

- The Court has held that the criteria for reservation in job and education, which is social and educational backwardness, need not be applied for reservation in local bodies.
- After the order was passed, leaders of Maharashtra demanded that the same should be allowed in Maharashtra as well.

What was the Supreme Court's ruling in the case of Maharashtra?

- Earlier, the SC had directed the Maharashtra government to submit data on OBCs to the Maharashtra State Commission for Backward Classes (MSCBC).
- After analysing the data, the MSCBC, in its interim report recommended providing up to 27% reservation to OBCs.
- However, the Supreme Court rejected it, stating that it had been prepared in the absence of empirical data.
- The Supreme Court asked the Maharashtra State Election Commission to notify the election schedule for local bodies on the basis of the previous delimitation exercise.

What was the "triple test" prescribed by the Supreme Court?

- The triple conditions were established in 2010 for OBC reservation in local bodies. It includes
 1. A state commission must conduct rigorous empirical inquiry into the nature and implications of the backwardness in the capacity of local bodies within the state
 2. Specify the proportion of reservation required to be provisioned local body wise in light of recommendations of the commission
 3. Total reservation must not exceed the aggregate of 50% of the seats

What is the problem with collecting the OBC data?

- For gathering the empirical data for providing OBC quota, the door-to-door survey does not seem feasible as it may disturb the social fabric of the state.
 - When the Karnataka government's data of caste census was leaked, the dominant communities questioned the findings and opposed the state government move of making it public.
- Even the union government which has the authority to conduct a caste census has refused to do so.
- While quotas have proven to be an effective instrument of empowerment and justice, competitive politics often leads to a paralysis of politics and governance.
- Political parties and governments must act in tandem with the judiciary so that reservation programmes do not turn divisive but serve a development purpose.

3.8 Local Job Laws that raise Constitutional Questions

What is the issue?

The Supreme Court of India will soon hear a petition to remove the stay on the Haryana State Employment of Local Candidates Act that reserves 75% of jobs in the private sector in the State for local residents.

What is the Haryana State Employment of Local Candidates Act about?

- The Act was enacted in February 2021, and brought into effect in January 2022.
- **Employment Quota** - The Act requires private sector employers to reserve 75% of jobs that offer a monthly salary of less than Rs. 30,000 for individuals who are domiciled in Haryana.
- **Application**- The Act applies to all private companies, societies, partnership firms, trusts and any person employing 10 or more persons in Haryana or any other entity as may be notified by the Government.
- **Period**- The Act will only have effect for 10 years from the date of its commencement.
- **Exemptions**- An employer may seek an exemption from the employment quota requirement by applying to the Designated Officer under the Act, if adequate number of local candidates of the desired skill, qualification or proficiency are not available.
- The Government may also exempt certain industries by notification, and has so far exempted new start-ups and new Information Technology Enabled Services (ITES) companies, short-term employment, farm labour, domestic work, and promotions and transfers within the State.