



ILE

LAW AND JURISPRUDENCE

VOLUME 1 AND ISSUE 1 OF 2023

INSTITUTE OF LEGAL EDUCATION



ILE LAW AND JURISPRUDENCE

APIS – 3920 – 0044 | ISBN – 978-81-964391-3-2

(Free Publication and Open Access Journal)

Journal's Home Page – <https://ij.iledu.in/>

Journal's Editorial Page – <https://ij.iledu.in/editorial-board/>

Volume 1 and Issue 1 (Access Full Issue on – <https://ij.iledu.in/category/volume-1-and-issue-1-of-2023/>)

Publisher

Prasanna S,

Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

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EXPLORING JURISPRUDENCE OF THE ARTICLE 14: LANDMARK CASES AND THEIR APPLICATION

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Best Citation – NIKITA KHANNA, EXPLORING JURISPRUDENCE OF THE ARTICLE 14: LANDMARK CASES AND THEIR APPLICATION, *ILE LAW AND JURISPRUDENCE (ILE LJ)*, 1 (1) of 2023, Pg. 27-34, APIS – 3920 – 0044 | ISBN – 978-81-964391-3-2.

Abstract

This paper examines case law concerning Article 14 of the Indian Constitution, focusing on the right to equality and its relationship with the classification doctrine. Article 14 condemns arbitrariness, which implies a rejection of equality. The classification doctrine, a judicial framework, determines if legislative or executive actions are discriminatory and violate equality. Article 14 applies to State actions, including those by the legislature, executive, or Article 12 authorities, where arbitrariness exists. The principles of reasonableness and non-arbitrariness are integral to the entire constitutional scheme. Article 14 serves as a model for other articles like 16, 17, and 18, highlighting that injustice can arise when equals are treated unequally or when unequal are treated equally. The paper's primary focus is to explore the applications of Article 14 in Education, Employment, and Promotion, analysing relevant case law.

Keywords – Article 14, Right to Equality, Legislative Action, Denial of Equality, Constitution.

Introduction

The Constitution of India²⁷ guarantees the proper to Equality through Art 14 to 18. In the series of Constitutional provisions from Article 14 to 18, Art 14 is the most significant. Situations not covered by Art 15 to 18, the general guideline of Equality is exemplified in Art 14, and segregation is claimed at any point. The goal established in our Constitution in terms of status and opportunity is exemplified in Art 14 to Art 18. The Supreme Court has declared the right to equality to be a fundamental feature of the Indian Constitution. The word 'Uniformity under the constant gaze of Law' occurs in most written Constitutions which provides the proper to Equality, the Constitution of us utilises the expression 'Equal protection of the law'.

Our Constitution, on the other hand, employs two articulations: Equality under the constant gaze of law and Equal security of law. The two articulations may appear to be

indistinguishable, but they mean different things. On their inception, it will be stated that 'Balance under the steady gaze of Law,' whereas the contrary articulation is the result of the American Constitution. The preface to the Indian Constitution emphasises the rule of Equality because it is essential to the Constitution.

Indeed, even sacred revisions that violate the fundamental construction of the Constitution are unconstitutional. The simple fact that Equality, which is a component of the fundamental structure, is frequently rejected for a limited reason to monitor such law, does not prevent it from being a component of the fundamental component of the Constitution. It was previously held that the essence of the rule underlying Article 14 is a segment of fundamental construction. Indeed, the essence or standard of the appropriate or nature of infringement takes precedence over uniformity in the theoretical or formal sense. One of the

²⁷ The Constitution of India, 1949



divine foundations of the Indian majority rule system is fairness.

The doctrine of equality before the law under the watchful eye of the law may be the pinnacle of the Rule of Law that swarms the Indian Constitution. Equality cannot be violated by Parliament or any state legislature.

Article 14 states that "the State shall not deny to any person equality before the law or equal protection under the law within the territory of India."

The fundamental tenet of liberalism is to treat all citizens equally, and Article 14 ensures that all citizens are treated equally. Any individual's liberty is directly proportional to the equality he or she enjoys in society. The main aim of this research paper is to analyse the applications of Article 14 in the fields of Education, Employment and Promotion with respective case laws.

Article 14: Concept

Article 14 of the Indian constitution states that the state shall not deny any person equality before the law or equal protection under the law in India's territory.

Article 14 uses two phrases: "Equality before law," which implies the absence of any special privileges in favour of individuals and the subjecting of all classes to ordinary law, and "Equal protection of the law," which means "Equal Treatment in Equal Circumstances."

"Equality before law" means that the law should be equal and equally applied among equals, that like should be treated similarly. The right to sue and be sued, to prosecute and be prosecuted for the same action should be the same for all citizens of full age and understanding, regardless of race, religion, wealth, social status, or political influence.

Article 14 allows for classification but forbids class legislation. Class legislation is defined as legislation that discriminates against a specific group of people chosen at random from a large group of people. Article 14 does not prohibit the

legislature from classifying people, objects, and transactions for the purpose of achieving specific goals, but the classification must be reasonable.

In the case of *State of West Bengal v. Anwar Ali Sarkar*²⁸, the Supreme Court ruled that section 5(1) of the West Bengal Special Court Act of 1856 violated article 14 and was void because it gave the government arbitrary power to classify offences or cases at its discretion. The majority held that the procedure established by the act for the trial of special courts differed significantly from the procedure established by the criminal procedure code for the trial of general offences.

Equality before Law

As we all know, our country is a democratic one, and it is the largest democratic country in the world. Here, everyone is free to think and do whatever they want (within reasonable limits, of course), and our government is there to enforce those limits. In the eyes of the law, all people on our country's territory should be treated equally.

Equality before law essentially means that all people should be treated equally, regardless of whether they are poor or rich, male, or female, upper or lower caste. This state cannot bestow any special benefits on anyone in the country. It is also referred to as legal equality.

Equality before of the law and absolute equality

On the one hand, Equality before the Law forbids any community or people from receiving any special treatment. It makes no mention of equal treatment under equal circumstances. According to it, there must be a very ideal situation, and the state does not need to intervene in society by providing additional societal privileges.

However, the right to equality is not absolute and has several exceptions. As a result, equals must be treated equally. There are several

²⁸ State of West Bengal v. Anwar Ali Sarkar AIR 1952 SC 75



exceptions to equality before the law, such as the immunity granted to the President and Governor. Reservation is another common example that shows that the Right to Equality is not absolute and can be limited (or rather used properly) based on societal needs.

In the case of *State of West Bengal v. Anwar Ali Sarkar*²⁹, the issue of whether the Right to Equality is absolute was raised. In this case, the Supreme Court ruled that the right to equality is not absolute. In this case, the State of Bengal was found to have used its power to refer any case to the Special Court arbitrarily. As a result, it was determined that the State of Bengal Act violates the Right to Equality.

Equality before the law and Rule of Law

There is also a direct link between Equality before the Law and Rule of Law. In fact, Prof. Dicey's Rule of Law states that no one here is above or beyond the law and that everyone is equal in front of the law. Equality before the law is guaranteed by the rule of law.

The Rule of Law states that in a country, everyone should be treated equally, and because there is no state religion, the state should not discriminate against any religion. In this case, the concept of uniformity should be applied. Essentially, it is derived from Magna Carta (a charter of rights signed in the United Kingdom) which prohibits the state's arbitrary power.

Equal protection of the Laws

The idea was also raised in *Stephens College v. The University of Delhi*³⁰. In this case, the college admissions process was scrutinised, and the main issue raised was the validity of the preference given to Christian students during the admissions process. In this case, the Supreme Court ruled that a minority institution that receives state funding is entitled to give

preference or reserve seats for students from its community.

The Supreme Court ruled that differentiating candidates in the admissions process does not violate Article 14 of the Indian Constitution and is necessary for the minority section.

Access to Justice

Equality before the law means that everyone has equal access to justice. No one should be denied access to justice. In this case, everyone should be treated equally in front of the legal system. The term "Access to Justice" refers to a person's fundamental rights. By "access to justice," we mean that everyone should be able to appear in court.

Furthermore, many people are denied access to justice due to a lack of economic knowledge or awareness. In this case, it means that the government must play a critical role in providing them with justice. We must reform our judicial system in order to provide Access to Justice. We must improve the legal aid system.

Protect against arbitrariness

There is a fine line between being arbitrary and not being arbitrary. The right to equality prevents the arbitrary action of the state. This article discusses Equal Protection of the Law and goes against the doctrine of arbitrariness. Every organ of the state is subject to several restrictions in order to protect itself from arbitrariness. It is an important part of preventing the state organ from making arbitrary decisions.

Legislative Classification

Legislation must group individuals according to their equal and unequal aspects in order for laws to be effectively implemented. Such categorization is required because not all laws apply universally to all people, owing to differences in social, cultural, and economic circumstances. The varying needs of different individuals necessitate a different approach by the law. For the sake of public welfare, property,

²⁹ *Ibid*

³⁰ T.S. Stephen's College v. University of Delhi, (1992) 1 SCC 558: AIR 1992 SC 1630: 1991 Supp (3) SCR 121



persons, and occupations necessitate appropriate legislation to ensure that different needs are met in different ways. In fact, general treatment of unequal conditions may result in societal inequalities.

As a result, such special classification by the legislature on reasonable grounds becomes necessary to reduce societal inequalities. There are numerous examples of such special laws that apply only to a specific class or classes of people, such as the Delhi Special Police Act 1946³¹ (applying specifically to the occupation of police), the Minimum Wages Act 1948³² (applying to the minimum wage system of certain employments), and so on. Article 14 allows for reasonable classification but forbids classification.

Reasonable Classification Test

- The classification must be just and reasonable, and it must be in relation to the need and purpose of the law for which it is made.
- The classification object should be legal. In *Subramanian Swamy v. CBI*³³, the court ruled that "if the object itself is discriminatory, then the explanation that classification is reasonable having a rational relation to the object sought to be achieved is immaterial."
- When certain groups of people are excluded from the scope of a law, there must be a reasonable reason for this exclusion.
- A test was developed to ensure that the classification is correct and not arbitrary or in violation of the right to equality. For a valid classification, the following two conditions must be met:

❖ **Intelligible differentia (Intelligent reason for classification)**

- Intelligible differentia means difference which is apparent

and capable of being understood.

- Classification distinguishing persons or things that are grouped together from others left out of the group should be based on an intelligent reason.
- Classification must be based on a just objective to be achieved.

❖ **Rational Nexus (Relationship between classification and desired result)**

- The differentia must have a rational relation to the object of the statute in question.

The Supreme Court describes equality before the law jurisprudence in the case of *Ram Krishna Dalmia v. Justice Tendolkar*³⁴. The standard used to determine whether state actions are constitutionally valid or not. Only in this case was the well-known "classification test" administered. In this case, the High Court ruled that a government can appoint a commission to investigate a case if it deems it necessary. The government's main goal here is to make any commitment to help matters of public importance.

Applications of Article 14

Certain key principles have been established in landmark decisions to further explain the concept of Article 14 and legislative classification. Some of these are listed below.

❖ **Single Person Laws**

In the case of *Charanjit Lal Chowdhury v. Union of India*³⁵, when a mill was closed due to mismanagement and neglect on the part of the company, the Central Government issued an ordinance that later became an Act known as the 'The Sholapur Spinning and Weaving Co. (Emergency Provision) Act 1950. Apart from unemployment and unrest,

³¹ The Delhi Special Police Act, 1946

³² The Minimum Wages Act, 1948

³³ Dr. Subramanian Swamy vs Director, Cbi & Anr, 2014

³⁴ Shri Ram Krishna Dalmia vs Shri Justice S. R. Tendolkar, 1958 AIR 538, 1959 SCR 279

³⁵ Chiranjit Lal Chowdhuri vs. The Union of India and Ors., 1951 AIR 41, 1950 SCR 869



the company's actions resulted in a scarcity of essential commodities in the country. The petitioner added that the Act violated Article 14 because a single company was subjected to disabilities. The Supreme Court denied the petition, ruling that a law can be constitutional even if it applies to a single individual if, due to special circumstances or reasons applicable to him but not to others, that single individual can be treated as a class by himself.

❖ Classification without a difference

In *P. Rajendran v. State of Madras*³⁶, there is a provision for district-based seat distribution in state medical colleges based on the proportion of population in a district to the total population of the state. The Court overturned the provision, ruling that any admission scheme should be designed to select the best available talent for admission, as it is discriminatory to choose a less talented candidate over a talented candidate solely based on population. The district-by-district seat distribution falls short of the goal.

❖ Special courts and procedural inequalities

In *Maganlal Chhaganlal (P) Ltd. v. Municipal Corp'n. Of Greater Bombay*³⁷, the legality of certain provisions of the amended Bombay Municipal Corporation Act 1888 and the Government Premises (Eviction) Act 1955 was called into question, as the said acts granted authorities the authority to initiate special eviction proceedings against unauthorised occupants of governmental and corporation premises. There are two procedures available, one under the CPC and one under the above two acts, with no guidelines as to which to use. As a result, Art 14 is violated. The Supreme Court held that when a statute authorises the executive to

make classifications, the statute should provide some guidance, whether in the form of a preamble, objectives, or other analogous provisions. When the act provides sufficient guidance, it is sufficient indication for authorities to proceed under the special procedure in accordance with the Act's objectives rather than the procedure of the ordinary civil court. As a result, the act cannot be declared unconstitutional solely because it provides for a special procedure.

❖ Procedural fairness

In *Maneka Gandhi v. UOI*³⁸, under the *Passport Act of 1967*³⁸, Maneka Gandhi was issued a passport. The regional passport officer in New Delhi issued a letter to Maneka Gandhi in which she was asked to surrender her passport in the public interest under section 10(3)(c) of the Act within 7 days of receiving the letter. Maneka Gandhi immediately wrote a letter to the Regional Passport Officer in New Delhi, requesting a copy of the order's statement of reasons. However, in the interest of the public, the Ministry of External Affairs refused to produce any such reason. The Supreme Court ruled that Article 14 requires the application of natural justice principles as well as the use of reasoned decisions.

❖ Administrative discretion

When classification is left to the executive's discretion in a statute, certain guidelines or policies should be in place to govern how such discretion is exercised in the statute. If no guidelines are provided, such an act will be considered a violation of Article 14, and the legislation will be overturned by the court. It is not necessary for the legislation to expressly state such guidance; it can be inferred from the Preamble, objectives, and other comparable provisions.

❖ Basis of classification

³⁶ Minor P. Rajendran vs State Of Madras & Ors, 1968 AIR 1012, 1968 SCR (2) 786

³⁷ Maganlal Chhaganlal (P) Ltd vs Municipal Corporation Of Greater, 1974 AIR 2009, 1975 SCR (1) 1

³⁸ Maneka Gandhi v. Union of India, 1978 AIR 597, 1978 SCR (2) 621



Classification can be based on geographical or territorial grounds, historical considerations, the nature and position of a person, the nature of the business, the reference of time, the object of the law, and so on. If the classification is related to the subject of the legislation.

❖ Expanding the horizons of equality

According to recent Supreme Court decisions, the reasonableness of State action is required to meet the demands of Article 14. It is the responsibility of the state to enact policies and laws that aim to reduce inequalities and provide equal opportunities to those who are equal while being different for those who are unequal.

In the field of Education

In *Bapuji Educational Association vs. State*³⁹, the petitioners are individuals of management of various private engineering colleges in the state, who have questioned the validity of Karnataka educational institutions act, 1984.

It was held that the number of seats available in government aided colleges was very small as compared to people seeking admission in engineering colleges. As a result, the deserving candidate would be deprived of education, this void was filled by the Petitioner- Institutions. The whole objective of these institutions was to provide technical education to the needy candidates and not a commercial venture.

Under the impugned order dated 18th July made under the provision of the ordinance, promulgated by the Governor, 40 per cent of the intake of the petitioner-institutions has been set apart as Government seats and are required to be filled up by admitting candidates selected by a committee constituted by the Government on the basis of the criteria fixed and in accordance with the Rules framed by the State Government.

The government order of 1984 fixed the capitation fee in respect of management seats at 30000/- per seat and fixing the tuition fees at 1500/- was arbitrary amounting to unreasonable restriction under the fundamental right of 19(g) and 14 of the Constitution.

The petitioners also alleged that as the provision of the act, both in matters of collection and capitation fee and in respect of other matters covered in provisions of the act, were being enforced against non-minority institutions, because of this, the right available to minorities is being denied to non-minorities and this was a hostile discrimination violative of Article 14.

In the field of Employment

In *Pandurang Kashinath More vs. Union of India*⁴⁰, questions were raised of far-reaching consequences and the controversy related to the true measure of guarantee of equal opportunity in matters related to employment or appointment to any office under the state, enjoined by Article 16 of the Constitution. The appeal was brought against a decree of dismissal passed by the Judge, City civil court in a suit filed by the plaintiff- appellant for a declaration that the order of his suspension and removal from service was void and illegal, which continued in the services of the Bombay Telephone Workshop owned by the Defendant- Respondent, the Union of India.

As per this case plaintiff was engaged in March 1944 as a Mistry on the Bombay Telephone Workshop by its then Manager. He was granted some promotions and in 1949 his total emolument inclusive of allowances was Rs. 136 per month. There was a strike and he was arrested on 9-7-1949 and detained under the provisions of the Bombay Public Security Measures Act. By an Order dated 21-7-1949 the plaintiff was suspended from duty with effect from the date of his arrest and detention. There after he was served with an order dated 29-3-

³⁹ Bapuji Educational Association vs State on 3 September, ILR 1985 KAR 80

⁴⁰ Pandurang Kashinath More vs Union Of India, Owing The Bombay, AIR 1959 Bom 134



1950 terminating his services with effect from 9-7-1949 that is from the date of his arrest. He was released from detention on 25-10-1950. Soon after his release he applied to the Manager of the Workshop for his reinstatement which was refused. He applied to the Authority under the Payment of wages Act for arrears of his dues which application was rejected. In an appeal against that order preferred by him to the Small Cause Court he was awarded his dues on the ground that there could be no retrospective suspension or dismissal. He there after brought this suit and the contention set out in his plaint was that he was a civil servant in the employment of the Government of India and he could not be removed or dismissed from service unit he had been given a reasonable opportunity of showing cause against the action proposed to be taken. He also contended that the orders of suspension and removal, or dismissal were illegal and void. At a later stage he was permitted to amend his plaint so that the order of removal was in violation of Articles 14 and 16 of the Constitution since the plaintiff was arbitrarily picked up and sacked". The defendant raised various contentions in Written statement and the principal defence was that the plaintiff was a temporary employee and was therefore not entitled to any reliefs. After the amendment of the plaint the defendant filed a Supplemental Written Statement and in answer to it plea founded on Articles 14 and 16 of the Constitution was stated. "The defendant denies that the order of removal is in violation of Article 14 and 16 of the Constitution".

In the field of Promotion

A bench in the case of *Ajit Singh vs. State of Punjab*⁴¹ laying emphasis on Article 14 and Article 16(1) of the Constitution of India held that any person who satisfies the eligibility and criteria for promotion but is still not considered for promotion, will be a clear violation of his/her fundamental right.

The court once again considered promotion as a fundamental right enshrined in Article 16 and 18 of the Constitution. The apex court held that if the seniority list is allowed to be sustained then the engineers are to be more meritorious in Mechanical and Civil streams than the Junior Engineers of the Agricultural stream selected in the same selection are granted promotion.

Conclusion

The right to equality may be considered a fundamental right. It is frequently enforced in the Supreme Court under Article 226 and in the Court of Appeal under Article 32. Fundamental rights are frequently enforced insofar as the state violates them. The right to equality is recognised as a fundamental feature of the Indian Constitution. The right to equality under Article 14 is granted to all or any persons, not just citizens. It includes both equality before the law and equal protection under the law. Nobody is above the rule of law. In the eyes of the law, most people are equal. The right to equality is regarded as a fundamental feature of the Indian Constitution, and it plays an important role in achieving social and economic justice in our society, where the upliftment of certain classes is regarded as essential for our country's success. Its emphasis on individuals' fundamental unity by providing equal opportunities and treatment to all. The right to equality is the foundation for all other rights and liberties. It provides all of the elements necessary for the development of the country's personality to each individual. As a result, courts that are considered the Constitution's guardians ensure that the right to equality is construed broadly to achieve the ends intended by the Constitution's framers.

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