as they seek directions to the State Government and the State Election Commission to hold elections to the offices of Pradhan and Up-Pradhan and to the seats of members of the Gram Panchayats, succeed and are allowed.

113. The State Government and the State Election Commission shall proceed forthwith with the preparatory steps, issue the election programme, and complete the elections to the village panchayats in the State of Uttar Pradesh, within three months from the date of this judgement. The schedule shall provide for the steps necessary to constitute the elected bodies within the above-prescribed period.

114. The State Government and the State Election Commission shall conduct the entire elections under the existing reservation arrangement, including twenty-seven per cent reservation for Other Backward Classes. The elections shall not be conducted by treating the OBC-reserved seats as open seats merely because the Dedicated Commission's inquiry remains pending. Reservations for Scheduled Castes, Scheduled Tribes and women shall be maintained in accordance with the applicable laws, subject to the aggregate ceiling governing vertical reservation.

115. The State Government shall provide the staff, funds, security and other logistical assistance as may be required by the State Election Commission to hold elections within the time bound period above. The

time allowed for completion of the elections does not extend an administrator's tenure beyond the period permitted by law. Any intervening administrative arrangement must remain within the applicable statutory limits.

116. The dedicated Commission shall continue with its investigation and inquiry considering the observations contained in the body of the judgment for collective empirical data qua OBC and preparation of report on that basis. It shall complete its process within the period already prescribed within such extended period as be provided by the State Government. The State shall thereafter examine the recommendations and undertake the statutory steps and amendments, where required, for their lawful implementation.

117. The relief for quashing the Government order dated 25.05.2026 invoking power under Section 12(3-A) for appointment of administrator and so also relief for quashing of the appointments of outgoing Pradhans as administrators of respective Gram Panchayats are hereby rejected. The relief for declaration with regard to Sections 12(3-A) and 12-BB(3) as ultra vires Article 243-E is also hereby rejected and hence the Writ petitions in that regard stand rejected.

(Garima Prashad,J.) (Ajit Kumar,J.)

October 14, 2026

IrfanUddin/Sachin Mishra