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Q18

Despite comprehensive policies for equity and social justice, underprivileged sections are not yet getting the full benefits of affirmative action envisaged by the Constitution. Comment.

UPSC Civil Services Mains 2024 · GS I · 15 marks · Indian Society and Diversity

Salient features of Indian Society, Diversity of India.

Core demand of the question

- Comment on why underprivileged sections still miss the full benefits of constitutional affirmative action despite comprehensive equity policies
- Identify the gaps between design and delivery

Revision summary

The Constitution envisages special provision in education, jobs, legislatures, and local bodies for historically excluded groups.

Indra Sawhney, Mandal, panchayat reservations, and the PoA Act thickened that design.

Public employment shrank and contractualised, so the classic quota ladder lost rungs.

Private and gig work, intra-group capture, and weak atrocity enforcement block full benefit.

ST exclusion is also land and language, not only a roster in the secretariat.

The comment is unfinished implementation. It is not an absence of policy on paper.

Introduction

The Indian Constitution allows special provision for historically excluded groups in education, public employment, and local bodies. It did not stop at the formal equality of **Article 14**. It added **15(4), 16(4), 16(4A), and 46**, reservations in legislatures and panchayats, and watchdog bodies under **338 and 338A**. **Policies then multiplied: scholarships, hostels, the PoA Act**, OBC reservation after **Mandal**, and later **EWS**. Scheduled Castes, Scheduled Tribes, many OBCs, women at the intersection, and persons with disabilities still meet empty posts, captured benefits, and a private sector that the quota does not enter. The comment is about implementation and power. It is not about a missing preamble.

Body**What was envisaged**

Affirmative action was meant to repair historic exclusion in education, jobs, and voice, and to give social justice a Directive principle with legal teeth. **Indra Sawhney** upheld OBC reservation and the creamy layer idea for OBCs, trying to aim the tool. Panchayat reservations were meant to create a local elite of the excluded. The **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989** was meant to make the right to dignity justiciable. On paper the architecture is among the world's most elaborate.

- **Representation:** The design covers legislatures, services, and local bodies.
- **Capability:** Education and scholarships were meant to build skill.
- **Dignity:** Criminal law against caste atrocity was meant to protect honour and safety.

Why benefits do not fully arrive

Vacancies in reserved posts, contractualisation of government work, and the shrinkage of public employment mean the classic 16(4) ladder has fewer rungs. The private sector and gig work, where new jobs are, remain largely outside reservation. Creamy layer and intra-group inequality, which the **Rohini** exercise on OBC sub-categorisation points to, let the relatively better-off among the listed classes take the seat. ST communities face land alienation and a school that does not speak their language. A roster in a distant secretariat does not restore the forest. Women of these groups meet a double bind. Reservation for women may go to dominant-caste women unless designed with intersection.

Leakage and stigma persist. Fake certificates, poor hostels, discrimination in classrooms, and delayed scholarships remain common. Poor targeting of schemes, digital exclusion, and frontline bias reproduce the old queue. Judicial and political backlash cycles create uncertainty. EWS added a new claimant class without automatically deepening SC and ST reach.

- **Job structure:** There are fewer stable public posts. There is no general private-sector quota.
- **Capture:** Heterogeneity inside SC, ST, and OBC lists allows uneven benefit.
- **Social veto:** Atrocity, segregation, and marriage bans continue. No roster dissolves them.

Comment

The Constitution's promise is not a failure of vision. It is a partial delivery. Affirmative action works where the state still hires, where schools function, and where a local movement watches the roster. It fails where the economy informalised, where land and forest rights were not secured, and where prejudice treats a reserved candidate as lesser. Comprehensive policy without budget, data, sub-quotas where just, and a labour market that is not only private privilege will always undershoot. The honest comment is unfinished justice. It is not a reason to scrap the tool.

Flow diagram

Constitutional special provision -> Reservations scholarships PoA
Reservations scholarships PoA -> Gaps vacancies capture informal jobs
Gaps vacancies capture informal jobs -> Underprivileged miss full benefit
Land forest classroom stigma -> Underprivileged miss full benefit

Conclusion

Affirmative action is written deep in the Constitution. Underprivileged citizens still miss its full benefit because jobs moved out of public employment, benefits were captured inside lists, and dignity law is weakly enforced. The remedy is sharper delivery and a wider social floor. It is not a return to a caste-blind market that India never had.

Facts & figures

Articles 15(4) and 16(4)

Enable special provision in education and public employment for backward classes, the core of reservation policy.

Indra Sawhney (1992)

Upheld OBC reservations in public employment and articulated the creamy-layer principle for OBCs.

PoA Act, 1989

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act criminalises caste violence and humiliation; enforcement remains uneven.

Articles 338 and 338A

Constitutional commissions for SCs and STs to monitor safeguards.

Rohini Commission

Examined sub-categorisation among OBCs to address unequal benefit inside the list.

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