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Q13

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

UPSC Civil Services Mains 2021 · GS II · 15 marks · Indian Constitution

Indian Constitution - historical underpinnings, evolution, features, amendments, significant provisions and basic structure.

Core demand of the question

- Analyze the distinguishing features of the notion of Equality in the Constitutions of the USA and India
- Honour the official stem. Contrast the **U.S. Fourteenth Amendment** with **Articles 14-18**
- Keep the explanation within a 15-mark length

Revision summary

The **U.S. Fourteenth Amendment** is a compact equal-protection clause; India's **Articles 14-18** are a social-equality code.

Article 14 uses reasonable classification; the U.S. uses levels of scrutiny, with race as a suspect class.

India expressly authorises special provisions in **Articles 15 and 16**; U.S. affirmative action is judicial and contested.

Article 17 abolishes untouchability and **Article 18** titles - clauses without a U.S. twin.

Indian equality is more horizontal and more group-conscious; U.S. equality is more State-action and colour-blind in its dominant reading.

Introduction

Both Constitutions outlaw caste-like caste in their own histories - slavery and segregation in the United States, untouchability and princely privilege in India - yet they write equality differently. The **U.S. Fourteenth Amendment** is a terse equal-protection clause built by courts; **Articles 14** to 18 of the Indian Constitution are a code of formal equality plus express social repair.

Body

Text and architecture

- The **U.S. Fourteenth Amendment (1868)** forbids any State to deny any person equal protection of the laws, and adds due process and privileges-or-immunities; there is no equivalent of India's **Articles 15-18** as a numbered social charter.
- Indian **Article 14** guarantees equality before the law and equal protection of the laws to every person; **Articles 15 and 16** then name prohibited grounds and immediately authorise protective discrimination.

- **Article 17** abolishes untouchability and makes its practice an offence; **Article 18** abolishes titles except military and academic distinctions. The U.S. text has no untouchability clause and treats titles mainly through the older republican Article I limits.
- India therefore constitutionalises both the rule against arbitrary classification and a programme against historic group subordination; the U.S. left much of the programme to statutes (**Civil Rights Act**) and to judicial levels of scrutiny.

Formal equality, classification, and affirmative action

- **Indian doctrine under Article 14 is reasonable classification:** intelligible differentia plus rational nexus, later thickened by arbitrariness review after E.P. Royappa and Maneka **Gandhi**.
- U.S. equal protection uses suspect classifications and strict, intermediate, or rational-basis scrutiny; race is the classic suspect class after **Brown v. Board of Education and the Fourteenth Amendment's Reconstruction** origin.
- Affirmative action in the U.S. has been judicially unstable (Bakke, Grutter, and later retreats) because the Amendment is often read in a colour-blind key; it is not a constitutional duty to reserve seats.
- **India writes the opposite instinct into the text:** **Articles 15(3), 15(4), 15(5), 15(6) and 16(4), 16(4A), 16(6)** authorise special provisions for women, socially and educationally backward classes, SCs, STs, and EWS. **Indra Sawhney** and later amendments treat substantive equality as constitutional, not as a grudging exception.

State action, horizontality, and social rights

- U.S. equal protection is primarily a limit on State action; private discrimination is reached mainly through statutes and commerce power, not through a general **Article 17**-style duty on private persons.
- Indian **Article 15(2)** and **Article 17** reach certain private spheres (shops, wells, temples, untouchability), which is a distinguishing horizontal bite.
- India pairs equality with Directive Principles (**Articles 38, 39, 46**) that tell the State to minimise inequality of status and opportunity; the U.S. Constitution has no comparable socio-economic directive text.
- Titles, abolition of privy-style honour, and a written war on untouchability make Indian equality a social-revolutionary clause-set; U.S. equality is a Reconstruction and civil-rights clause-set aimed first at racial caste.

Distinguishing features, compressed

- **U.S.:** short clause, court-made tests, colour-blind tension, weak textual affirmative action, strong State-action limit.
- **India:** **Articles 14-18** as a bundle, reasonable classification plus express reservations, abolition of untouchability and titles, partial horizontality, and a Welfare-State directive backdrop.
- Both fight inherited hierarchy; India names caste and titles in the Constitution itself, which is the deepest textual distinction.

Flow diagram

US 14th Amendment 14th Amendment -> Equal protection court tests
 India Arts 14 to 18 -> Art 14 reasonable classification
 India Arts 14 to 18 -> Arts 15 16 protective discrimination
 India Arts 14 to 18 -> Art 17 untouchability Art 18 titles
 Equal protection court tests -> Formal / colour-blind tension
 Arts 15 16 protective discrimination -> Substantive equality

Conclusion

Equality in the United States is the Fourteenth Amendment's equal protection, elaborated by courts against racial caste and still uneasy with race-conscious repair. Equality in India is **Articles 14-18**: a general equality rule plus authorised special provisions, abolition of untouchability and titles, and a reach into some private spaces. The distinguishing feature is that India constitutionalises substantive, group-conscious equality instead of leaving it to statute and judicial mood.

Facts & figures

U.S. Fourteenth Amendment (1868)

Equal protection, due process and citizenship clauses aimed at Reconstruction after slavery.

Articles 14-18, Constitution of India

Equality before law, non-discrimination, public employment, abolition of untouchability, abolition of titles.

Articles 15(4) and 16(4)

Textual engine of protective discrimination for backward classes, SCs and STs.

Indra Sawhney (1992)

Leading Indian statement on reservations and the 50 per cent idea, illustrating substantive equality.

Brown v. Board of Education (1954)

U.S. holding that segregated public schooling violates equal protection - judicial, not textual, social repair.