

## Constitution of India Art 14 - Equality before law

**The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.**

### NOTES

**Classification:** Equals have to be treated equally and unequals ought not to be treated equally. While the article forbids class legislation, it does not forbid classification for purposes of implementing the right of equality guaranteed by it.<sup>1</sup>

**Arbitrary classification:** The classification must not be arbitrary but must be rational. In order to pass the test, two conditions must be fulfilled, namely, (1) that the classification must be founded on an intelligible differentia which distinguishes those that are grouped together from other and (2) that differentia must have a rational relation to the object sought to be achieved by the Act.<sup>2</sup>

**Arbitrariness:** What Article 14 strikes at is arbitrariness because an action that is arbitrary, must necessarily involve negation of equality.<sup>3</sup>

**Absence of reasons:** Arbitrariness in the making of an order by an authority can manifest itself in different forms. Non-application of mind by the authority making an order is only one of them. Application of mind is best demonstrated by disclosure of mind by the authority making the order. And disclosure is best done by recording reasons that led the authority to pass the order

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<sup>1</sup> Motor General Traders v. State of A.P., (1984) 1 SCC 222 cited in Sankaranarayanan 2017

<sup>2</sup> R.K. Garg v. Union of India, (1981) 4 SCC 675 cited in Sankaranarayanan 2017

<sup>3</sup> Ajay Hasia v. Khalid Mujib Sehravardi (1981) 1 SCC 722 cited in Sankaranarayanan 2017

in question. Absence of reasons either in the order passed by the authority or in the record contemporaneously maintained, is clearly suggestive of the order being arbitrary hence legally unsustainable.<sup>4</sup>

**Gender equality:** Working women have a right to work with dignity and safe from sexual harassment—Guidelines laid down.<sup>5</sup>

**Reservation:** Self proclamation and claim of a community of backwardness based on perception of advancement of other classes to seek protection as less fortunate is not constitutionally permissible. Hence, Notification which added the Jat community to the Central List of Other Backward Classes for the States of Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, NCT of Delhi, Bharatpur and Dholpur districts of Rajasthan, Uttar Pradesh and Uttarakhand, quashed.<sup>6</sup>

**Protection against Unfettered Discretion:** Articles 14, 19 and 21—Protection against arbitrary and unreasonable actions of the executive as well as of the judiciary and require observance of rule of law.<sup>7</sup>

**State Actions:** Equality of citizens' rights is one of the fundamental pillars on which edifice of rule of law rests. All actions of State have to be fair and for legitimate reasons.<sup>8</sup>

**Allocation of Nature Resources:** Public interest is to be primary consideration for dispensation/allocation of nature resources by

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<sup>4</sup> East Coast Railway v. Mahadev Appa Rao, (2010) 7 SCC 678 cited in Sankaranarayanan 2017

<sup>5</sup> Vishaka v. State of Rajasthan, (1997) 6 SCC 241 cited in Sankaranarayanan 2017

<sup>6</sup> Ram Singh v. Union of India, (2015) 4 SCC 697 cited in Sankaranarayanan 2017

<sup>7</sup> Bachan Singh v. State of Punjab, (1982) 3 SCC 24 cited in Sankaranarayanan 2017

<sup>8</sup> Hari Ram v. State of Haryana, (2010) 3 SCC 621 cited in Sankaranarayanan 2017

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State. Distribution process must be fair and transparent affording equal opportunity to all interested parties (subject to competition amongst market players).<sup>9</sup>

**Right to Equality:** Right to equality is recognised as one of the **basic features** of the Constitution.<sup>10</sup>

**Equal Protection of Law:** The “equal protection of law” does not mean that “all laws must be general in character and universal in application and that the State is no longer to have the power of distinguishing and classifying the purposes of legislation”.<sup>11</sup>

**Single Class Classification:** A law may be constitutional even though it applies to a single individual if, on account of some special circumstances, that single individual may be treated as a class by itself.<sup>12</sup>

**Utilisation of public funds:** Restriction on ruling parties from publishing photographs of political leaders or prominent persons in government-funded advertisements.<sup>13</sup>

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<sup>9</sup> Centre for Public Interest Litigation v. Union of India, (2012) 3 SCC 1 cited in Sankaranarayanan 2017

<sup>10</sup> Indra Sawhney v. Union of India, (2000) 1 SCC 168 cited in Sankaranarayanan 2017

<sup>11</sup> Kedar Nath Bajoria v. State of W.B., AIR 1953 SC 404 cited in Sankaranarayanan 2017

<sup>12</sup> Charanjit Lal Chowdhry v. Union of India, AIR 1951 SC 41 cited in Sankaranarayanan 2017

<sup>13</sup> Common Cause v. Union of India, (2014) 6 SCC 552 cited in Sankaranarayanan 2017