

Q Equality is dynamic Concept with many aspect and dimension and it cannot be cribbed, Cabined, Confined within traditional and doctrinaire limits. In light of statement Critically Analyse evolving interpretation of Article 14 of Indian Constitution by Supreme Court. How has evolution strengthened protection of fundamental rights against arbitrariness?

"Equality may be fiction, but Nonetheless one must accept it as governing principle" BR Ambedkar

Equality is Central principle of democracy covering various dimension of life & through Art (14-18). It can be achieved by granting rights. These are entitlement to act in particular way. It is instrument to realise equality.

Equality has crossed Traditional and doctrinaire limit. In Subramala Case, there was violation of Art 14, 15 (prohibit discrimination). Traditional belief of women being impious during Menstrual has been strucked down by Court. The Equality Concept has evolved with time through various judicial verdict. Inclusivity of doctrine of equality has expanded with against arbitrariness of state.

Evolving interpretation of Art 14 by SC

1) State of UP Vs Deomun Upadhyay

→ Article 14 contain both positive and negative
 → equality before law is negative and equal protection of law is positive content

2) EP Royappa Vs State of Tamil Nadu

→ guarantee against arbitrary action of state
 → protect law from arbitrary action of executive

iii) SG Jai Singhani Vs UOI

- Court held "absence of arbitrary power" as essence of article 14
- 1st essential of rule of law

iv) Mandika Gandhi Vs Union of India

- Equality against arbitrariness of State action
- Trinity exist between Art 14, 19, 21
- Any law interfering personal liberty must satisfy Triple Test.

v) AK Kraipak Vs Union of India

- Natural justice is part of Art 14
- right to fair hearing part of 14.

vi) Indira Sawhney Vs UOI

- Art 16 (1) is facet of Art 14
- Art 14 & 16 aim to achieve equality and equality of opportunity.

vii) Vishaka Vs State of Rajasthan

- Sexual harassment violate gender equality under Art 14 and Art 21

VIII) Shayara Bano Vs UOI

- Banning of Triple Talaq
- gender equality, gender equity, gender justice are entrenched in Art 14

IMPACT OF EVOLUTION of ART 14 AGAINST ARBITARINESS :->

- i) Give protection against arbitrary action of executive along with Law.
- ii) It clearly defined limit of executive authorities, i.e. more incline toward Constitutionalism
- iii) provide Trinity Test of Art 14, 19, 21
Any law interfering personal liberty must satisfy Triple Test
- iv) Principle of "Natural Justice" help in prevention of miscarriage of justice
- v) Equal protection of law give equal treatment in equal circumstances which allow classification based on reasonable criteria

Equality is Core of ~~all~~ fundamental rights given in Constitution. Liberal democratic Countries like India give both socio-economic and Civic-political rights to their Citizens. It is one of Trinity of justice have dependency on liberty. Acc to Philosopher John Rawls "Equality through primary goods like liberty, opportunity, respect and wealth"