Polity & Governance · GS - II

Analyze the distinguishing features of the notion of Equality in the Constitutions of the USA and India.

EXAM YEAR	PAPER	SUBJECT
2021	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Equality before law, equal protection of laws, Fourteenth Amendment, Articles 14–18, affirmative action, reservation, due process, reasonable classification, substantive equality, civil rights, judicial review.

Model Answer

Introduction

Equality is a core constitutional principle in both India and the United States. However, their historical experiences and constitutional provisions shape distinct approaches to equality and affirmative action.

Constitutional Framework

- **United States:** The Fourteenth Amendment guarantees equal protection of the laws. Constitutional interpretation and civil rights legislation address discrimination based on race and other protected characteristics.
- **India:** Article 14 guarantees equality before the law and equal protection of the laws. Articles 15 and 16 prohibit specified forms of discrimination and permit constitutionally authorised affirmative action.
- **Formal and substantive equality:** Both systems recognise that identical treatment may not eliminate entrenched disadvantage, although the scope and design of remedial measures differ.

Distinguishing Features

- **Historical context:** US equality jurisprudence developed significantly around slavery, racial segregation and civil rights. India's framework addresses caste hierarchy, untouchability and social exclusion alongside other forms of discrimination.
- **Affirmative action:** India explicitly provides for reservations for constitutionally recognised disadvantaged groups under specified conditions. US affirmative-action policies have developed through legislation and judicial interpretation and face distinct constitutional limits.
- **Equality and social justice:** Articles 15(4), 16(4) and related provisions enable measures for disadvantaged groups in India.
- **Judicial review:** Courts in both countries assess state action against constitutional equality guarantees, though their doctrinal tests and institutional contexts differ.

Conclusion

Both constitutions seek to prevent arbitrary discrimination, but India's equality framework explicitly addresses historically entrenched social hierarchies through constitutional safeguards. Their shared goal is equal citizenship, pursued through distinct legal approaches.

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