POLITICAL THEORY

Equality: Meaning, Theories, Classification and the Indian Perspective

By **Brajabandhu Mahanta** • November 11, 2026 • 39 min read



Equality is one of the oldest and most powerful ideas in political thought. Human beings differ in strength, intelligence, talent, wealth, sex, colour, religion and birth, and yet the idea of equality asks that they be treated as persons of equal worth and dignity. It has been the cry of revolutions, from the French Revolution with its slogan of liberty, equality and fraternity, to the Indian national movement and the struggles against slavery, colonial rule, caste and patriarchy. In modern politics, almost every state declares itself committed to equality, and the real debate is about what equality means, equality of what, and how far

the state may go to bring it about.

The idea is not simple, because equality does not mean that all people are the same or that all must be given the same things. Nature has made persons unlike in many respects, and a society in which everyone is made identical would be neither possible nor desirable. Equality, as political theory understands it, is a principle about how people should be treated: that no one should be given a higher or lower status without a good reason, that the basic needs and rights of all should be respected equally, and that the barriers which prevent some from developing their abilities should be removed. It is therefore closely tied to liberty, justice, democracy and human rights, and a study of equality is necessary for understanding all these concepts.

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1. Meaning and nature of equality

Meaning. The word equality comes from the Latin *aequalis*, which means level, uniform or just. In political theory, it means that all human beings are equal in moral worth and are entitled to equal respect, equal rights and equal opportunity to develop their personality. It does not deny natural differences. It denies that such differences, or accidents of birth like caste, class, sex and race, should decide whether a person gets rights, status and chances in life.

Descriptive and normative equality. A descriptive statement of equality says that people are equal in some fact, for example that all are capable of reason or all feel pain. A normative or prescriptive statement says that people ought to be treated as equals in some respect, for example that all should have the vote. Political theory is concerned mostly with the second, though it often rests on the first, as in the belief that all human beings share a common nature.

Formal and substantive equality. Formal equality means that the same rules apply to all, as in equality before the law. Substantive equality looks at the actual situation of people and holds that treating unequals as equals may continue inequality. A poor worker and a rich employer are equal before the law, but they are not equal in bargaining power. For this reason, modern theories ask for special measures, such as reservation, minimum wages and free education, to make equality real.

Equality as a relational and a distributive idea. Some thinkers see equality mainly as a question of how goods such as income, education and health are distributed. Others, like Elizabeth Anderson and the thinkers of social equality, see it as a question of how people stand in relation to one another, that is, whether there is domination, humiliation and hierarchy. Both views are important, since an unfair distribution can create hierarchy and hierarchy can result in unfair distribution.

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Equality and sameness. Equality is not uniformity. A good society may treat people differently, for example by giving a disabled person a ramp or a pregnant woman maternity leave, precisely because it values them equally. The principle is, therefore, that like cases be treated alike and unlike cases be treated differently in proportion to the relevant difference, a principle which goes back to Aristotle.

Scholar	Understanding of equality
Aristotle	Equals should be treated equally and unequals unequally in proportion to their difference
Rousseau	Equality means that no citizen is so rich as to buy another, nor so poor as to be forced to sell himself
Tocqueville	Equality of conditions is the great fact of the democratic age
J. S. Mill	Equal rights and equal consideration for all, including women
R. H. Tawney	Equality means equal provision of the conditions of a good life, with a strong emphasis on social services
Harold Laski	Equality means the absence of special privilege and adequate opportunities for all
Rawls	Equal basic liberties for all, fair equality of opportunity, and inequalities only if they benefit the least advantaged
Dworkin	Government must treat all citizens with equal concern and respect
Amartya Sen	Equality must be judged in the space of capabilities, not only of income
B. R. Ambedkar	Equality as a social and moral principle, against caste hierarchy

Aristotle. Aristotle held that justice contains the idea of equality, and that the rule is to treat equals equally and unequals unequally. His view was proportionate, since he thought people should receive honour and office according to merit, and he did not extend equality to slaves and women.

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Rousseau. In *The Social Contract* (1762), Rousseau argued that the law must make citizens equal, and that excessive wealth and excessive poverty both destroy freedom. He held that no citizen should be so rich as to be able to buy another, and none so poor as to be compelled to sell himself. In his *Discourse on Inequality* (1755), he traced the growth of inequality to private property and to the vanity of social comparison.

Alexis de Tocqueville. In *Democracy in America* (1835–40), Tocqueville observed that the gradual rise of equality of conditions was the main fact of modern times. He noted its advantages, such as the end of privilege, and its dangers, such as a fondness for sameness and a possible tyranny of the majority.

J. S. Mill. In *The Subjection of Women* (1869), Mill argued that the legal subordination of one sex to the other was wrong in itself and a main obstacle to human progress. He wanted equal rights and chances for women, and he supported the extension of the franchise.

R. H. Tawney. In *Equality* (1931), Tawney argued that the equality worth seeking is not equality of ability or income but a society in which the conditions of a decent life, such as education, health and security, are available to all, and in which class privilege is removed. He criticised the “religion of inequality” that accepted social ranks as natural.

Harold Laski. In *A Grammar of Politics* (1925), Laski held that equality means, first, that no one is allowed to enjoy special privilege, and, second, that the social conditions are adequate for each person to develop his best self. He saw economic equality as a condition of political equality.

John Rawls. In *A Theory of Justice* (1971), Rawls argued that principles chosen behind a veil of ignorance would give equal basic liberties to all, fair equality of opportunity, and the difference principle, by which social and economic inequalities are acceptable only when they work to the greatest benefit of the least advantaged.

Ronald Dworkin. In *Sovereign Virtue* (2000), Dworkin treated equal concern for the fate of every citizen as the sovereign virtue of a government. He distinguished between inequalities which result from choices and those which result from luck, and held that the state should

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correct only the latter.

Amartya Sen. In *Inequality Reexamined* (1992), Sen asked the question of equality of what. He argued that people differ in their ability to convert resources into real freedoms, and therefore equality should be judged in terms of capabilities, that is, the real freedom to achieve valuable ways of living.

B. R. Ambedkar. Ambedkar held that equality is a fiction in Indian society because of caste, but it must be taken as a governing principle. He rejected the idea of graded inequality and argued for the annihilation of caste, and for liberty, equality and fraternity as the basis of a democratic society.

2. Characteristics of equality

Equal moral worth. The base of equality is the belief that every human being has the same worth and dignity, whatever his birth or achievement. This does not mean that all are equally talented, but that all deserve equal respect. A beggar and a minister are different in status, yet both have the same claim to life and justice, and the law must not value one more than the other.

Absence of special privilege. Equality means that no group is given legal or social advantages merely on the ground of birth, wealth, caste, religion or sex. The abolition of titles, of untouchability and of the old rights of the nobility are examples. Where privileges exist, as in a caste order or in feudal society, equality is denied at the root.

Equal treatment of equals, and fair treatment of unequals. Equality does not forbid classification. The law may treat different categories differently if there is a reasonable ground connected with the aim of the law. For example, a lower age limit for voting would be fair but a different voting right for men and women would not. This is the idea of reasonable classification, used by Indian courts.

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Equality is not uniformity. People are different in their abilities, tastes and needs, and a society is the richer for it. Equality demands only that these differences do not become the ground for denying basic rights and opportunities. A rule which treats a blind student and a sighted one in exactly the same manner may in fact be unequal.

Equality of opportunity. An important characteristic is that all should have a fair chance to develop their abilities and to compete for positions. This requires open careers, free or cheap education and removal of discrimination. Mere formal openness is not enough when children begin the race from very different starting points.

Equality has many dimensions. There are legal, political, social, economic, cultural and gender dimensions, and they are linked. Political equality without economic equality may become a form of rule by the rich, and economic gains without social equality may leave people humiliated. A complete idea of equality must therefore work on several fronts at once.

Equality requires state action. Since social inequalities are deep, equality does not come only by leaving things as they are. The state has to make laws, run schools and hospitals, give protective discrimination and tax the rich. This positive role is a feature of the modern welfare state and distinguishes it from the night-watchman state of early liberalism.

Equality is relative and a matter of degree. No society has achieved perfect equality, and the question is always how much inequality is acceptable and for what reason. Rawls, for example, accepts inequalities that benefit the least advantaged, while strict egalitarians accept very little. Equality is therefore an ideal to be approached, not a fixed condition.

Equality is linked with liberty. Equality gives liberty a universal form by making it equal liberty for all. It may also come in conflict with liberty when the state restricts the freedom of the rich to help the poor. Thinkers differ on which should be given priority, but most accept that the two support one another to a large extent.

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Equality is a social and historical product. The scope of equality has grown with time. Old societies accepted slavery, caste and the exclusion of women as natural, while modern societies treat them as injustice. What is regarded as an unjust inequality changes with moral progress, social struggles and new knowledge.

Equality is both an end and a means. It is valued for its own sake, as an expression of respect for persons, and also because it makes possible other goods such as health, democracy and social harmony. Studies of societies have often noted that greater inequality is accompanied by more crime, poor health and social distrust.

Equality is a universal claim. The idea is applied to all human beings and not only to the members of one class or nation. The Universal Declaration of Human Rights (1948) begins with the statement that all human beings are born free and equal in dignity and rights. This gives equality an international and moral character beyond the state.

3. Types of equality

Natural equality. It is the belief that all human beings are equal by nature, in having reason, feelings and the capacity for moral choice. Stoics, Locke and Rousseau supported it. It is not a statement that people are alike in ability, but that no one is born to rule over others by nature. The Declaration of Independence of the United States (1776) and the French Declaration of the Rights of Man (1789) are built on this idea.

Legal equality. It means equality before the law and equal protection of the laws. All persons, including rulers and officials, are subject to the same law, and courts must treat the poor and the rich alike. Dicey called this the rule of law. In India, it is given in Article 14. Legal equality is the most basic form and the one most widely accepted.

Civil equality. It means that all have the same civil rights, such as the right to life, to personal liberty, to own property, to make contracts, to move freely and to follow a profession. The end of slavery, serfdom and caste disabilities, and the removal of the legal inferiority of married women, are steps in civil equality.

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Political equality. It means that every adult citizen has an equal share in the political process, with the right to vote, to contest for office, to form parties and to hold public positions. The principle is one person, one vote, one value. It was won only after long struggles, such as the Chartist movement and the suffrage movement for women. In India, Article 326 gives adult suffrage.

Social equality. It means that society does not divide its members by caste, race, religion, sex or birth, and that all have equal access to public places, institutions and respect. It requires the end of untouchability and discrimination in shops, wells, temples and schools. Ambedkar held that without social equality political equality is unsafe.

Economic equality. It means a fair distribution of wealth, income and resources, and a reduction in the gap between the rich and the poor. It does not mean the same income for all but the removal of extreme inequality and the guarantee of a basic standard of living. Socialists emphasise it most. Measures include progressive taxation, land reform, minimum wages, public distribution and social security.

Equality of opportunity. It means that all should have a fair chance to enter into education, jobs and public life on the basis of merit, without barriers of birth. Formal equality of opportunity removes legal bars, while fair equality of opportunity, in the sense of Rawls, also corrects the effects of family background through education, nutrition and public support.

Equality of outcome. It means that the results, such as income or status, are made equal or nearly equal. It is supported by those who think that the effects of luck and background should be removed, but is criticised as destroying incentives and liberty. Most modern thinkers prefer to reduce extreme differences in outcome rather than aim at complete sameness.

Gender equality. It means that women, men and persons of other gender identities have equal rights, opportunities, respect and share of power. It covers equal pay, education, property, political presence, freedom from violence and control over one’s own body. Feminists have also argued that equality should not simply mean treating women like men

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but must take account of women’s differing needs and the unpaid care work they do.

Cultural and group equality. It means equal respect for different languages, religions and ways of life, and protection of minorities against forced assimilation. Multicultural thinkers such as Will Kymlicka and Charles Taylor argue that equal treatment sometimes requires recognition of group-differentiated rights, such as language rights or special representation.

Equality of capabilities. Following Sen and Martha Nussbaum, it holds that equality should be measured by the real freedoms people have to be healthy, educated, safe and to take part in social life. The same income may give different freedoms to a disabled and a healthy person, so a list of basic capabilities is a better guide.

Type	Meaning	Example
Natural	All humans share equal worth by nature	Declaration of the Rights of Man, 1789
Legal	Equality before law and equal protection	Article 14, Indian Constitution
Civil	Same civil rights for all	Abolition of slavery and serfdom
Political	Equal share in power	Universal adult franchise, Article 326
Social	No discrimination by birth or status	Abolition of untouchability, Article 17
Economic	Reduction of extreme gaps in wealth	Progressive tax, minimum wage, land reform
Opportunity	Fair chance to compete	Free and compulsory education, Article 21A
Outcome	Results made equal or less unequal	Social security, redistribution
Gender	Equal rights for all genders	Equal pay, Women’s Reservation Act
Cultural	Equal respect for ways of life	Minority rights, Articles 29 and 30
Capabilities	Equal real freedom to achieve valued ways of living	Public health and education programmes

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4. Theoretical perspectives on equality

Ancient Greek thought. Plato argued for a just city in which each class does its own work, and he accepted inequality of function, though he allowed equal education to guardians of both sexes. Aristotle, as noted, defined justice as proportionate equality. The Stoics, however, taught that all human beings share reason and belong to one world city, and this was an early support for natural equality.

Religious traditions. Christianity taught that all are equal before God, Islam taught the brotherhood of believers, and Buddhism and Jainism rejected the hierarchy of birth. Bhakti and Sufi saints like Kabir, Ravidas, Basava and Nanak spoke against caste and for the equality of all devotees. These traditions gave a moral base to equality, though in practice societies often did not follow them.

Social contract thinkers. Hobbes argued that in the state of nature people are roughly equal in strength and wit, and that this equality leads to fear and conflict, so they agree to a sovereign. Locke held that all are equal in natural rights to life, liberty and property, and that no one has by nature authority over another. Rousseau went further and condemned inequality produced by property, and wanted the general will to keep inequality within limits.

Classical liberalism. Liberals such as Locke, Bentham and Mill supported equality before the law, equal civil rights and equal opportunity, but were wary of economic equality. They regarded inequality of wealth as a result of different talent and effort, and feared that redistribution would harm liberty and property. Bentham, however, gave a utilitarian basis for equality, by saying that each person counts for one and nobody for more than one, and he noted that an additional unit of money gives less happiness to the rich than to the poor.

Modern or welfare liberalism. Thinkers like T. H. Green, L. T. Hobhouse and later Keynes and Beveridge argued that liberty needs positive conditions, and that the state must provide education, health, and security. They accepted limits on property and progressive taxation, and so the idea of equality was extended from legal to social and economic life. The welfare state in Britain after 1945 and the New Deal in the United States are examples.

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Rawls and liberal egalitarianism. Rawls gave the most influential modern statement. In the original position, persons who do not know their class, sex, talents or beliefs would choose two principles: equal basic liberties for all, and social and economic inequalities arranged so that they are open to all under fair equality of opportunity and work to the greatest benefit of the least advantaged. This is his difference principle. His theory defends a property-owning democracy or a welfare state, and justifies inequality only when it helps the worst off.

Dworkin and luck egalitarianism. Dworkin argued that justice requires equality of resources. People should be made responsible for their choices, such as whether to work hard, but should not suffer for matters of brute luck, such as a disability or a poor family. He suggested an imagined auction and an insurance scheme to measure what each is owed. G. A. Cohen and others developed this line, called luck egalitarianism.

Amartya Sen and the capability approach. Sen criticised both income-based and utility-based measures. He argued that two persons with the same income may have very different real freedoms because of disability, illness, sex or environment. Equality should therefore be of capabilities, and Martha Nussbaum prepared a list of central capabilities such as life, health, bodily integrity, education and political participation. The approach underlies the Human Development Index.

Libertarianism. Robert Nozick, in *Anarchy, State, and Utopia* (1974), argued that a distribution is just if it arises from just acquisition and just transfer, whatever the pattern. Taxation of earnings for redistribution is, in his view, similar to forced labour. Libertarians accept equality of rights and equality before the law, but reject patterned equality of wealth. Hayek held that the demand for social justice is a mirage in a free market, and that equality of treatment under general rules is different from material equality.

Marxism and socialism. Marx held that formal legal equality in a capitalist society hides the real inequality of classes, since workers must sell their labour to the owners of capital. True equality requires abolition of private ownership of the means of production and of class itself. In his *Critique of the Gotha Programme* (1875), he distinguished the lower stage of

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communism, where reward is according to work, from the higher stage, where it is from each according to ability and to each according to need. Socialists such as Tawney and Laski followed a democratic path, and sought equality by social ownership, planning, and welfare.

Communitarian and civic republican views. Michael Walzer, in *Spheres of Justice* (1983), argued that there are different spheres, such as money, office, education and love, with different principles of distribution, and that tyranny is the use of advantage in one sphere to dominate another. His idea of complex equality asks that no one's success in money should buy office or honour. Philip Pettit and republicans see equality as the absence of domination, since equal citizens must not be subject to the arbitrary will of others.

Feminist perspectives. Liberal feminists such as Mary Wollstonecraft and Mill asked for equal rights and education for women. Radical and socialist feminists argued that the real roots of inequality lie in patriarchy, the family and the unpaid labour of women, so equal law does not give equal life. Later feminists, including Carol Gilligan and Iris Marion Young, warned against treating men as the standard and asked for a politics which respects difference and removes oppression. Intersectional feminists, following Kimberle Crenshaw, show that sex, caste, class and race together shape inequality.

Multiculturalism and the politics of recognition. Charles Taylor and Nancy Fraser argued that injustice is both economic maldistribution and cultural misrecognition. Equal dignity may require recognition of the identity of minorities and Indigenous peoples, as well as redistribution of resources. Critics reply that group rights may harm the equality of individuals within the group, as in the debates on personal laws.

Postcolonial and Dalit perspectives. Thinkers like Frantz Fanon and Edward Said showed how colonialism built racial hierarchies, and Ambedkar and Periyar showed how caste is a system of graded inequality. These views extend the scope of equality to history, culture and symbolic respect, and they ask that equality be pursued by removing the structures of humiliation as well as by giving material goods.

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School	Main claim on equality	Representative thinkers
Social contract	Equal natural rights; equality limits power	Hobbes, Locke, Rousseau
Classical liberal	Equality before law and of opportunity	Mill, Bentham
Welfare liberal	State must provide conditions of equality	Green, Hobhouse, Beveridge
Liberal egalitarian	Inequality only if it helps the least advantaged	Rawls
Luck egalitarian	Remove inequality due to luck, not choice	Dworkin, Cohen
Capability	Equality of real freedoms	Sen, Nussbaum
Libertarian	Equal rights, not equal wealth	Nozick, Hayek
Marxist	Abolition of class for real equality	Marx, Engels
Democratic socialist	Equality by welfare and social ownership	Tawney, Laski
Communitarian	Complex equality in separate spheres	Walzer
Feminist	End patriarchal hierarchy	Wollstonecraft, Young, Crenshaw
Recognition theory	Redistribution with recognition	Taylor, Fraser
Dalit-Bahujan	Annihilation of caste hierarchy	Ambedkar, Periyar, Phule

5. Equality and liberty

The conflict view. Some thinkers hold that equality and liberty are opposed. Lord Acton said that the passion for equality makes vain the hope for freedom. Hayek and Nozick argued that to bring about equality of outcome, the state must continually interfere with the free choices of people. Friedman held that a society which puts equality before freedom will end up with neither.

The harmony view. Others, such as Tawney, Laski, Rawls and Sen, hold that the two ideas support each other. Without some equality of resources, the liberty of the poor is empty, as a man who cannot afford food has little use for the freedom to buy it. Tawney wrote that the

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freedom of the strong is often the oppression of the weak. Rousseau also joined them by saying that freedom cannot exist without equality.

The French Revolution link. The slogan of liberty, equality and fraternity treated them as one. In the same way, Ambedkar explained that liberty cannot be divorced from equality and equality cannot be divorced from liberty, and that fraternity is needed so that they work together. He added that without equality, liberty would produce the supremacy of the few over the many, and without liberty, equality would kill individual initiative.

A balanced position. Most democratic constitutions try to give priority to equal basic liberties and then use equality to widen their real value. The Indian Constitution does this by giving fundamental rights in Part III, and social and economic aims in Part IV. The right balance has to be decided in each case by public reasoning, and by tests of reasonableness.

6. The Indian perspective

Ancient and medieval traditions. Indian thought contains both hierarchy and equality. The varna and jati order, supported by texts like the Manusmriti, gave unequal status and duties by birth. At the same time, the Upanishadic idea that the same self dwells in all, the teachings of Buddha and Mahavira, the Ashokan emphasis on the welfare of all subjects, and the Bhakti and Sufi saints spoke for spiritual and moral equality. Basava rejected caste and gave a place to women in the Lingayat community, and Kabir and Guru Nanak asked people to look beyond birth and rite.

Social reformers. Jyotirao Phule, in *Gulamgiri* (1873), exposed the Brahmanical domination, started schools for girls and for the lower castes, and founded the Satyashodhak Samaj. Savitribai Phule worked with him for women’s education. Raja Rammohan Roy opposed sati, Ishwar Chandra Vidyasagar worked for widow remarriage, and Pandita Ramabai and Tarabai Shinde raised questions of women’s subjection. Periyar E. V. Ramasamy led the Self-Respect Movement against caste and Brahmin supremacy, and Narayana Guru taught one caste, one religion, one God for mankind.

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Gandhi. Gandhi supported equality of all human beings as children of God, and worked against untouchability, which he called a sin and a crime against humanity. He named the untouchables Harijans, a term now regarded as patronising, and organised the Harijan Sevak Sangh. He accepted the equality of the sexes in dignity, and asked women to join the struggle. He opposed class war but asked the rich to act as trustees of wealth, in his idea of trusteeship, and he supported bread labour and village economy. Critics point out that he did not fully oppose varna, and Ambedkar differed sharply with him on this.

Ambedkar. Ambedkar considered caste as graded inequality, in which there is an ascending scale of reverence and a descending scale of contempt. In *Annihilation of Caste* (1936), he argued that the caste system cannot be reformed but must be destroyed, and that the religious sanction behind it has to be rejected. He started the Mahad Satyagraha (1927) for the right of untouchables to draw water from a public tank, and the Kalaram Temple entry movement at Nashik (1930). He held that political democracy cannot last unless it rests upon social democracy, which means a way of life that recognises liberty, equality and fraternity as one. In the Constituent Assembly, he warned that on 26 January 1950, India would enter a life of contradictions, with equality in politics and inequality in social and economic life. He supported protective discrimination as a means of securing real equality.

Nehru and the national movement. Nehru stressed economic equality and a socialistic pattern of society. The Karachi Resolution of the Indian National Congress (1931) promised equality before law irrespective of caste, creed or sex, adult suffrage, and measures to improve the condition of workers and peasants. The Nehru Report (1928) had asked for equal rights for men and women and for no state religion. Thus, equality was a founding aim of the national movement.

Socialist and Marxist currents. Socialists such as Jayaprakash Narayan, Ram Manohar Lohia and M. N. Roy addressed economic inequality. Lohia spoke of the seven revolutions, which included equality between man and woman, against inequality based on colour, caste, and between nations, and he supported special opportunities for the backward castes and women. The communists focused on class exploitation, land reform and workers' rights,

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though the connection with caste was long debated.

The Preamble. The Preamble gives India’s resolve to secure for all its citizens justice, social, economic and political, and equality of status and of opportunity, and to promote fraternity which assures the dignity of the individual. The words socialist and secular were added by the 42nd Amendment in 1976. The Preamble thus places equality among the basic aims, and the Supreme Court treats it as part of the basic structure.

Constitutional provisions.

Provision	Content
Article 14	Equality before law and equal protection of the laws
Article 15	Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth; special provisions for women, children, and for socially and educationally backward classes, SCs and STs, and for economically weaker sections (added in 2019)
Article 16	Equality of opportunity in public employment; reservation in favour of backward classes inadequately represented; promotion for SCs and STs under Article 16(4A)
Article 17	Abolition of untouchability and its practice in any form
Article 18	Abolition of titles, except military and academic distinctions
Article 23 and 24	Prohibition of forced labour, trafficking and child labour in hazardous work
Article 25 to 28	Equal freedom of conscience and religion
Article 29 and 30	Rights of minorities in culture and education
Article 38	State to minimise inequalities of income, status, facilities and opportunities
Article 39	Adequate means of livelihood for all, equal pay for equal work for men and women, and distribution of resources for common good
Article 39A	Equal justice and free legal aid
Article 46	Promotion of educational and economic interests of SCs, STs and weaker sections

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Articles 325 and 326	No exclusion from electoral rolls on grounds of religion, race, caste or sex; adult suffrage
Articles 330 to 342	Reservation of seats and special provisions for SCs, STs and Anglo-Indians (as originally provided), and the Commission for backward classes
Articles 243D and 243T	Reservation of seats for women in panchayats and municipalities
Article 51A(e)	Duty to renounce practices derogatory to the dignity of women

Reasonable classification. The Supreme Court has held that Article 14 does not forbid classification, but the classification must rest on an intelligible differentia and have a rational relation to the object of the law. In *E. P. Royappa v. State of Tamil Nadu* (1974), the Court said that equality is a dynamic concept and that arbitrariness is opposed to it. In *Maneka Gandhi* (1978), it held that any action which is arbitrary is unequal under Article 14.

Key cases on equality.

Case	Year	Holding
State of Madras v. Champakam Dorairajan	1951	Communal order for admission to colleges struck down; led to the First Amendment adding Article 15(4)
M. R. Balaji v. State of Mysore	1963	Reservation should be reasonable and generally not above 50 per cent
E. P. Royappa v. State of Tamil Nadu	1974	Equality is a dynamic concept; arbitrariness violates Article 14
Indra Sawhney v. Union of India	1992	Upheld 27 per cent reservation for OBCs; creamy layer excluded; 50 per cent ceiling; no reservation in promotions
Vishaka v. State of Rajasthan	1997	Guidelines against sexual harassment at the workplace, based on Articles 14, 15 and 21
M. Nagaraj v. Union of India	2006	Upheld reservation in promotion subject to quantifiable data on backwardness
Ashoka Kumar Thakur v. Union of India	2008	Upheld reservation in central educational institutions; creamy layer to apply to OBCs

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National Legal Services Authority v. Union of India	2014	Recognised transgender persons as a third gender with equal rights
Navtej Singh Johar v. Union of India	2018	Section 377 read down; dignity and equality of LGBTQ persons affirmed
Indian Young Lawyers Association v. State of Kerala	2018	Ban on entry of women of a certain age into the Sabarimala temple held to violate equality and religious freedom of women
Janhit Abhiyan v. Union of India	2022	Upheld 10 per cent reservation for economically weaker sections by the 103rd Amendment

Protective discrimination and affirmative action. The Constitution accepts that formal equality is not enough in a society of centuries of caste inequality. It allows reservation in legislatures, education and jobs for the Scheduled Castes and Scheduled Tribes, and for other socially and educationally backward classes. The Mandal Commission report (1980) led to the 27 per cent reservation for OBCs in 1990, which was upheld in *Indra Sawhney*. The 103rd Amendment (2019) added reservation for economically weaker sections of up to 10 per cent. The Constitution (106th Amendment) Act, 2023, called the Nari Shakti Vandan Adhiniyam, provides for one third reservation of seats for women in the Lok Sabha and state legislative assemblies, to come into effect after the delimitation exercise following the first Census taken after its commencement.

Laws against inequality. The Protection of Civil Rights Act (1955), the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (1989), the Equal Remuneration Act (1976, now part of the Code on Wages), the Hindu Succession (Amendment) Act (2005) giving daughters equal coparcenary rights, the Protection of Women from Domestic Violence Act (2005), the Rights of Persons with Disabilities Act (2016), the Transgender Persons (Protection of Rights) Act (2019), and the Right of Children to Free and Compulsory Education Act (2009) are among the laws used to promote equality.

Remaining challenges. In spite of these provisions, India continues to show high inequality of income and wealth, a persistent gender gap in work and political representation, caste-based violence and discrimination, regional disparity, and unequal

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access to quality education and health. The debates about the creamy layer, sub-classification within reserved categories, the demand for caste census, the limits of the 50 per cent ceiling, and reservation in the private sector show that the practice of equality is still contested.

7. Importance and limitations of equality

Importance.

- **Basis of human dignity.** Equality affirms that every person has worth, and this is the moral foundation of human rights. Without it, rights would become the privileges of the powerful, as they were under slavery and feudalism.
- **Foundation of democracy.** Democracy rests on the principle that every citizen has an equal voice, symbolised by one person, one vote. If some are treated as inferior, the claim of the government to represent all falls.
- **Condition of real liberty.** The poor and the oppressed cannot use their formal freedoms unless they have some equality of means. Equality therefore turns liberty from a right on paper to a living reality.
- **Prevents exploitation and domination.** Where there is great inequality of wealth and power, the strong can dictate terms to the weak, as in bonded labour. Equality of status and bargaining power limits such domination.
- **Promotes social harmony and unity.** A society which treats its members fairly is more stable, with less resentment and violence. Large inequalities of caste, class and religion have led to conflict and revolt in history.
- **Encourages development of talents.** When opportunities are open to all, the talents of those who were earlier excluded, such as women and lower castes, are brought out, and the nation gains from them. Education and health programmes show this clearly.
- **Supports economic growth.** Many studies argue that extreme inequality limits growth, since the poor cannot invest in health and education and demand remains low. A broad-based middle class and skilled labour force add to productivity.

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- **Guides policy and law.** The principle of equality is used to judge laws and policies, such as those on discrimination, taxation, reservation and welfare. It gives courts a standard to strike down arbitrary action.
- **Gives justice a base.** Many theories of justice, from Aristotle to Rawls, rely on equality as a starting point, and ask for reasons when people are treated unequally. A study of equality is therefore needed to understand justice.
- **Helps the weaker sections.** For women, Dalits, Adivasis, minorities, persons with disabilities and sexual minorities, equality is the claim that opens doors to schooling, work and respect. Movements for these groups have used the language of equality.
- **Promotes international justice.** The idea of equality of nations in sovereignty, and of fair trade and development, is invoked in the demands of developing countries for a just world order.

Limitations and difficulties.

- **Lack of agreement on meaning.** There are many questions as to equality of what, among whom, and how much, and the answers differ among liberals, socialists, libertarians and feminists. A single accepted formula does not exist.
- **Conflict with liberty.** Measures to reduce inequality, such as high taxes or land ceilings, may restrict the freedom of owners. The balance between the two is always in dispute.
- **Natural differences.** People differ in talents, health and effort, and so perfect equality of outcome can be reached only by great interference. It may also reduce reward for hard work.
- **Problem of incentives.** If the results are made equal, people may lose the motive to work and innovate, and the economy may suffer. This is one of the central arguments against strict equality of outcome.
- **Difficulty of measurement.** It is hard to say what to equalise, whether income, wealth, welfare, resources or capabilities, and each measure gives a different picture of who is badly off.

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- **Formal equality may hide real inequality.** Equal rules applied to unequal persons may keep the old gaps. Yet special treatment may be seen as unfair by those who do not receive it, and so causes resentment.
- **Risk of uniformity.** An effort to impose equality may suppress diversity and cultural distinctiveness, as critics of some socialist states have said. Tocqueville feared a levelling which discourages excellence.
- **Dependence on the state.** Equality policies need a strong and efficient state, but state power may be misused, or captured by dominant groups, so that benefits do not reach the intended people.
- **Rival claims among groups.** Demands for equality by different groups may clash, as in debates over reservation for various castes, or over group rights and the rights of individuals within the group.
- **Global and intergenerational limits.** The claim to equality within a nation may be unfair to outsiders and future generations, as in questions about migration, climate change and use of resources.

8. Critical analysis

The first point is that equality is a contested concept. Every serious thinker accepts it in some sense, as Dworkin and Sen note, and the real quarrel is about its currency and its scope. The liberal tradition gave priority to equality before the law and of opportunity, the socialist tradition to equality of condition, and the libertarian tradition to equality of rights alone. Thus, those who say they support equality may mean very different things, and political debate can become empty unless the question equality of what is first asked.

The second point is the tension between formal and substantive equality. The formal view is easy to apply and protects against open discrimination, but it is blind to the history and structure of disadvantage. The substantive view is more just, but it needs the state to decide who are disadvantaged and by how much, which leads to controversies about creamy layer, sub-categories and the use of caste or income as a test. The Indian experience shows both the achievement and the difficulty. Reservation has opened public

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life to groups once kept out, and yet its benefits have often gone to the better-off among them, and it has created demands from other groups that wish to be included.

The third point is the Marxist and feminist critique of liberal equality. Marx argued that the equal rights of the citizen cover the real inequality of class in civil society, and feminists point out that the household and the market, treated as private, are places where women are unequal. These critiques show that legal equality is a necessary but incomplete step. At the same time, critics of these views note that the experience of socialist states shows that economic equality gained at the cost of political liberty can create a new elite, and that the family cannot be reformed wholly by law.

The fourth point concerns the relation between equality and merit. Opponents of positive discrimination argue that it lowers efficiency and violates equal opportunity for those who are not covered. Supporters answer that merit is itself formed by social advantages, such as family education and networks, and that a narrow idea of merit supports the privilege of the dominant groups. Sandel and others have also argued that the belief that people deserve what they earn, the meritocratic belief, can produce arrogance among winners and humiliation among losers. A more careful view is that merit should be defined with regard to the goals of an institution and its social purpose, and that efforts to remove the barriers before the race are better than correcting the results after.

The fifth point is the importance of recognition and of the intersection of inequalities. Class, caste, gender, religion, region and disability overlap, and a woman of a Scheduled Caste, for example, faces forms of disadvantage which are not simply the sum of caste and sex. Policies that focus on a single axis may miss such persons. Fraser’s idea of both redistribution and recognition, and Crenshaw’s intersectionality, therefore give a fuller map of inequality than the older class-based view.

The sixth point is the effect of globalisation and technology. Market integration has raised incomes in many countries, but it has also widened inequality within them, as Thomas Piketty has shown with data on the concentration of wealth in *Capital in the Twenty-First Century* (2013). Digital technology creates new gaps of access and of control over data,

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while automation affects different groups differently. Equality is therefore to be thought of as a continuing project, and not as a settled achievement.

In sum, equality is best understood as a principle of equal respect and fair treatment which requires removing arbitrary hierarchy, correcting unjust disadvantage and securing the conditions for each person to live a worthwhile life, while keeping a place for liberty and for reasonable difference. The Indian Constitution reflects this wide view, but its realisation depends on the working of institutions and the efforts of citizens.

9. Authors and books for UGC NET

Author	Book or work	Contribution to the theme
Aristotle	*Nicomachean Ethics*; *Politics*	Proportionate equality; justice as treating equals equally
Thomas Hobbes	*Leviathan* (1651)	Natural equality of strength and wit leading to the contract
John Locke	*Two Treatises of Government* (1690)	Equal natural rights; no natural subjection
J. J. Rousseau	*Discourse on Inequality* (1755); *The Social Contract* (1762)	Origin of inequality in property; equality as a condition of freedom
Mary Wollstonecraft	*A Vindication of the Rights of Woman* (1792)	Equal education and rights for women
Alexis de Tocqueville	*Democracy in America* (1835–40)	Equality of conditions and its dangers
J. S. Mill	*The Subjection of Women* (1869)	Equality of the sexes; critique of legal subordination
Karl Marx	*Critique of the Gotha Programme* (1875)	From each according to ability, to each according to need
R. H. Tawney	*Equality* (1931)	Social equality and critique of class privilege

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Harold Laski	*A Grammar of Politics* (1925)	Equality as absence of privilege and adequacy of opportunity
Friedrich Hayek	*The Constitution of Liberty* (1960)	Equality before law versus material equality
John Rawls	*A Theory of Justice* (1971)	Fair equality of opportunity; difference principle
Robert Nozick	*Anarchy, State, and Utopia* (1974)	Critique of patterned equality; entitlement theory
Ronald Dworkin	*Sovereign Virtue* (2000)	Equality of resources; equal concern
Michael Walzer	*Spheres of Justice* (1983)	Complex equality
Amartya Sen	*Inequality Reexamined* (1992)	Equality of capabilities
G. A. Cohen	*On the Currency of Egalitarian Justice* (2011)	Luck egalitarianism; equality of access to advantage
Nancy Fraser	*Justice Interruptus* (1997)	Redistribution and recognition
Thomas Piketty	*Capital in the Twenty-First Century* (2013)	Historical study of wealth and income inequality
Jotirao Phule	*Gulamgiri* (1873)	Critique of caste hierarchy
B. R. Ambedkar	*Annihilation of Caste* (1936)	Caste as graded inequality; liberty, equality, fraternity
M. K. Gandhi	*Hind Swaraj* (1909); writings on untouchability	Moral equality and trusteeship
Andre Beteille	*Inequality and Social Change* (1972)	Sociological study of inequality in India

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10. Practice questions

Long answer questions

1. Define equality and discuss its main types. How far is equality compatible with liberty?
2. Explain the views of Rawls, Dworkin and Sen on equality and compare their approaches.
3. Critically examine the Marxist and feminist criticisms of liberal equality.

4. Discuss the provisions of the Indian Constitution which seek to secure equality and examine the role of the judiciary in giving them effect.
5. “Political democracy cannot last unless it rests on social democracy.” Examine this statement of Ambedkar with reference to equality.
6. Discuss the idea of protective discrimination in India, with reference to *Indra Sawhney* and later developments.

Medium answer questions

1. Distinguish between equality of opportunity and equality of outcome.
2. Explain the difference principle of Rawls.
3. Write a note on gender equality and the feminist critique of equal rights.
4. Explain the idea of complex equality of Michael Walzer.
5. What is meant by reasonable classification under Article 14?
6. Discuss the views of Gandhi and Ambedkar on social equality.

Short answer questions

1. What is meant by natural equality?
2. Distinguish between formal and substantive equality.
3. What is the capability approach?
4. What is luck egalitarianism?
5. What is meant by creamy layer?
6. Why do libertarians oppose patterned equality?

Very short answer questions

1. Who wrote *Equality* (1931)?
2. Which Article of the Indian Constitution abolishes untouchability?
3. What is the meaning of one person, one vote?
4. Who gave the idea of the veil of ignorance?

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5. Which Amendment added reservation for economically weaker sections?

Objective questions

1. Equal protection of the laws is guaranteed by: (a) Article 14 (b) Article 15 (c) Article 16 (d) Article 17
2. The difference principle is associated with: (a) Nozick (b) Rawls (c) Walzer (d) Hayek
3. The work *Spheres of Justice* was written by: (a) Michael Walzer (b) Ronald Dworkin (c) Amartya Sen (d) G. A. Cohen
4. The 27 per cent reservation for OBCs was upheld in: (a) Balaji (b) Nagaraj (c) Indra Sawhney (d) Royappa
5. Who argued that the equality of conditions was the great fact of the democratic age? (a) Tocqueville (b) Mill (c) Locke (d) Laski
6. Assertion (A): Equality does not mean sameness of treatment in all cases. Reason (R): Fair treatment sometimes requires different treatment of persons in different situations. (a) Both A and R are true and R explains A (b) Both are true but R does not explain A (c) A is true but R is false (d) A is false but R is true
7. Article 16(4) of the Constitution provides for: (a) Abolition of titles (b) Reservation in public employment for backward classes (c) Right to education (d) Adult suffrage
8. Match: (i) Dworkin (ii) Sen (iii) Nozick (iv) Fraser with (a) Capabilities (b) Entitlement theory (c) Equality of resources (d) Redistribution and recognition. (a) i-c, ii-a, iii-b, iv-d (b) i-a, ii-c, iii-d, iv-b (c) i-b, ii-d, iii-c, iv-a (d) i-d, ii-b, iii-a, iv-c

Analytical prompts

1. A state offers free coaching only to students of a certain group while another group of students with similar income does not receive it. Analyse whether this violates equality, and which tests may apply.
2. Is it fair for a government to tax the rich at higher rates to pay for schools and hospitals for the poor? Discuss with reference to Rawls and Nozick.

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3. “Reservation is a means of equality, not an exception to it.” Examine the statement.
4. How can the intersection of caste, class and gender change the way we measure inequality?

Key takeaways

- Equality means equal worth and equal respect, not sameness, and it allows reasonable difference of treatment where there is a relevant ground.
- It has many types, namely natural, legal, civil, political, social, economic, gender, cultural, and the equality of opportunity, outcome and capabilities.
- Formal equality gives the same rules to all, while substantive equality looks at actual conditions and may ask for special measures.
- Aristotle, Rousseau, Tocqueville, Mill, Tawney and Laski shaped the classical understanding of the idea.
- Rawls, Dworkin and Sen give the main modern liberal accounts, while Nozick, Marx, Walzer, feminists and recognition theorists add the opposing and widening views.
- Equality and liberty may conflict, but many thinkers hold that real liberty needs a measure of equality, and that both require fraternity.
- The Indian Constitution gives equality a central place through the Preamble, Articles 14 to 18, the Directive Principles and provisions for protective discrimination.
- Ambedkar and Gandhi stressed social equality, and the judiciary has used the tests of reasonable classification, non-arbitrariness and the basic structure to enforce it.

Twenty books for further reading

1. R. H. Tawney, *Equality*
2. John Rawls, *A Theory of Justice*
3. Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality*
4. Amartya Sen, *Inequality Reexamined*

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5. Michael Walzer, *Spheres of Justice*
6. Robert Nozick, *Anarchy, State, and Utopia*
7. G. A. Cohen, *Why Not Socialism?*
8. Alexis de Tocqueville, *Democracy in America*
9. J. J. Rousseau, *Discourse on the Origin of Inequality*
10. Mary Wollstonecraft, *A Vindication of the Rights of Woman*
11. Thomas Piketty, *Capital in the Twenty-First Century*
12. B. R. Ambedkar, *Annihilation of Caste*
13. Andre Beteille, *Inequality and Social Change*
14. Marc Galanter, *Competing Equalities: Law and the Backward Classes in India*
15. Anne Phillips, *Which Equalities Matter?*
16. Harry Brighouse and Adam Swift, *Family Values*
17. Rajeev Bhargava (ed.), *Politics and Ethics of the Indian Constitution*
18. Gurpreet Mahajan, *Political Theory: Concepts and Perspectives*
19. O. P. Gauba, *An Introduction to Political Theory*
20. Granville Austin, *The Indian Constitution: Cornerstone of a Nation*

Frequently asked questions

1. What is equality in political theory? Equality is the principle that all persons have equal moral worth and should be given equal respect, equal rights and fair chances in life. It does not mean that all people are the same or must have the same things.

2. What is the difference between equality of opportunity and equality of outcome? Equality of opportunity gives all a fair chance to compete, by removing barriers such as discrimination and by providing basic education and health. Equality of outcome seeks to make the final results, such as income, equal or nearly equal. Most democratic states aim at the first and use welfare measures to reduce extreme differences in the second.

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3. Is equality opposed to liberty? Some thinkers, like Hayek and Nozick, say that efforts to create equality reduce liberty. Others, like Tawney, Rawls and Sen, say that equal basic liberty and a fair share of resources are needed to make liberty real. Ambedkar held that the two, with fraternity, must be seen together.

4. How does the Indian Constitution protect equality? It gives equality before law (Article 14), bans discrimination (Article 15), assures equal opportunity in public employment (Article 16), abolishes untouchability (Article 17) and titles (Article 18), and permits special provisions for weaker sections. The Directive Principles ask the state to reduce inequalities.

5. Why is reservation justified in India? It is justified by the long history of caste and gender disadvantage, which formal equality cannot correct by itself. The Constitution treats reservation as a means of securing real equality, and the courts allow it within limits such as the 50 per cent ceiling and the exclusion of the creamy layer in the case of OBCs.

6. What is the difference principle? It is the second part of Rawls's second principle of justice. It says that social and economic inequalities are acceptable only if they work to the greatest benefit of the least advantaged members of society, and if offices are open to all under fair equality of opportunity.

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