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CASE ANALYSIS: VIKAS KISHANRAO GAWALI V. STATE OF MAHARASHTRA (2021) 6 SCC 73

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I. ABSTRACT

The decision in Vikas Kishanrao Gawali v. State of Maharashtra represents a significant development in the constitutional jurisprudence relating to political reservations in local self-government institutions in India. The litigation arose from a challenge to the constitutional validity of the reservation framework for Other Backward Classes (OBCs) in local bodies in Maharashtra, particularly the operation of Section 12(2)(c) of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, which enabled reservation for backward classes in such institutions. The petitioner contended that the State had implemented OBC reservation without conducting a contemporary empirical inquiry demonstrating political backwardness and that the resulting reservation exceeded the constitutionally permissible limit. The Supreme Court examined the scope of political reservations under Articles 243D and 243T of the Constitution of India in light of the equality guarantee under Article 14. Relying on the precedent in K. Krishna Murthy v. Union of India, the Court reaffirmed the “triple test,” which requires the constitution of a dedicated commission to undertake an empirical study of backwardness, determination of the extent of reservation on the basis of such data, and adherence to the overall 50 percent ceiling on reservations. The Court held that the State of Maharashtra had failed to satisfy these constitutional requirements and consequently declared the OBC reservations in local bodies invalid until the triple test conditions were fulfilled. The judgment highlights the need to balance the objective of social justice with constitutional limitations, and it remains a significant precedent in shaping the relationship between equality, representation, and decentralised democracy in India.

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II. KEYWORDS

Political Reservation, Local Self-Government, Constitutional Equality, Triple Test Doctrine, Reservation Policy, Backward classes, Panchayati Raj Institutions.

III. INTRODUCTION

The Bench consisted of Justice A.M. Khanwilkar, Justice Indu Malhotra, and Justice Ajay Rastogi. The *Vikas Kishanrao Gawali vs. State of Maharashtra* case of 2021 is a historic ruling given by the Supreme Court of India in the matter of political reservations in local self-government bodies. The case adjudged the constitutional validity of reservation for Other Backward Classes in local bodies in the state of Maharashtra and set out the parameters within which reservations are to be allowed. The essence of the ruling is the balance between social justice and the limitations imposed by the Constitution. Although the Constitution allows reservations in local governance, the Court made it clear that reservations in local governance have to be supported by facts and are also subject to the overall limit imposed by the Constitution on reservations.

IV. FACTS OF THE CASE

The State of Maharashtra provided reservation for Other Backward Classes (OBCs) in local self-government institutions such as Municipal Corporations, Municipal Councils, Zilla Parishads and Panchayats. These reservations were in addition to the constitutionally mandated reservations for Scheduled Castes (SCs) and Scheduled Tribes (STs). In several local bodies, the cumulative reservation exceeded 50 percent of the total seats.

The challenge before the Supreme Court primarily concerned Section 12(2)(c) of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, which enabled reservation for backward classes in Zilla Parishads and Panchayat Samitis. The petitioners contended that the provision had been implemented without undertaking a contemporaneous empirical study establishing the political backwardness of OBCs and without determining the appropriate quantum of reservation on the basis of such data.

It was argued that the State had extended OBC reservations mechanically, resulting in the total reservation exceeding the constitutionally permissible limit and violating the equality principles embodied in the Constitution.

V. PROCEDURAL BACKGROUND

The litigation arose through multiple writ petitions filed before the Supreme Court under Article 32 of the Constitution of India, including Writ Petition (Civil) Nos. 980 of 2019, 981 of 2019, 1408 of 2019, and 743 of 2020. The petitioners sought a declaration that Section 12(2)(c) of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 was unconstitutional and ultra vires Articles 243D, 243T, 14, and 16 of the Constitution.

The petitions were filed against the backdrop of the earlier Constitution Bench decision in *K. Krishna Murthy v. Union of India* (2010) 7 SCC 202, in which the Supreme Court laid down the mandatory “triple test” for granting reservation to Other Backward Classes (OBCs) in local bodies. Despite these directions, the State of Maharashtra continued to provide OBC reservation without constituting a dedicated commission to conduct a contemporaneous empirical inquiry into political backwardness.

Prior to the present proceedings, the State had also given assurances before the Bombay High Court that it would undertake the necessary empirical exercise in accordance with the Supreme Court’s directions. However, the petitioners contended that the State failed to fulfill these assurances and proceeded with local body elections while continuing the reservation framework.

This persistent non-compliance with the requirements laid down in *K. Krishna Murthy* ultimately prompted the petitioners to approach the Supreme Court under Article 32, seeking judicial scrutiny of the legality of the reservation framework and the validity of the impugned statutory provision.

VI. ISSUES RAISED

Legal Issues Involved in the Case

1. Whether the reservation provided for Other Backward Classes (OBCs) in local self-government institutions without a contemporaneous empirical study establishing political backwardness is constitutionally valid.
2. Whether the total reservation in local bodies, including reservations for Scheduled Castes (SCs), Scheduled Tribes (STs), and OBCs, can exceed the 50 percent ceiling prescribed by constitutional jurisprudence.
3. Whether the State of Maharashtra had complied with the mandatory “triple test” requirement laid down by the Supreme Court in *K. Krishna Murthy v. Union of India* for granting reservation to OBCs in local bodies.
4. Whether Articles 243-D (6) and 243-T (6) of the Constitution of India contain an inbuilt mechanism for determining the quantum of reservation for OBCs in local self-government institutions, or whether such determination is exclusively left to the legislative discretion of the State.

VII. ARGUMENTS ADVANCED BY THE PARTIES

A. Arguments Advanced by the Petitioner

The petitioner, Vikas Kishanrao Gawali, challenged the constitutional validity of the reservation granted to Other Backward Classes (OBCs) in local self-government institutions in Maharashtra. The principal arguments raised were as follows:

1. **Violation of the 50% Ceiling Limit:** The petitioner argued that the reservation policy implemented by the State resulted in the total reservation in several local bodies exceeding 50% of the total seats, which was unconstitutional. The petitioner relied on the landmark judgment in *Indra Sawhney v. Union of India* (1992) 3 SCC 217, where the Supreme Court held that reservations should ordinarily not exceed 50%, except in extraordinary circumstances. It was contended that the State of Maharashtra had failed to demonstrate any exceptional circumstances that would justify exceeding this constitutional ceiling.
2. **Non-Compliance with the “Triple Test”:** The petitioner contended that the State of Maharashtra had failed to comply with the mandatory “triple test”

requirement laid down by the Supreme Court in *K. Krishna Murthy v. Union of India* (2010) 7 SCC 202. According to the petitioner, before granting reservation to Other Backward Classes (OBCs) in local self-government institutions, the State was required to follow three essential conditions: first, the establishment of a dedicated commission to conduct a comprehensive empirical study on the political backwardness of OBCs; second, the determination of the appropriate extent or quantum of reservation based on the findings of such empirical data; and third, ensuring that the total reservation, including those for Scheduled Castes (SCs), Scheduled Tribes (STs), and OBCs, does not exceed the 50 percent ceiling.

- 3. Violation of the Right to Equality:** The petitioner also contended that excessive and mechanically applied reservations violated the equality principle guaranteed under Article 14 of the Constitution of India. It was argued that the reservation policy was implemented without rational classification or data-based justification, which made it arbitrary and constitutionally invalid.
- 4. Misuse of Enabling Constitutional Provisions:** The petitioner argued that although Article 243D of the Constitution of India and Article 243T of the Constitution of India empower State Legislatures to provide reservation for backward classes, these provisions are enabling in nature and not mandatory. Therefore, the State must exercise this power in a reasonable and constitutionally compliant manner, supported by empirical evidence.
- 5. Mechanical Implementation of Reservation:** The petitioner maintained that the State had granted OBC reservation uniformly across local bodies without examining local variations in representation or backwardness, which defeated the purpose of political reservation.

B. Arguments Advanced by the Respondent (State of Maharashtra)

The respondent, the State of Maharashtra, defended the reservation policy and raised the following arguments:

1. **Constitutional Authority to Provide Reservation:** The State argued that the Constitution expressly permits reservation for backward classes in local self-government institutions under Article 243D of the Constitution of India and Article 243T of the Constitution of India. It was submitted that these provisions were introduced through the Seventy-Third Constitutional Amendment Act and the Seventy-Fourth Constitutional Amendment Act to strengthen democratic participation and ensure representation of marginalized groups.
2. **Promotion of Social Justice:** The State emphasized that OBC reservation in local bodies was necessary to promote social justice and inclusive governance. It argued that historically disadvantaged communities had been underrepresented in political institutions, and reservation was a necessary tool to correct this imbalance.
3. **Distinction Between Political Reservation and Service Reservation:** The State contended that the 50% ceiling rule laid down in *Indra Sawhney* primarily applied to reservations in public employment and education, not to political representation. Therefore, it was argued that political reservations should be treated differently, as their objective is democratic representation rather than employment benefits.
4. **Legislative Policy and State Autonomy:** The respondent also argued that decisions relating to reservation policies fall within the legislative competence and policy discretion of the State. The judiciary, according to the State, should exercise limited interference in such policy matters unless there is clear constitutional violation.
5. **Need for Representation in Grassroots Democracy:** The State emphasized that local self-government institutions form the foundation of grassroots democracy, and ensuring participation of backward classes in these institutions was essential for inclusive governance and equitable development.

VIII. LEGAL PROVISIONS INVOLVED

The Court primarily interpreted the below constitutional provisions:

A. Article 243D – Reservation of seats in Panchayats

Under Article 243D of the Constitution of India, the Constitution provides a structured framework for reservation in Panchayats to ensure representation of disadvantaged groups in local self-government.⁴ The provision mandates that seats shall be reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs) in every Panchayat in proportion to their population in the Panchayat area, and such seats may be allotted by rotation among different constituencies. It further requires that not less than one-third of the seats reserved for SCs and STs must be reserved for women belonging to these communities. Additionally, at least one-third of the total number of seats to be filled by direct election in every Panchayat, including those reserved for SC and ST women, must be reserved for women and rotated among constituencies.

The Constitution also provides for reservation of the offices of Chairpersons in Panchayats at different levels for SCs, STs, and women in a manner determined by the State Legislature, ensuring that the proportion of Chairperson posts reserved for SCs and STs corresponds as closely as possible to their population in the State, while not less than one-third of such offices must be reserved for women. These reserved offices are also to be allotted by rotation among Panchayats. Furthermore, while the reservation of seats for SCs, STs, and the offices of Chairpersons (except for women) is subject to the time limit specified in Article 334 of the Constitution of India, the Constitution also allows State Legislatures to make provisions for reservation of seats or offices of Chairpersons in Panchayats in favour of backward classes of citizens.

B. Article 243T – Reservation of seats in Municipalities.

In order to guarantee the representation of weaker and marginalized groups in urban local governance, Article 243T of the Indian Constitution stipulates the reservation of seats in municipalities.⁵ In addition to requiring that at least one-third of all seats be

⁴ Reservation of seats in Panchayats under Part IX of the Constitution (Panchayati Raj).

⁵ Reservation of seats in Municipalities under Part IX-A of the Constitution (Urban Local Bodies).

set aside for women, including those who belong to SCs and STs, it also imposes reservations for Scheduled Castes (SCs) and Scheduled Tribes (STs) in proportion to their number in the municipal area. The article also permits the State Legislature to set aside seats for underprivileged groups and to reserve seats for local chairperson positions, such as mayors. To guarantee equitable participation, these reservations may be distributed among various wards in each election. As reinforced by the Seventy-Fourth Constitutional Amendment Act of 1992, Article 243T seeks to advance inclusive representation, women's empowerment, and democratic engagement in urban local self-government.

C. Article 340 - Appointment of a Commission to Investigate Backward Classes

Article 340 of the Constitution authorizes the President to appoint a commission to investigate the conditions of socially and educationally backward classes and to recommend measures for their advancement. This provision reflects the constitutional commitment to data-driven identification of backwardness. In the context of the present case, the principle underlying Article 340 supports the Supreme Court's insistence on an empirical inquiry through a dedicated commission before granting reservation to OBCs in local bodies, as articulated in the "triple test" requirement reaffirmed by the Court.

D. Article 14 - Equality Before Law

Article 14 guarantees equality before the law and equal protection of the laws. In Indian constitutional jurisprudence, the Supreme Court has interpreted this provision to prohibit arbitrary state action. In *E.P. Royappa v. State of Tamil Nadu* (1974) 4 SCC 3, the Court held that arbitrariness is antithetical to equality and that any arbitrary exercise of state power would violate Article 14.

In *Vikas Kishanrao Gawali v. State of Maharashtra*, the Court applied this doctrine of arbitrariness to examine the reservation policy implemented by the State. It held that granting OBC reservations without conducting a contemporaneous empirical study on political backwardness and without determining the appropriate quantum of reservation amounted to a mechanical and arbitrary exercise of legislative power.

Such an approach, according to the Court, was inconsistent with the equality principle embodied in Article 14.

E. Article 15(4) and Article 16(4) – Enabling Provisions for Affirmative Action

Article 15(4) empowers the State to make special provisions for the advancement of socially and educationally backward classes, Scheduled Castes, and Scheduled Tribes, particularly in the sphere of education. This clause was introduced through the First Constitutional Amendment Act, 1951 following the Supreme Court's decision in *State of Madras v. Champakam Dorairajan* AIR 1951 SC 226, where caste-based reservations in educational institutions were struck down for violating Article 15(1). Article 16(4) similarly authorizes the State to provide reservation in public employment for backward classes that are not adequately represented in government services. While these provisions primarily relate to educational and employment reservations, the principles underlying them have influenced judicial reasoning regarding affirmative action policies in other spheres, including political representation in local self-government institutions.

IX. COURT'S ANALYSIS

In *Vikas Kishanrao Gawali v. State of Maharashtra*, the Supreme Court undertook a detailed examination of the constitutional framework governing reservations in local self-government institutions. The Court observed that political reservations in local bodies serve the objective of ensuring democratic representation of marginalized communities, but such reservations must still operate within constitutionally prescribed limits.

Referring to the principles laid down in *K. Krishna Murthy v. Union of India* (2010) 7 SCC 202, the Court reaffirmed the mandatory "triple test" requirement for granting reservation to Other Backward Classes (OBCs) in local bodies. According to this doctrine, the State must:

1. Establish a dedicated commission to conduct a rigorous empirical inquiry into the political backwardness of the concerned class.

2. Determine the proportion of reservation based on the findings of such empirical data; and
3. Ensure that the total reservation for Scheduled Castes (SCs), Scheduled Tribes (STs), and OBCs does not exceed the overall 50 percent ceiling.

The Court noted that the State of Maharashtra had provided OBC reservation in local bodies without undertaking any contemporaneous empirical study and therefore failed to satisfy the first requirement of the triple test. It further emphasized that the 50 percent ceiling principle articulated in *Indra Sawhney v. Union of India* (1992) 3 SCC 217 applies equally to political reservations in local bodies.

Consequently, the Court held that the reservation framework adopted by the State was constitutionally invalid. As an operative direction, the Court ordered that elections to local self-government institutions in Maharashtra must be conducted without providing reservation for OBCs until the State complies with the triple test by constituting a dedicated commission and collecting the necessary empirical data. The judgment thus reaffirmed that while the Constitution permits reservation for backward classes in local governance, such measures must be grounded in objective data and must remain within constitutional limits.

X. JUDGMENT

A. Ratio Decidendi

The binding principle laid down by the Supreme Court in *Vikas Kishanrao Gawali v. State of Maharashtra* is that reservation for Other Backward Classes (OBCs) in local self-government institutions must strictly comply with the “triple test” requirement previously laid down in *K. Krishna Murthy v. Union of India* (2010) 7 SCC 202. The Court held that before granting such reservation, the State must:

1. Constitute a dedicated commission to conduct a contemporaneous empirical inquiry into the political backwardness of the concerned class.
2. Determine the extent of reservation based on the findings of such empirical data; and

3. Ensure that the aggregate reservation for Scheduled Castes (SCs), Scheduled Tribes (STs), and OBCs does not exceed the 50 percent ceiling established in *Indra Sawhney v. Union of India* (1992) 3 SCC 217.

The Court held that the State of Maharashtra had failed to comply with these mandatory requirements and therefore declared the OBC reservation in local bodies unconstitutional. Consequently, the Court directed that elections to local self-government institutions must be conducted without OBC reservation until the State fulfills the triple test requirements.

B. Obiter Dicta

In addition to the binding principle, the Court made certain broader observations regarding the constitutional framework governing political reservations. The Court noted that Articles 243-D (6) and 243-T (6) are enabling provisions that permit State Legislatures to introduce reservation for backward classes in local bodies but do not mandate such reservation. The determination of the quantum of reservation therefore lies within the legislative domain, subject to constitutional limitations and judicial review.

The Court also observed that political reservations in local self-government institutions differ conceptually from reservations in public employment or education, as their primary objective is to ensure democratic representation rather than distributive benefits. At the same time, the Court emphasized that even political reservations must remain consistent with constitutional principles of equality and cannot be implemented in a mechanical or arbitrary manner. These observations highlight the balance between state legislative autonomy and constitutional safeguards, though they do not constitute the core binding rule of the judgment.

XI. OUR OPINION

The decision in *Vikas Kishanrao Gawali v. State of Maharashtra* represents an important development in the constitutional jurisprudence relating to political reservation in local self-government institutions. The judgment strikes a careful balance between the

objective of social justice and the constitutional discipline governing affirmative action.

The Court's insistence on the triple test requirement, particularly the need for a contemporaneous empirical inquiry into political backwardness, strengthens the principle that reservation policies must be evidence-based and constitutionally justified. By reiterating that the aggregate reservation in local bodies must not exceed the 50 percent ceiling, the Court reaffirmed the continuing relevance of constitutional limits even in the sphere of political representation.

At the same time, the decision raises important administrative and policy considerations. The requirement of conducting detailed empirical studies and establishing dedicated commissions may impose a significant institutional burden on State governments. In the short term, this could lead to temporary gaps in OBC representation in local bodies until the required data is collected and the reservation framework is restructured in accordance with constitutional requirements.

Nevertheless, the judgment ultimately contributes to the development of a more transparent, data-driven, and constitutionally compliant framework for political reservation in local governance. In this sense, the case serves as a landmark precedent in shaping the evolving relationship between equality, democratic representation, and decentralised governance in India.

XII. IMPACT ON SOCIETY

The decision in *Vikas Kishanrao Gawali v. State of Maharashtra* had significant and far-reaching implications for local governance and reservation policies in India. Following the judgment, several local body elections in Maharashtra were conducted without providing reservation for Other Backward Classes (OBCs). The ruling also prompted other states to re-examine their own policies relating to OBC reservation in local self-government institutions to ensure compliance with constitutional requirements. Additionally, the decision reinforced the role of judicial oversight in matters concerning political reservations and emphasized that affirmative action policies must be supported by reliable empirical data rather than implemented mechanically. The judgment further generated broader political and constitutional

discussions regarding federalism and the extent of judicial intervention in social policy matters. In the long run, the ruling is likely to encourage more transparent, data-driven, and constitutionally compliant reservation policies, thereby strengthening democratic legitimacy in local governance.

The decision also had significant practical implications for local governance and reservation policies across India. Following the judgment, several local body elections in Maharashtra were conducted without providing reservation for Other Backward Classes (OBCs) until the State complied with the triple test requirements. The ruling also prompted other States to re-evaluate their reservation frameworks in local self-government institutions to ensure conformity with constitutional principles. More broadly, the judgment reinforced the role of judicial oversight in safeguarding constitutional limitations on affirmative action policies while encouraging States to adopt a more transparent and data-driven approach to political reservations.

XIII. CONCLUSION

*Vikas Kishanrao Gawali vs. State of Maharashtra*⁶ is a highly relevant constitutional case that upholds the need for procedural requirements in the enforcement of affirmative action policies in local self-governance. Through the insistence on the triple test and the 50% ceiling rule, the Supreme Court of India has ensured that social justice policies are consistent with constitutional discipline. The case highlights the need for equality and representation to coexist in the context of the rule of law. The decision clearly indicates that although the Constitution allows for reservation, it does not countenance unbridled increases without reason. From an academic standpoint, this case is an important precedent in comprehending the dynamic development of constitutional jurisprudence on political reservation and decentralised democracy in India.

XIV. REFERENCES

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