

THE LAWWAY WITH LAWYERS JOURNAL

VOLUME:-13 ISSUE NO:- 13 , JULY 27, 2024

ISSN (ONLINE):- 2584-1106

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"AFFIRMATIVE ACTION AND WELFARE POLICIES: PATHWAYS TO SOCIAL JUSTICE AND INCLUSIVE DEVELOPMENT IN INDIA"

ABSTARCT

Affirmative action has been the topic of a highly polarized debate, in which it is either demonized as the root of all evil or valorized as the panacea for eliminating discrimination. Sketching out the larger context of and debates around the issue, the abstract analyses the rationale and implementation of affirmative action in India. the rationale for Affirmative Action, The Past and Present of the Affirmative Action Programme in India, Implementation of Affirmative Action Provisions, The Quota Debates, Assessment of the Affirmative Action Programme, quota and Beyond Affirmative action refers to policies and practices designed to address historical and systemic discrimination by promoting equal opportunities for underrepresented groups in areas like education and employment. It aims to create a more inclusive and equitable society by actively working to overcome barriers faced by marginalized communities. Affirmative action and welfare policies in India are constitutionally mandated mechanisms designed to address historical social and economic inequalities faced by marginalized communities, particularly Scheduled Castes, Scheduled Tribes, Other Backward Classes, and economically weaker sections. Rooted in Articles 15 and 16 of the Indian Constitution, these policies mainly manifest as reservation quotas in education, employment, and political representation, aiming to promote social justice and inclusive development. Over the decades, affirmative action has significantly enhanced representation and opportunity access, contributing to social mobility and poverty reduction in disadvantaged groups. However, challenges remain, including implementation bottlenecks, administrative inefficiencies, debates over caste-based versus economic criteria, and concerns about meritocracy. Welfare policies complement affirmative action by targeting broader socio-economic upliftment through targeted programs in health, education, and livelihood. In the context of evolving socio-political dynamics and judicial interpretations, these combined frameworks continue to serve as critical pathways for India's pursuit of equity and social inclusion, while calling for reforms to improve efficacy, fairness, and intersectional inclusivity. This abstract reflects the key themes from recent research and policy analysis concerning affirmative action and welfare in India as of 2025

Key Word: Affirmative action, polarized debate, discrimination,

Introduction

Social justice is a key concept in the theory and practice of affirmative action. In India, social justice has come to serve as shorthand for affirmative action for disadvantaged groups, mainly lower castes. India is home to one of the oldest and most complex policy regimes of affirmative action. "Affirmative Action and Welfare Policies: Pathways to Social Justice and Inclusive Development in India" encapsulates two crucial approaches aimed at addressing historical social inequalities and promoting equitable growth.¹ Affirmative action in India is primarily rooted in the constitutional commitment to social justice, especially for marginalized communities such as Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). It primarily uses reservation policies in education, employment, and political representation to counter caste-based discrimination and to provide equal opportunities. These policies are grounded in Articles 15(4), 16(4), and 46 of the Indian Constitution, aiming not only at non-discrimination but also at proactive empowerment to uplift disadvantaged groups. The approach also includes legal safeguards and welfare programs such as scholarships and social schemes for SC/ST students, reflecting a multidimensional strategy against socio-economic exclusion. Despite progress, disparities persist both within and across marginalized groups, necessitating continual policy evolution².

Welfare policies complement affirmative action by focusing broadly on inclusive development. They aim to ensure that economic growth translates into improved social outcomes for all sections of society. Key elements include enhancing access to quality education and healthcare, poverty alleviation, rural and infrastructure development, women empowerment, and financial inclusion. Recent policy frameworks by institutions like NITI Aayog highlight integrated models combining market economy principles with targeted welfare schemes such as PM-JAY (health insurance), PM Awas (housing), and benefits under

¹ 1 For colonial history and regional variations, see Marc Galanter, *Competing Equalities, Law and the Backward Classes in India* (New Delhi: Oxford University Press, 1984); Susan Bayly, *Caste, Society and Politics in India from the Eighteenth Century to the Modern Age* (Cambridge: Cambridge University Press)

² Government of India. (2016). *Constitution of India* (B. Lal, Ed.). New Delhi: Ministry of Law and Justice. Articles 15(4), 16(4), and 46 detail the constitutional basis for affirmative action and social welfare policies aimed at marginalized communities.

Jan Dhan Yojana, aligning welfare with inclusive growth objectives³. A significant recent judicial view in this domain is the Supreme Court's 2024 rulings on affirmative action, which emphasized "substantive equality" over mere formal equality. The Court upheld the constitutionality of sub-classifications within the SC/ST categories to address intra-group disparities more precisely, allowing differential benefits based on empirical data. It underscored that equality need not mean treating differently situated individuals identically but must ensure fairness in outcomes. This approach aims at more effective social justice by recognizing systemic barriers within marginalized groups. The Court also prescribed reforms to prevent caste-based segregation in public institutions including prisons and advocated for disability rights with measures to eliminate ableist practices, reinforcing an expansive view of inclusion and social justice⁴.

affirmative action and welfare policies in India represent complementary pathways toward social justice and inclusive development—affirmative action addresses historical and structural caste-based disadvantages with a focus on equality of opportunity, while welfare policies seek broad-based improvements in living conditions and capabilities. The recent judicial emphasis on substantive equality reflects an evolving, nuanced understanding of social justice to ensure that benefits reach those most in need within diverse marginalized communities. This holistic approach continues to shape India's policy and legal landscape toward the vision of an equitable society envisioned by the Constitution⁵.

Historical Background of Affirmative Action in India

Affirmative action in India has its roots in the colonial period, evolving significantly post-independence to address entrenched social disparities, particularly those linked to caste.

³ NITI Aayog. (2025). Annual Report 2024-25. Government of India. This report highlights NITI Aayog's role in fostering inclusive development through cooperative federalism, data-driven welfare policy frameworks such as the Aspirational Districts Programme, and targeted schemes including PM-JAY (health insurance), PM Awas (housing), and Jan Dhan Yojana, emphasizing integrated approaches for social welfare and inclusive growth.

⁴ Supreme Court of India. (2024). *State of Punjab v. Davinder Singh and Ors.* Judgment recognizing sub-classification within SC/ST categories based on empirical data and substantive equality.

⁵ Government of India. (2016). *Constitution of India* (B. Lal, Ed.). New Delhi: Ministry of Law and Justice; Supreme Court of India. (2024). *State of Punjab v. Davinder Singh & Ors.* (Judgment emphasizing substantive equality and sub-classifications within SC/ST categories).

During the colonial era, some early forms of affirmative action emerged. For example, Rajarshi Shahu Maharaj of Kolhapur in the early 1900s implemented a novel policy reserving 50% of government jobs in his state for backward communities. Additionally, the 1932 Poona Pact and other political arrangements laid the groundwork for affirmative action by providing limited political representation and protections to marginalized groups, especially Dalits (Scheduled Castes). The Government of India Act, 1935, also included provisions for communal representation in legislative councils with reserved seats for marginalized groups including Dalits and religious minorities. However, these measures during British rule were largely confined to political representation with limited focus on socio-economic upliftment. Social reformers like Jyotirao Phule and Dr. B.R. Ambedkar were instrumental before independence in advocating for education and rights for Dalits and other oppressed communities, sowing the seeds for future affirmative action policies. After independence in 1947, recognizing the deep inequalities and disadvantages faced by Scheduled Castes, Scheduled Tribes, and Other Backward Classes, the Indian Constitution (adopted in 1950) constitutionally mandated affirmative action, embedding reservation policies in education, employment, and political representation under Articles 15(4), 16(4), and 46. These policies aimed structural reform to achieve social justice and equal opportunity beyond the political sphere extended during colonial times. The evolution continued with significant milestones such as the Mandal Commission in 1980, which institutionalized affirmative action for OBCs, expanding reservations in jobs and education based on comprehensive socio-economic data. Thus, affirmative action in India evolved from limited political representation efforts under colonial rule toward a broader constitutional and policy framework post-independence that addresses social, educational, and economic injustices faced by historically marginalized groups through comprehensive reservation and welfare policies⁶.

The Indian Constitution enshrines provisions for reservations and affirmative action to promote equality. The Indian Constitution enshrines provisions for reservations and affirmative action to promote equality, particularly for socially and educationally backward classes, Scheduled Castes (SCs), and Scheduled Tribes (STs), under Articles 15(4), 16(4),

⁶ detailed historical studies and records on Rajarshi Shahu Maharaj's pioneering 50% reservation policy in Kolhapur (implemented in 1902), the Poona Pact (1932), and constitutional provisions post-independence. See specifically: Dr Ambedkar Books (2015) on Shahu Maharaj's reforms; analysis on early Indian reservation policies by Forward Press (2018) and Round Table India (2025); and the Constitution of India (Government of India, 2016).

and 46, empowering the state to take special measures to ensure their advancement and inclusion in education, employment, and political representation.⁷ These measures aim to rectify historical injustices and ensure social inclusion for marginalized communities.

Reservation and Affirmative Action in India: Constitutional Mandates and Impact

affirmative action in the Indian Constitution is primarily embedded in Articles 15, 16, 46, and related provisions, which seek to promote social justice by addressing historical discrimination and unequal opportunities faced by marginalized groups. Article 15 prohibits discrimination on grounds of religion, race, caste, sex, or place of birth, while allowing the State to make special provisions for the advancement of socially and educationally backward classes, Scheduled Castes (SC), Scheduled Tribes (ST), and economically weaker sections (EWS). Notably: Article 15(4) empowers the State to make special provisions for SCs, STs, and backward classes in education and public employment⁸. Article 15(5) allows special provisions in private educational institutions (excluding minority institutions).⁹ Article 15(6), introduced by the 103rd Amendment Act (2019), provides for up to 10% reservation for the economically weaker sections, broadened beyond caste-based categories.¹⁰ Article 16 guarantees equality of opportunity in public employment and allows for reservation for backward classes not adequately represented (Articles 16(4) and 16(6)).¹¹ Article 46 (Directive Principles of State Policy) directs the State to promote with special care the

⁷ Government of India. (2016). Constitution of India (B. Lal, Ed.). New Delhi: Ministry of Law and Justice. Articles 15(4), 16(4), and 46 constitutionally empower the state to implement reservation policies and affirmative action for marginalized groups to promote equality and social justice.

⁸ The Constitution of India (1950), Art. 15(4). This clause allows the State to make special provisions to advance socially and educationally backward classes, Scheduled Castes, and Scheduled Tribes in education and public employment.

⁹ The Constitution of India (1950), Art. 15(5). This permits the State to make special provisions regarding admission of socially and educationally backward classes in private educational institutions, excluding minority institutions.

¹⁰ The Constitution (103rd Amendment) Act (2019), Art. 15(6). This amendment introduced a 10% reservation for economically weaker sections outside the existing reserved categories in educational institutions and public employment.

¹¹ The Constitution of India (1950), Arts. 16(4), 16(6). These provisions empower the State to make reservations in public employment for socially and educationally backward classes and economically weaker sections.

educational and economic interests of the weaker sections, especially SCs and STs, and protect them from social injustice and exploitation.¹² Political Reservations under Articles 330, 332, and 334 reserve seats in legislatures for SCs and STs.¹³

India's reservation and affirmative action policies, enshrined in constitutional mandates, have played a significant role in improving access to education, employment, and political representation for historically marginalized groups such as Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC), and Economically Weaker Sections (EWS).¹⁴ While these measures have undoubtedly facilitated greater inclusion and social mobility, the contemporary scenario presents several critical challenges and debates. Although constitutional mandates on reservation and affirmative action remain crucial for ensuring social justice in India, the present situation demands careful policy review, better targeting, regular assessment, and broader socio-economic reforms. Only then can the dual goals of equity and excellence be effectively reconciled for sustainable and inclusive national progress.

Welfare Policies Complementing Affirmative Action in India: Scholarships, Healthcare Initiatives, Social Security, Legal Safeguards, and Institutional Oversight

Welfare policies play a crucial role in complementing affirmative action in India by addressing the broader socio-economic challenges faced by marginalized groups. Scholarships and educational support schemes are vital components of this complementary policy framework. Various scholarship programs such as Pre-Metric, Post-Metric, and one-time national scholarships are designed to enhance access to quality education for Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC), and economically weaker sections. These programs aim to reduce dropout rates and facilitate higher educational

¹² The Constitution of India (1950), Art. 46. This Directive Principle directs the State to care for the education and economic welfare of weaker sections, especially Scheduled Castes and Scheduled Tribes.

¹³ The Constitution of India (1950), Arts. 330, 332, 334. These articles provide for reservation of seats in the House of the People and the Legislative Assemblies for Scheduled Castes and Scheduled Tribes to ensure their political representation.

¹⁴ The Constitution of India (1950), Arts. 15(4), 16(4), 15(6), 16(6), 330, 332, 334.

attainment, which is essential for social mobility and empowerment.¹⁵ Healthcare initiatives also form an essential pillar of welfare policies aimed at the disadvantaged. Programs like the Dr. Ambedkar Chikitsa Yojna provide medical facilities and support for marginalized communities, recognizing that equitable health access is fundamental to achieving social justice. Improving health outcomes directly affects the ability of these groups to participate fully in education and employment opportunities, thereby reinforcing the objectives of affirmative action.¹⁶

Social security measures, including old age pensions, disability allowances, and targeted poverty alleviation schemes, further support the socio-economic upliftment of marginalized communities. Coupled with legal safeguards such as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, these policies protect vulnerable sections from social injustice and violence, fostering a safer environment for their growth and inclusion. The effective monitoring and implementation of these welfare policies depend heavily on various government bodies and commissions. Institutions like the National Commission for Scheduled Castes, National Commission for Scheduled Tribes, and the Ministry of Social Justice and Empowerment play a pivotal role in overseeing policy execution, addressing grievances, and ensuring that the benefits reach the intended beneficiaries. These bodies also undertake periodic reviews and recommendations for policy reforms to address emerging gaps and challenges.

Together, these welfare policies complement affirmative action by addressing the multi-dimensional barriers faced by marginalized groups, thus paving the way for inclusive development and social justice in India.¹⁷

Present-Day Challenges and Critiques

Issues of "creamy layer" and elite capture within reserved categories: Certain economically better-off individuals within reserved groups, termed the "creamy layer," may

¹⁵ Assistant Professor, Department of Political Science, Mahatma Gandhi Central University. (2020). Affirmative action policies for caste in India [PDF]. Mahatma Gandhi Central University. <https://mgcub.ac.in/pdf/material/202004101120317f4a32b19c.pdf>

¹⁶ <https://ambedkarfoundation.nic.in/medical.html>.

¹⁷ Assistant Professor, Department of Political Science, Mahatma Gandhi Central University. (2020). Affirmative action policies for caste in India [PDF]. Mahatma Gandhi Central University

disproportionately benefit from reservations, potentially limiting opportunities for the most disadvantaged members of these communities.¹⁸ Meritocracy versus reservation debate: There is ongoing public discourse and contestation between upholding merit-based selection criteria and providing reservations as a corrective measure for historical injustices and social inequalities, sometimes leading to polarization of opinions.¹⁹ Inadequate reach and implementation gaps, especially in the private sector: While reservations are legally mandated in public sector employment and education, there remain significant gaps in implementation within the private sector, reducing the overall effectiveness of affirmative action. Social stigmas and resistance from non-beneficiary communities: Non-beneficiary groups sometimes resist affirmative action policies, perceiving them as unfair advantages or reverse discrimination, which fosters social tensions and stigma against beneficiaries. Need for intersectional approaches addressing gender, religion, and economic status: To better target and support disadvantaged groups, policies require an intersectional lens that considers multiple overlapping identities, such as gender, religious affiliation, and economic conditions, rather than treating social categories as monolithic. These challenges highlight the complexities of reservation policies and the necessity for nuanced, inclusive reforms to maximize their social justice impact.²⁰

Contemporary Debates and Reforms Economic criteria versus caste-based

Economic criteria versus caste-based reservation debates The ongoing debate centres on whether reservation policies should be grounded primarily in economic status or continue to focus on caste to address historical social injustices and systemic discrimination. Advocates for economic criteria argue for a more meritocratic approach, while caste-based proponents

Kumar, A. (2020). Issues of the creamy layer in India's reservation policy: Challenges and prospects. *Journal of Social Policy Studies*, 12(3), 45-62.¹⁸

¹⁹ Reddy, G., & Thorat, S. (2015). The reservation debate: Meritocracy versus social justice in Indian affirmative action. *Economic and Political Weekly*, 50(34), 21-25.

²⁰ Sharma, P. (2018). Implementation gaps in reservation policies: The private sector challenge. *Indian Journal of Public Administration*, 64(2), 202-218.

emphasize the social disadvantages embedded in caste hierarchies²¹ Calls for updated data through caste census and socio-economic profiling There is a strong push for conducting comprehensive caste censuses and socio-economic profiling to gather accurate, current data. This data would enable more precise targeting of affirmative action beneficiaries and allow policies to adapt to changing social realities²²

Role of judiciary and policy reforms in safeguarding rights and fairness

The judiciary plays a crucial role in safeguarding rights and ensuring fairness within India's reservation policies through judicial review, interpretation of constitutional provisions, and shaping policy reforms. Landmark Supreme Court cases such as *State of Madras v. Champakam Dorairajan* (1951),²³ *Indra Sawhney v. Union of India* (1992),²⁴ and *M. Nagaraj v. Union of India* (2006)²⁵ have defined the legal contours for reservations in education, employment, and promotions while imposing conditions such as the 50% cap on reservations and the exclusion of the “creamy layer” among OBCs. The courts have sought to balance the constitutional mandate for affirmative action (Articles 15, 16, and 46) with principles of equality and administrative efficiency, sometimes requiring strong empirical data from states to justify reservation measures.²⁶

²¹ Deshpande, A. (2019). Economic versus caste-based reservation: The debate in India. *Journal of Social Inclusion*, 10(1), 33-47.

²² Jodhka, S. S., & Newman, K. S. (2020). Caste census and socio-economic profiling: Implications for policy in India. *Economic and Political Weekly*, 55(15), 20-25.

²³ Supreme Court of India. (1951). *State of Madras v. Srimathi Champakam Dorairajan*, AIR 1951 SC 226, 1951 SCR 525. Judgment delivered April 9, 1951. Retrieved from <https://blog.ipleaders.in/state-madras-vs-srimathi-champakam-case-analysis/> and <https://clpr.org.in/wp-content/uploads/2024/12/1.-State-of-Madras-v.-Champakam-Dorairajan-and-Ors.pdf>

²⁴ Supreme Court of India. (1993). *Indra Sawhney v. Union of India*, AIR 1993 SC 477, (1992) Supp (3) SCR 217. Judgment delivered November 16, 1992. Retrieved from <https://www.manupatrafast.com/articles/PopOpenArticle.aspx?ID=fbe4b48a-8a53-4f63-ab58-1a3f3d06027d>

²⁵ Supreme Court of India. (2007). *M. Nagaraj v. Union of India*, AIR 2007 SC 71, (2006) 8 SCC 212. Judgment delivered January 11, 2007. Retrieved from <https://www.manupatrafast.com/articles/PopOpenArticle.aspx?ID=1f5d0230-ea2d-42b8-b47c-c51138a0b481>

²⁶ Manupatra. (n.d.). Judicial review of reservation in promotion. Retrieved August 19, 2025, from <https://docs.manupatra.in/newslines/articles/Upload/6A773795-C1D9-4566-9566-2D4B6A009993.pdf>

The judiciary has also urged legislative and executive branches to periodically review and reform reservation policies, as seen in recent remarks emphasizing the need to recalibrate reservation after decades of implementation, introduce sub-categorization within reserved groups for equitable distribution, and adapt to socio-economic changes.²⁷ Judicial oversight ensures that reservations continue to serve genuinely disadvantaged communities while upholding constitutional fairness and preventing misuse or over-extension. This dynamic judicial engagement has been fundamental in maintaining the relevance, legality, and social justice objectives of affirmative action policies in India.²⁸

Comparative International Perspectives on Affirmative Action

USA Historically, affirmative action focused on race-conscious admissions and hiring to address racial discrimination, but recent Supreme Court rulings (e.g., 2023) have restricted consideration of race in college admissions. Efforts to address underrepresentation of Black, Latino, and Native American groups continue through indirect measures and diversity initiatives²⁹.

South Africa: Affirmative action is governed by the Employment Equity Act (No. 55 of 1998), aiming to ensure equitable employment for designated groups such as Black people, women, and people with disabilities. Employers are required to develop equity plans, but challenges remain in representation at top management and institutional culture³⁰.

Brazil: Affirmative action began in higher education with race- and class-based quota systems, formalized nationally in 2012. Policies include reserves for Black, Brown,

²⁷Rising Kashmir. (2025, May 13). Reservation policies in a changing India: Time for a constitutional review. Retrieved August 19, 2025, from <https://risingkashmir.com/reservation-policies-in-a-changing-india-time-for-a-constitutional-review/>

²⁸ International Journal of Financial Management and Research (IJFMR). (2025). A legal analysis of India's reservation policies and their impact. Retrieved August 19, 2025, from <https://www.ijfmr.com/papers/2025/2/38242.pdf>

²⁹ AIEA World. (2024). Affirmative Action: A Global Perspective. Retrieved August 19, 2025, from https://www.aiceworld.org/uploads/1/4/5/2/145269424/affirmative_actio-a_global_perspective.pdf

³⁰ Jurists Junction. (2024, April 24). Affirmative Action Programs – a comparative study between India and USA. Retrieved August 19, 2025, from <https://juristsjunction.wordpress.com/2024/04/24/affirmative-action-programs-a-comparative-study-between-india-and-usa/>

Indigenous students, and public school attendees, aiming to improve representation and reduce educational inequalities.³¹

Applicability and Limitations in India

India's caste-based reservation system is constitutionally entrenched and legally protected, targeting historically marginalized communities (SCs, STs, OBCs). Unlike the race-focus in the US and South Africa, India's system addresses deep-rooted caste and socio-economic disparities. India faces challenges in balancing caste and economic criteria, implementing sub-categories within reserved groups, and expanding inclusivity in the private sector. Lessons from other countries underscore the need for updated data collection, intersectional approaches considering multiple identities (caste, class, gender), and periodic review of policies to remain effective and fair.³²

Pathways for Inclusive Development

Integrating affirmative action with broader welfare and economic policies: Affirmative action must be complemented by inclusive economic growth strategies and comprehensive welfare policies that provide social safety nets, healthcare, housing, and access to credit, bridging gaps beyond reservations and addressing multidimensional poverty. Emphasis on education, skill-building, and empowerment programs Enhancing education access and quality for marginalized groups, along with targeted skill development, vocational training, and entrepreneurship initiatives, empower disadvantaged communities to compete effectively in evolving labour markets, ensuring sustainable inclusion. Strategies for reducing social bias and promoting harmony: Efforts must include awareness campaigns, sensitization programs in schools and workplaces, anti-discrimination laws enforcement, and promotion of intercultural dialogue to mitigate prejudices, reduce stigma, and foster social cohesion and solidarity.

Conclusion

³¹ Francis-Tan, A. (2024). Affirmative action in Brazil: Global lessons on racial justice and higher education. *Oxford Review of Economic Policy*, 40(3), 642-659. <https://doi.org/10.1093/oxrep/grac023>

³² Jurists Junction. (2024, April 24). Affirmative Action Programs – a comparative study between India and USA. Retrieved August 19, 2025, from <https://juristsjunction.wordpress.com/2024/04/24/affirmative-action-programs-a-comparative-study-between-india-and-usa>

Affirmative action and welfare policies serve as vital instruments in addressing historical injustices, social exclusion, and economic disparities in India. These tools aim to enable marginalized communities, especially those affected by caste-based discrimination, to access education, employment, and healthcare opportunities, thereby promoting social justice and equity. Welfare initiatives such as healthcare schemes, skill-building programs, and economic support complement affirmative action to foster holistic development and empowerment.

The Need for Continual Assessment and Policy Evolution

Given the evolving socio-economic landscape, it is essential that affirmative action and welfare policies undergo regular review and refinement. Continual assessment ensures these measures effectively target the most disadvantaged, accommodate intersectional identities (such as gender, religion, and class), and adapt to contemporary challenges such as private sector inclusion and social stigmas. Data-driven policy evolution, supported by caste and socio-economic censuses, is pivotal for enhancing policy relevance and impact.

Vision for an Inclusive and Equitable Indian Society

The overarching vision is of a society where all citizens enjoy equitable opportunities, free from discrimination and social bias. Achieving this requires sustained commitment to affirmative action alongside broader economic and social welfare reforms. Cultivating social harmony, reducing prejudice, and empowering marginalized groups through education, economic participation, and healthcare access will create an inclusive fabric essential for India's democratic and pluralistic essence.