

UPSC

Candidate must adhere to the word limit specified in the question.
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Q- Equality is a dynamic concept with many aspects and dimensions and it cannot be 'cribbed, cabined and confined' with traditional and doctrinaire limits. " In light of this statement, critically analyse 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 means equal rights & opportunities to every individual irrespective of their social, economic and cultural backgrounds. Equality is the bedrock of India's constitutional framework provided in Art 14. Article 14 of the Indian constitution guarantees equality before law and equal protection of laws.

Initially there were 3 main concepts of equality-

① Formal equality

everyone is equal before law

Rule of law

e.g., Universal adult suffrage

② Equality of opportunity

level playing field for everyone

e.g., affirmative actions

③ Equality of outcome

All should be at equal level even by use of force

e.g., distributive justice.

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Evolution of Article 14 —

① Doctrine of Reasonable Classification —

- ↳ From formal equality to reasonable classification
- ↳ Differential treatment is possible based on intelligible differentia.

eg. State of West Bengal Vs Anwar Ali Sarkar (1952), court emphasised need for reasonable classification

② Doctrine of Non-Arbitrariness —

- ↳ from reasonable classification to arbitrariness in state action
- ↳ eg. E.P. Royappa Vs State of Tamil Nadu (1974), redefine equality as fairness in state action

③ Expanding scope by integration —

The court broadened the scope of art 14 and integrated it with Art. 13 and 21

eg. Maneka Gandhi Vs Union of India (1979), art 14, 13 and 21 forms the trinity on which reasonability of any law has to be tested.

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④ Affirmative action —

The court upheld affirmative action ensuring level playing field for disadvantaged sections but it should be non-arbitrary.

eg. Indira Sawhney Vs Union of India (1992), upheld reservation but imposed ceiling of 50%.

⑤ Protection of vulnerable groups —

Address discrimination against vulnerable groups.

eg. Navtej Singh Johar Vs Union of India, decriminalised homosexuality.

⑥ Upholding liberty and secularism —

Protecting gender justice and secular values

eg. Triple Talaq Act (2019)

How it strengthened fundamental rights —

① Check on executive actions by curbing arbitrariness as in Maneka Gandhi case

② Strengthens rule of law by striking arbitrary laws as in Election Bonds case.

③ Ensures equality before law by giving equal rights as in NALSA Vs Union of India ensuring equal rights to transgenders.

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Challenges —

- ① Some critics argue that reservation policies are against the merit. So, merit should be balanced with equity.
- ② Article 14 tries to uphold equality but there is rising inequality in society as evident from Oxfam report.
- ③ Despite 75 years of independence still there is persistent discrimination in our society.

WAY FORWARD —

- ① Focus on inclusive, just and sustainable policies.
- ② Educate the society and promote awareness to deal with discrimination and societal bias.
- ③ Try to address the problems of intersectionality by empowering the marginalised groups.