

प्रश्नों  
की  
संख्या  
दीजिए

Q1. 'Equality' is a dynamic concept with many aspects and dimensions and it cannot be 'cribbed, cabined and confined' within traditional and doctrinaire limits." In light of this statement, critically analyze the evolving interpretation of Article 14 of the Indian constitution by the Supreme court. How has this evolution strengthened the protection of fundamental rights against arbitrariness?

Ans. Equality implies that all people are entitled to the same rights and opportunities to develop their skill and talents, and to pursue their goal and ambitions.

Concept of equality is not static

because -

- 1) As society progresses the understanding and implementation of equality also change.
- 2) The role of equality is to identify historical deeprooted inequalities and surtifies it to give a just and inclusive egalitarian society.
- 3) Due to Far ex :- Due to gender disparity equal treatment were not being done earlier

प्रश्नों  
की  
संख्या  
दीजिए

Candidate  
must not  
write on  
margin

but with the time as our society evolves women rights, LGBTQ+ rights and right of marginalised communities being recognised and remedies ~~were~~ taken to give their due justice.

Indian constitution talks about right to equality in Part III from article 14 to 18. Article 14 talks about Equality before law or equal protection of law within territory of India.

Equality before law :- It is based on the concept of A.V Dicey. It is a negative concept in sense of law and it denies the state to discriminate among individual.

Equal protection of law :- Equality of treatment in equal circumstances

i.e. like should be treated alike and unlike should be treated differently but the differential condition should not be arbitrary and have a rational relation to the object which sought to be achieved.

SUPREME COURT INTERPRETATION ON ARTICLE 14



1. Ram Krishna Dalmai Vs Justice Tendolkar  
Classification test of U/A 14 should be based on intelligible differentia and has a rational nexus with the objective sought to be achieved.

2. E.P Royappa Vs State of Tamil Nadu  
The arbitrariness test of article 14 under equal protection of laws has been propounded in this case. The test said that the equality envisaged by Article 14 includes a guarantee against arbitrariness in state action.

3. Maneka Gandhi Vs UOI  
Here golden triangle among article 14, 19 and 21 have been propounded which said -  
Any law which interferes with liberty must these are inseparable.

4. Navtej Johar Vs UOI  
Decriminalised section 377 because earlier it was held violative of right to equality which equally applied to same sex couples.  
Here we could see that as our society progressed concept of equality also evolved and it strengthened the protection

प्रश्नों  
की  
संख्या  
दीजिए

Candidate  
must not  
write on  
margin

of fundamental rights against ~~arbitrariness~~ arbitrariness.

### 1. Doctrine of reasonable classification

As per S.C. in K. Thirappa case Article 14 allows for reasonable classification for the purpose of legislation but this classification has 2 conditions which are as follows -

a) classification must not be arbitrary and should be based on intelligible differentia which distinguishes people from those who are left out of the group.

b) The classification and differentia must have rational relation with the purpose sought to be achieved by law.

EX :- 1. classifying socially and educationally backward class in order to give reservation is reasonable classification.

2. In Nargis Mirza case, S.C. ruled the order of Air India which asked its female employee to take compulsorily retirement after first pregnancy as arbitrary classification.

प्रश्नों  
की  
संख्या  
दीजिए

Candidate  
must not  
write on  
margin

Thus, the evolution of ~~article~~ equality under article 14 is remarkable and the Indian judiciary declared it in Indira Gandhi vs Raj Narain case as a rule of law is a basic structure of constitution. and differential treatment is intended and justified only as a means to promote a just, inclusive and egalitarian society.