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Equality Before Law (Doctrine of Reasonable Classification/ Principle of Absence of Arbitrariness)

Introduction

- Article 14 of the Constitution of India, 1950 affirms the fundamental right of “equality before the law” and “equal protection of law” to all persons.
- The first expression “equality before law” is of England origin and the second expression “equal protection of law” has been taken from the American Constitution.
- Equality is a cardinal principle enshrined in the Preamble of the Constitution of India as its primary objective.
- It is a system of treating all human beings with fairness and impartiality.
- It also establishes a system of non-discrimination based on grounds mentioned in Article 15 of the Constitution of India.

Concept

- The guarantee of equality before the law is an aspect of what Dicey calls the Rule of Law.
- It was held in the matter of **Rubinder Singh v. Union of India (1983)** that, the rule of law requires that no person shall be subjected to harsh, uncivilized or discriminatory treatment even when the object is the securing of the paramount exigencies of law and order.
- The purpose of Article 14 is to give similar treatment to similarly circumstanced persons, both in privileges conferred and liabilities imposed.
- Classification must not be arbitrary but must be rational.
- It was held in the matter of **Indira Nehru Gandhi v. Raj Narain (1975)** that, the Rule of Law embodied in Article 14 is the basic feature

of the Indian Constitution and hence it cannot be destroyed even by an amendment of the Constitution under Article 368 of the Constitution of India.

- The protection of Article 14 extends to citizens and non-citizens both.

History

- The concept of equality as a fundamental right inherited by a person just by taking birth as a human was first remarked by the Magna Carta in 1215.
- The Magna Carta proclaimed the treatment of all individuals with fairness.
- The Magna is well-known as the foundation of establishing equality before the law.
- The concept was upheld in the case of **R (L and others) v. Manchester City Council (2001)**.

Definitions

- **Article 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."
- **Dr. Jennings** - "Equality before the law means that among equals the law should be equal and should be equally administered, that like should be treated alike."
- **Chief Justice Pantanjali Shastri** - "The second expression is corollary of the first and it is difficult to imagine a situation in which the violation of the equal protection of laws will not be the violation of the equality before law. Thus, in substance the two expressions mean one and the same thing."

Exceptions

- Article 361A provides special privileges to the Members of Parliament (MP) and Members of State Legislative Assembly (MLA) to not be present before any court during the session.
- Articles 105 and 194 prevent the MLAs and MPs from being answerable before the court for their speeches and opinions.

- President and Governors are privileged for not being answerable to any court with respect to the functioning of their duties and powers under Article 361.
- The abovementioned authorities are immune from any arrest during their term under Article 361.
- Any criminal case cannot be instituted against President and Governors of states.
- Any civil proceeding against President and Governors can only be initiated after a prior notice of 2 months.
- Article 31C is an exception to Article 14. It provides that the law made by the state for implementing the Directive Principles contained in clause (b) or clause (c) of Article 39 cannot be challenged on the ground that they are violative of Article 14. In the case of **Sanjeev Coke Mfg. Co v. Bharat Cooking Coal Ltd. (1982)**, it was held that, “where Article 31C comes in Article 14 goes out”.
- The foreign sovereigns (rulers), ambassadors and diplomats enjoy immunity from criminal and civil proceedings.
- The United Nations Organization and its agencies enjoy the diplomat’s immunity.

Test for Reasonable Classification

- Article 14 forbids class legislation however, it does not forbid reasonable classification of persons, objects and transactions by the legislature for the purpose of achieving specific ends.
- Two conditions were demarcated in the case of **State of West Bengal v. Anwar Ali Sarkar (1952)**
- There must be a presence of intelligible differentia, where application of law must not be universal upon each human.
- The differentia applied must align with the cardinal objective of the state.

Examples of Permissible Classification

- On the basis of geographical regions and territorial boundaries as held in the case of **Clarence Pais v. Union of India (2001)**.
- On the basis of Age, a minor cannot get the rights only available for major persons as held in the case of **Amar Chandra v. Excise Collection (1972)**.
- Reduction of age of retirement from 58 years to 55 years in **K. Nagraj v. State of A.P (1982)**.

- Debarring persons who are in prison/police custody to vote in an election and not those who are in preventive detention.
- An Act which creates a monopoly in favor of the state.

Doctrine of Arbitrariness

- Fairness and Arbitrariness are antithetical to each other, both concepts cannot be present in a single box.
- Hence, the court of law attempted to bring an evolution in the list of reasonable classification by excluding the decision containing arbitrariness.
- This doctrine was coined in the case of **E.P Rayappa v. State of Tamil Nadu (1973)**, where the bench termed equality as a dynamic concept and the ambit of reasonable classification cannot be altered by the usage of arbitrariness.
- The doctrine was later applied to the cases of **Maneka Gandhi v. Union of India (1978)** and **R.D. Shetty v. International Airport Authority (1979)** into which courts opined that arbitrariness refers to deprivation of equality.

Conclusion

- The principle of equality before the law is a celebrated concept in any democracy.
- It battles for the preservation of human rights inherited by an individual just by taking birth.
- Providing a constitutional status to the phenomenon confirms its protection by the law itself.
- Its violation will lead to legal action.
- The court of law brought a revolution in the concept through various precedents.
- Hence, equality before the law maintains the treatment of the unequals on reasonable footing.

