



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2024

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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IN-DEPTH ANALYSIS OF ARTICLE 14 OF THE INDIAN CONSTITUTION

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ABSTRACT

Right to equality must not be identified with the doctrine of classification. What Article 14 strikes at is arbitrariness because any action that is arbitrary, must necessarily involve negation of equality. The doctrine of classification which is evolved by the courts is not para- phrase of Article 14 nor is it the objective and end of that Article. It is merely a judicial formula for determining whether the legislative or executive action in question is arbitrary and therefore constituting denial of equality. If the classification is not reasonable and does not satisfy the two conditions, namely, (1) that the classification is founded on an intelligible differentia and (2) that differentia has a rational relation to the object sought to be achieved by the impugned legislative or executive action, the impugned legislative or executive action, would plainly be arbitrary and

the guarantee of equality under Article 14 would be breached. Wherever, therefore, there is arbitrariness in State action whether it be the legislature or of the executive or of an "authority" under Article 12, Article 14 immediately springs into action and strikes down such State action. In fact, the concept of reasonableness and non-arbitrariness pervades the entire constitutional scheme and is a golden thread which runs through the whole of the fabric of the Constitution.

INTRODUCTION

The Constitution of India guarantees the proper To Equality through Art 14 to 18. In the series of Constitutional provisions from Article 14 to 18, Art 14 is the most significant. Situations not covered by Art 15 to 18, the general guideline of Equality is exemplified in Art 14 is pulled in at whatever point segregation is claimed. The objective started in our Constitution with respect to status and opportunity is typified in Art14 to Art18.Right to Equality has been pronounced as Basic Feature of Indian Constitution by the Supreme Court. The expression 'Uniformity under the steady gaze of Law' happens in most composed Constitution which ensures the appropriate to Equality, the Constitution of us utilizes the expression 'Equal protection of law'. Our Constitution, on the contrary hand, utilizes the two articulations that are Equality under the steady gaze of law and Equal security of law. The two articulations could appear to be indistinguishable, however , they mean different things . on their inception, it will be said that 'Balance under the steady gaze of Law' while the contrary articulation owes its cause to the American Constitution. Preface to the Constitution of India underscores the rule of Equality in light of the fact that the essential to the Constitution. Indeed, even sacred revisions which affronts essential construction of the Constitution are invalid. The simple indisputable reality that Equality, which is a segment of the fundamental construction, are frequently rejected for a restricted reason to monitor such law, doesn't keep it from being a piece of the fundamental component of the Constitution. it had been held that the pith of the rule behind Art.14 is a segment of fundamental construction. Indeed, the pith or standard of the appropriate or nature of infringement is a higher priority than uniformity inside the theoretical or formal sense. Fairness is one among the heavenly foundations of Indian majority rules system. The doctrine of equality before law under the watchful eye of law might be a culmination of Rule of law which swarms the Indian Constitution. Neither Parliament nor any State Legislature can violate the principle of Equality. The main aim of the study is to understand the concept of article 14 and

problems which are still existing in equality especially in labour related issues in the society.

COMPARISON WITH OTHER COUNTRIES

- In India and Malaysia the opportunities associated with employment are concentrated almost exclusively within the public sector. In Malaysia, although employment opportunities are concentrated largely on the general public employment. The social action within the public employment tends to be less formal and more flexible than within the private employment but not always less effective. Within the US, Canada and Australia, social action tends to understand both the general public and personal employment.
- Administrative agencies within the US however placed a judicial activism on the concept of social action. Thus, within the US, social action spread from one oppressed group (native-born blacks) to other groups with lesser exceptional treatment, including other minorities and ladies.
- All Malay individuals in Malaysia are potentially eligible for preferential treatment over the Chinese individuals. In South Africa, the implementation of social action programs took under consideration objective inequalities within the extent of the discrimination suffered by the designated groups during the Apartheid era.
- While the Supreme Court decisions do confer additional legitimacy upon social action within the US and in India¹⁶, they'll therefore have a negative effect. Thus, mandatory quotas like those in Malaysia and India with illegitimate and such established designs are to be found within North America.
- In India, a pre-expounded percentage of seats within the Parliament and therefore the State legislatures also are reserved for the classes like the Scheduled Castes and Scheduled Tribes, thereby a scheme, equivalent of which doesn't exist in most other social action goal countries. the whole sphere of employment within the private sector has been excluded from all types of reservations and also quotas as besides quotas reservations in admission into universities and colleges, medical and engineering schools, government employment and public institutions.

REVIEW OF LITERATURE:

1. The expression “Equality before law” and “Equal protection of law” does not mean the same thing. Meaning of these expressions has to be found and determined having regard to the context and scheme of our Constitution. (OECD 2000)
2. The word “Law” in the former expression is used in a genuine sense – a philosophical sense, whereas the word “Laws” in the latter expression denotes specific laws in force.(Basu 2019)
3. The benefit of “Equality before law” and “Equal protection of law” accrues to every person in India, whether a citizen or not.”We are a country governed by Rule of Law.(United States. Navy Department. Bureau of Engineering 1925)
4. The concept of equality and equal protection of laws guaranteed by Art. 14 in its proper spectrum encompass social and economic justice in a political democracy.(Chen et al. 2021)
5. The “equality before the law” owes its origin to the English Common Law. The doctrine of equality is a dynamic and evolving concept. It is embodied not only Arts. 15-18 as well as in Arts. 3, 39, 39 A, 41 and 46.(Hajek et al. 2021)
6. It is a Negative concept because it implies the absence of any privilege in favour of any individual, and equal subjection of all classes to the ordinary law.(Hajek et al. 2021; Jiang et al. 2021)
7. A number of distinct meanings are normally given to the provision that there should be equality before the law. One meaning is that equality before the law only connotes the equal subjection of all to a common system of law, whatever its content.(Iwaki et al. 2021)
8. A second theory asserts that equality before the law is basically a procedural concept, pertaining to the application and enforcement of laws and the operation of the legal system.(Abdollah et al. 2021)
9. A third meaning normally borne by declarations that all are equal before the law, perhaps no more than a variant of the second, is that State and individual before the law should be equal.(Hu et al. 2021)

10. The concept of equality before law does not involve the idea of absolute equality amongst all, which may be a physical impossibility Art.14, guarantees the similarity of treatment and not identical treatment.(J. Zhang et al. 2021)

11. Article 14 of the Constitution of India is a declaration of equality of civil rights for all purpose within the territory of India and basic principles of republicanism and there is no discrimination.(Cipryan et al. 2020)

12. Equality basically means access or provision of equal opportunities, where individuals are protected from being discriminated against. Discrimination in equality can occur in race, sex, health, religion, family structure, age, politics, disability, culture, sexual orientation or in terms of believes.(Sofou et al. 2021)

13. Equality is the basic feature of the constitution of India and treatment of equals unequally will be violation of basic structure of the constitution of India.(Oliveira et al. 2021)

14. The liability given to the state and its instrumentalities by the statute enacted under the constitution did not exempt them from honouring the constitution itself and they continued to be ruled by Art.14.(Oliveira et al. 2021; Hsueh et al. 2021)

15. The equality clause under Art.14 of the constitution does not speak of mere formal equality before law but embodies the real concept of real and substantive equality, strikes at this inequalities.(Y. Zhang et al. 2021)

16. A more positive duty of the state is to minimise inequalities in the status, income and opportunities amongst individuals. Where unequals are competing, conditions must be created by relaxation or otherwise so that unequals compete in terms of equality with others in respect of jobs and employment of the state.(Y. Zhang et al. 2021; Declerck et al. 2021)

17. Once it is conceded that the phrase “equality before law” has a separate content than “equal protection of law”, the question arises, what would be the effect of incorporating the doctrine of equality before law in a written guarantee of fundamental rights and, in particular, along with the analogous guarantee of equal protection.(Y. Zhang et al. 2021; Declerck et al. 2021; Soto et al. 2021)

18. The guarantee of equal protection would be satisfied if there is some reasonable basis for differential treatment. But even though a person may be differently circumstanced, e.g., if he is under a sentence of imprisonment, he may still be entitled to some basic human rights which may be deduced from the right of equality before the law(Cuijpers et al. 2021)

19. The aim or the object of this Article to ensure that invidious distinction or arbitrary discrimination shall not be made by the state between a citizen and a citizen who answers the same description and the differences which may obtain between them are of no relevance for the purpose of applying a particular law reasonable classification is permissible.(Raymond et al. 2021)

20. Article 14 provides that the state shall not deny to any person whether citizen or not, equality before the law and equal protection of law. It does not mean that same law must be applicable to all but the law should deal alike with all in one class; there shall be equality of treatment under Equal circumstances.(Lin et al. 2021)

CONCLUSION:

Right to equality may be a Fundamental Right. It is often enforced in supreme court under Article 226 and in Supreme Court under Article 32. Fundamental Rights are often enforced as long as the state violates it. Right to Equality is taken into account as a basic feature of the Indian Constitution. Right to Equality under Art.14 is vested not only to citizens but to all or any persons. It includes equality before Law and Equal Protection of Law. nobody is above the law of the land. most are equal within the eyes of law. There should be no discrimination. Law must be equal and must be equally administered. So like must be treated alike and in contrast to Equality before law is a negative concept and Equal protection of law is a positive concept. Reasonable Classification is allowed within the administration of justice. But it should have some reference to the thing of the legislature.

REFERENCE:

1. Abdollah, Vahid, Eric C. Parent, Alex Su, Keith Wachowicz, and Michele C. Battié. 2021. "The Effects of Axial Loading on the Morphometric and T Characteristics of Lumbar Discs in Relation to Disc Degeneration." *Clinical Biomechanics* 83 (February): 105291.
2. Basu, Durga Das. 2019. *Commentary on the Constitution of India: Articles 311 (contd.) to 368 / Durga Das Basu ; Editorial Advisors Justice Sunil Ambwani (former Chief Justice Rajasthan High Court, Former Judge, Allahabad High Court, Former Chairman, E-Committee, Supreme Court of India), Justice M L Singhal (Former Judge, Allahabad and Gauhati High Cour) in Collaboration with Specialist Editors ; Foreword by Justice M N Venkatachaliah (Former Chief Justice of India).*
3. Chen, Ruo-Xi, Wen-Min Lu, Mei-Ping Lu, Mei-Lin Wang, Xin-Jie Zhu, Zhong-Fei Wu, Hui-Qin Tian, Lu-Ping Zhu, Zheng-Dong Zhang, and Lei Cheng. 2021. "Polymorphisms in MicroRNA Target Sites of TGF- β Signaling Pathway Genes and Susceptibility to Allergic Rhinitis." *International Archives of Allergy and Immunology*, February, 1–9.
4. Cipryan, Lukas, Tomas Dostal, Daniel J. Plews, Peter Hofmann, and Paul B. Laursen. 2020. "Adiponectin/leptin Ratio Increases after a 12-Week Very Low-Carbohydrate, High-Fat

Diet, and Exercise Training in Healthy Individuals: A Non-Randomized, Parallel Design Study.” *Nutrition Research* 87 (December): 22–30.

5. Cuijpers, Pim, Blanca S. Pineda, Mei Yi Ng, John R. Weisz, Ricardo F. Muñoz, Claudio Gentili, Soledad Query, and Eirini Karyotaki. 2021. “Psychological Treatment of Subthreshold Depression in Children and Adolescents: A Meta-Analytic Review.” *Journal of the American Academy of Child and Adolescent Psychiatry*, February. <https://doi.org/10.1016/j.jaac.2020.11.024>.

6. Declerck, Baptist, Yolien Van der Beken, Deborah De Geyter, Denis Piérard, and Ingrid Wybo. 2021. “Antimicrobial Susceptibility Testing of *Escherichia coli* Blood Culture Isolates at a University Hospital in Belgium from 2004 to 2018.” *Anaerobe*, February, 102348.

7. Jiang, Jianping, Yuanyuan Zhang, Jianghua Chen, Xiaobing Yang, Changlin Mei, Fei Xiong, Wei Shi, et al. 2021. “Serum and Tissue Levels of Advanced Glycation End Products and Risk of Mortality in Patients on Maintenance Hemodialysis.” *American Journal of Nephrology*, February, 1–9.

8. Lin, Pin-Cheng, Renan Villarreal, Simona Achilli, Harsh Bana, Maya N. Nair, Antonio Tejada, Ken Verguts, et al. 2021. “Doping Graphene with Substitutional Mn.” *ACS Nano*, February. <https://doi.org/10.1021/acsnano.1c00139>.