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Q5(e)

Constitutional Safeguards for Backward Classes.

UPSC Civil Services Mains 2024 · Anthropology GS 2 · 10 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

- List constitutional safeguards for Backward Classes (OBCs)
- Include **Articles 15(4), 16(4), 340**, commissions, 15(5), 16(6) and 102nd/103rd/105th as relevant
- Distinguish OBC from SC/ST without mixing lists

Revision summary

Backward Classes (OBCs) are covered by **Articles 15(4) and 16(4)**, the 340 commissions, and constitutional NCBC (338B).

The 105th Amendment restored state OBC lists after the 102nd Amendment controversy.

15(5) supports education reservation; 16(6) EWS is a separate economic quota.

Indra Sawhney set 27 percent, creamy layer and a general 50 percent ceiling.

OBC safeguards differ from SC/ST list protections and from Fifth/**Sixth Schedule** land autonomy.

Introduction

In Indian constitutional language **Backward Classes** are the social group for whom the state may make special provisions beyond the Scheduled Castes and Scheduled Tribes. After **Mandal** they are commonly the **Other Backward Classes**. Safeguards are enabling articles, commissions, and reservation law shaped by the Supreme Court.

Body

Textual safeguards

Article 15(4) (First Amendment, 1951, after Champakam Dorairajan) allows special provision for the advancement of socially and educationally backward classes of citizens, besides SC and ST. **Article 16(4)** allows reservation in public employment for backward classes not adequately represented. **Article 340** empowers the President to appoint a commission to investigate backward classes - the **Kaka Kalelkar** (1953) and **B. P. Mandal** (1979) commissions. The **National Commission for Backward Classes** is now a constitutional body (**102nd Amendment, 2018, Article 338B**). **105th Amendment (2021)** restored the power of states to identify OBCs for their lists after Jaishri Laxmanrao Patil (Maratha) read 102nd narrowly.

Article 15(5) (93rd Amendment) supports reservation in educational institutions, including aided private ones, for SEBCs, SC and ST. **Article 16(6)** (103rd Amendment) allows up to 10 percent for **Economically Weaker Sections** among those not in SC/ST/OBC lists - a parallel, class-based track that is not an OBC safeguard but now sits beside them. **Article 46** (DPSP) directs the state to promote the educational and economic interests of weaker sections, particularly SC and ST, and to protect them from injustice; OBCs are read into weaker sections in policy.

Judicial and political frame

Indra Sawhney (1992) upheld 27 percent OBC reservation, excluded the **creamy layer**, and set a general **50 percent** ceiling. **M. N. Srinivas**'s dominant caste and **Yogendra Singh**'s modernisation help explain why some landed OBCs are politically strong yet still listed. Safeguards are **not** a racial quota. They are a **constitutional reply to caste disadvantage**, distinct from ST Fifth/**Sixth Schedule** territorial rights.

- **Limits:** lists differ by Union and state; sub-categorisation is politically live; creamy layer is often weakly enforced. Anthropology should not treat OBC as a tribe.

Flow diagram

15 4 16 4 -> Education and jobs
340 338B -> Lists and NCBC
Indra Sawhney -> Creamy layer 50 percent

Conclusion

Backward Class safeguards are **Articles 15(4), 16(4), 340, 338B, 15(5)**, and the restored state listing power after the 105th Amendment. **Indra Sawhney** is the working case law. They are caste-backwardness tools, not Scheduled Tribe territorial autonomy.

Facts & figures

Mandal Commission

Identified OBCs and recommended job reservation; implemented at the Union in 1990, upheld in **Indra Sawhney** 1992.

Article 338B

National Commission for Backward Classes as a constitutional body after the 102nd Amendment.

105th Amendment 2021

Clarified state power to prepare OBC lists for their own purposes.