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Q4(c)

Critically compare 'Affirmative Action' of USA and 'Protective Discrimination' for Scheduled Tribes in India

UPSC Civil Services Mains 2015 · Anthropology GS 2 · 15 marks · Problems of exploitation and deprivation of Scheduled Castes, Scheduled Tribes and Other Backward Classes. Constitutional safeguards for Scheduled Tribes and...

7.1 Problems of exploitation and deprivation of Scheduled Castes, Scheduled Tribes and Other Backward Classes. Constitutional safeguards for Scheduled Tribes and Scheduled Castes.

Core demand of the question

- Critically compare 'Affirmative Action' of USA and 'Protective Discrimination' for Scheduled Tribes in India
- Keep the answer to a 15-mark length of about 200 words

Revision summary

Both policies use group preference after historic exclusion.

Indian ST protection is constitutional and includes land and schedules.

US affirmative action is mainly education and employment, plus a separate Native-law track.

Ghurye-Elwin debates still haunt who counts as tribe.

Both risk elite capture; India's extra tools are territorial.

Introduction

Affirmative action in the USA and protective discrimination for Scheduled Tribes in India both use group preference to repair historic exclusion. They differ in constitution, land, and the meaning of tribe.

Body

Shared logic

- Both admit that equal formal law is not enough after conquest, slavery, or caste-colonial ranking.
- Both use quotas or preferences in education and public jobs. Both face backlash as reverse discrimination.

Indian protective discrimination

- **Articles 15(4), 16(4), 46, 330, 332, 335** and the ST list are a constitutional command, not only executive policy.
- **For tribes, protection is also territorial: Fifth and Sixth Schedules**, land-transfer bars, **PESA**, and **FRA**.
- **G. S. Ghurye** and **Elwin** already fought over whether the ST is a caste-like Hindu or a distinct people. Indian law treats ST as a scheduled people with land.

US affirmative action

- It grew from civil-rights litigation and university policy, weaker as a land-and-treaty system except for recognised Native nations.
- Race categories are not the same as ST lists. US Indian law is a separate sovereignty file that the phrase affirmative action often forgets.

Critique

- Indian ST protection is broader in land and councils. US race preference is more court-contested in campuses.
- Both can cream off elites and miss the forest hamlet or inner city.

Flow diagram

US affirmative action -> Jobs campuses
Indian ST protection -> Jobs campuses
Indian ST protection -> Fifth Sixth FRA land

Conclusion

The two are cousins in job and college preference. **India's ST shield** is thicker because it adds Scheduled Area land and councils that US affirmative action, as commonly taught, does not.

Facts & figures

Articles 15(4) and 16(4)

Allow special provision for backward classes, including Scheduled Tribes.

Fifth Schedule

Territorial protection that has no simple twin in US campus affirmative action.

FRA 2006

Resource-rights limb of Indian ST protection, beyond quotas.

Elwin-Ghurye

Indian debate on isolation versus assimilation that shaped why ST law is more than jobs.