



Article 14

Right to Equality



Article 14 : The State shall not deny to **any person**

Equality before law

- **Dicey's Rule of Law** : English common law
- Negative & Generic
- Prohibits unequal treatment
- Equal subjection of all persons (rich/poor, official/ non-official) to the ordinary law of the land
- Implies the absence of any privilege in favour of any individual



Equal protection of laws

- Section 1 of the **14th US Amendment**
- Positive & Specific, **no universal application**
- Demands equal treatment
- Equality of treatment in equal circumstances both in privileges conferred and liabilities imposed
- Like people should be treated alike and unlike should not be treated alike.

Doctrine of Reasonable Classification and Non-Arbitrariness

State of West Bengal vs Anwar Ali Sarkar (1952)

Right to equality is not absolute. There must be a nexus between the basis of the classification and the aim of the policy in question.

Ram Krishna Dalmia vs Justice S R Tendolkar (1958)

Article 14 permits classification, so long as it is 'reasonable', but forbids class legislation (arbitrary discrimination)

A classification of groups of people is considered reasonable when:

1. The classification is based upon **intelligible differentia** that distinguishes persons or things that are grouped from others that are left out of the group, and,
2. The differential has a **rational relation** with the objective of the act.

E. P. Royappa vs State of Tamil Nadu (1973)

The classification must be non-arbitrary. "In fact, equality and arbitrariness are sworn enemies... Where an act is arbitrary, it is implicit that it is unequal both according to political logic and constitutional law and is therefore violative of Article 14."



Doctrine of Equal Pay for Equal Work

Randhir Singh v. Union of India (1982)

On the question of constitutional validity of equal pay for equal work the Supreme Court grounded equal pay for equal work under Article 14.

- The government can not deny equal pay for equal work by separating the workers into different posts, or to different departments.
- “There is not even the slightest doubt that the drivers in the Delhi Police Force perform the same functions and duties as other drivers in service of the Delhi Administration and the Central Government”, and hence, equal pay for equal work was attracted.

The Indian Constitution recognized the principle of ‘Equal Pay for Equal Work’ for both **men and women**, and ‘**Right to Work**’ through **Articles 39(d) and 41**.



Doctrine of Legitimate Expectation

- It is not a legal right.
- It is **moral obligation** on administration to meet the expectations of citizens.
- The expectation should be legitimate i.e. reasonable and logical.
- Gives the right of **Judicial review**.
- A type of **restriction on state** to use its power non-arbitrarily.



Exceptions to Equality before Law

- Under **Article 31C** certain laws are saved from judicial review to implement Directive Principles of State Policy.
- Under **Articles 105** and **194**, the Members of the Parliament and the State Legislatures respectively are not held liable for anything which they say within the House.
- Under **Article 359** when there is a proclamation of Emergency, the violation of any Fundamental Rights cannot be challenged in the Courts until the proclamation ends. (Except Articles 20 & 21)
- Under **Article 361** the President and the Governors are not liable to any court for any act which is done by them in exercising their power and duties of the office.

