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Q17

"Development and welfare schemes for the vulnerable, by its nature, are discriminatory in approach." Do you agree? Give reasons for your answer.

UPSC Civil Services Mains 2023 · GS II · 15 marks · India and its Neighbourhood

India and its neighborhood - relations.

Core demand of the question

- Development and welfare schemes for the vulnerable, by their nature, are discriminatory in approach
- State whether you agree, and give reasons

Revision summary

Targeted welfare classifies people; that is formal discrimination.

Articles 14, 15(3)-(6), 16(4) and 46 authorise special measures for the disadvantaged.

Indra Sawhney treated reservation as compatible with equality within limits.

Exclusion and inclusion errors are implementation problems, not a reason to abandon targeting.

The statement is acceptable as a description of method, not as a finding of unconstitutional bias.

Introduction

A scheme that names Scheduled Castes, women, persons with disability, or the income-poor treats unequals differently. That is discrimination in the dictionary sense, and it is the Constitution's method of equality, not a breach of Article 14, when the classification is reasonable and aimed at disadvantage.

Body

The claim and the constitutional reply

- **Article 14 permits reasonable classification:** intelligible differentia plus a rational nexus with the object of the law; it does not require identical treatment of unequals.
- **Article 15(1)** bars discrimination on listed grounds, while **Article 15(3), 15(4), 15(5) and 15(6)** allow special provisions for women, children, socially and educationally backward classes, Scheduled Castes and Scheduled Tribes, and economically weaker sections.
- **Article 16(4) and 16(4A)** allow reservation in public employment; **Article 46** directs special care for SCs, STs and the weaker sections.
- **Indra Sawhney v. Union of India (1992)** accepted backward-class reservation as compatible with equality, with limits such as the exclusion of the creamy layer for OBCs.

- Substantive equality, as later benches have put it in gender and disability cases, is the name for this approach: the State may discriminate in favour of the vulnerable so that equality of outcome is not a fiction.

Why targeted schemes look "discriminatory" and why that is intended

- Universal schemes can miss those without documents, land, or a male household head; targeting is a response to that failure, not a taste for exclusion.
- The [National Food Security Act, 2013](#), the [Mahatma Gandhi National Rural Employment Guarantee Act, 2005](#), scholarships, hostels, and disability pensions name beneficiaries because scarcity and history are not evenly spread.
- Exclusion errors (leaving out the poor) and inclusion errors (covering the better-off) are design faults; they do not prove that targeting itself is unconstitutional.
- A purely universal cash transfer can still be financed by progressive taxation; the stem is about schemes for the vulnerable, which are targeted by definition.

Limits and the disagreement that remains

- Targeting can stigmatise, fragment citizenship, and create patronage lists if identification is political.
- Creamy-layer logic, Aadhaar-based lists, and social audits are tools to keep the classification tied to disadvantage.
- **One should therefore agree with the statement only in this precise sense:** such schemes are discriminatory in form because they classify. One should not agree if "discriminatory" means arbitrary or anti-equality.

Reasoned position

- I agree that welfare for the vulnerable is a classified, hence formally discriminatory, approach.
- I do not agree that this violates constitutional equality; it is how [Articles 15\(3\)-\(6\)](#), [16\(4\)](#) and [46](#) operationalise equality for a society that is already unequal.

Flow diagram

Article 14 classification -> Special provisions 15 and 16
 Special provisions 15 and 16 -> Targeted welfare schemes
 Targeted welfare schemes -> Vulnerable groups
 Vulnerable groups -> Substantive equality
 Universal delivery faults -> Targeted welfare schemes

Conclusion

Development and welfare schemes for the vulnerable do discriminate in the sense that they classify beneficiaries. That classification is constitutionally required special treatment, not forbidden caste or sex bias, so the statement is true as technique and false as a charge against equality.

Facts & figures

Article 15(3) and 15(4)

Allow special provisions for women and children, and for socially and educationally backward classes, SCs and STs.

Article 16(4)

Allows reservation in public employment for backward classes not adequately represented in services.

Indra Sawhney v. Union of India (1992)

Upheld OBC reservation with the creamy-layer exclusion and other limits; equality includes special measures.

Article 46

Directive Principle: promote the educational and economic interests of SCs, STs and other weaker sections.

Mahatma Gandhi National Rural Employment Guarantee Act, 2005

Demand-based rural wage guarantee targeted at households willing to do unskilled manual work; an example of classified welfare.

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