UPSC Mains practice – reference note

GS-II · 13-11-2026 · 15 marks · https://www.shanmugamiasacademy.in/upsc-mains-practice/2026-11-13-two-child-norm-local-bodies

On 4 November 2026 the Supreme Court observed that laws penalising persons with more than two children "have lost their relevance" and referred its 2003 ruling in Javed v. State of Haryana, which upheld the two-child norm for panchayat elections, to a larger Bench. Critically examine the two-child norm for local body elections in the light of India's demographic transition and constitutional values. (15 marks, 250 words)

1. The news hook (as of 12 November 2026)

- On 4 November 2026 a Bench of Justices P.S. Narasimha and Alok Aradhe, in *Mangala Bhimrao Ingle v. Additional Commissioner, Amravati Division* (2026 INSC 1193), said: "We are of the strong opinion that laws that penalise having more than two children have lost their relevance."
- The case concerned the disqualification of a sarpanch of Kakoda Gram Panchayat under Section 14(1)(j-1) of the Maharashtra Village Panchayats Act, 1959 (it applies to children born after 13 September 2000). The validity of the provision itself was not challenged, so the Bench referred *Javed v. State of Haryana* (2003) to a larger Bench, to be constituted by the Chief Justice of India.
- The Court held that reproductive choices fall within Article 21, observed that women may bear a heavier burden of such laws, and noted that the TFR has fallen from about 3 in 2003 to 1.9, below the replacement level of 2.1. A compilation by the amicus curiae showed that seven States have repealed the norm, 15 never had it, and six – Assam, Goa, Gujarat, Maharashtra, Odisha and Uttarakhand – retain it.

2. Key facts to quote

Fact	Detail	Use in the answer
Javed v. State of Haryana (2003)	Three-judge Bench upheld the two-child disqualification in the Haryana Panchayati Raj Act, 1994 – no violation of Article 14; contesting an election is a statutory right	The precedent now under review
Article 243F(1)(b) / 243V(1)(b)	A person is disqualified from panchayat / municipal membership if so disqualified by a law of the State Legislature (73rd and 74th Amendments, 1992)	Source of State power
Article 21	Reproductive choice is part of personal liberty (*Suchita Srivastava v. Chandigarh Administration*, 2009); privacy and decisional autonomy (*K.S. Puttaswamy*, 2017)	Rights argument

National Population Policy, 2000	Voluntary and informed choice, target-free approach; aimed at replacement-level TFR by 2010 and a stable population by 2045	Coercion contradicts policy
NFHS-5 (2019–21)	India TFR 2.0; Tamil Nadu 1.8; Bihar 3.0	Demographic transition; regional contrast
Replacement level	TFR of about 2.1 children per woman keeps a population stable in the long run	Why the premise has lapsed

3. Governance angle (GS-II)

- Article 243F lets States add disqualifications – the debate is whether such a condition is reasonable once its purpose has lapsed (doctrine of a law becoming unreasonable with time).
- Representation: one-third reservation for women in panchayats (Article 243D) – a norm that falls more heavily on women works against this goal.
- Federal practice: the trend is towards repeal; no Union law imposes such a bar on Parliament or State Legislatures.

4. Answer method (15 marks, 250 words)

- Introduction with the 4 November 2026 reference and the TFR data (about 40 words).
- Table of arguments for → table of arguments against → Tamil Nadu line → short reform flowchart.
- Conclusion with a firm verdict linked to inclusive local democracy and Article 21.

5. Value-add terms

- Demographic transition, replacement-level fertility, reproductive autonomy, target-free approach, reasonable classification, rational nexus, statutory right, grassroots democracy, demographic dividend, population ageing.

Official sources

- Supreme Court of India – judgments (Mangala Bhimrao Ingle v. Additional Commissioner, Amravati Division, 2026 INSC 1193, 4 November 2026) – https://www.sci.gov.in/
- ThePrint – SC questions two-child norm for local polls; 23 years ago it had upheld this rule – https://theprint.in/judiciary/sc-questions-two-child-norm-for-local-polls-23-yrs-ago-it-had-upheld-this-rule-in-landmark-verdict/2987944/
- National Family Health Survey (NFHS-5, 2019–21) – IIPS / Ministry of Health and Family Welfare – https://rchiips.org/nfhs/
- Constitution of India – Articles 243F, 243V, 14, 21 (India Code) – https://www.indiacode.nic.in/

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