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Doctrine of Reasonable Classification

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ABSTRACT

This article discusses in detail Article 14 of the Constitution that guarantees the right to equality to all persons. The diverse needs of different classes of people require different kinds of treatment and hence we must reasonably differentiate between those who are equal and those who are different. It is this principle that has eventually led to the evolution of the doctrine of reasonable classification.

Article 14 declares that ‘the State shall not deny to any person equality before the law or equal protection of law within the territory of India.’. Thus the article 14 uses the two expressions “equality before law” and “equal protection of law”.

No absolute equality before law exists in practical scenario, for this purposes there is a need to reasonably classify individuals or groups of individuals based on reasonable, justified grounds. Thus this doctrine is relevant. It is needed for the progress of the society as a whole.

I. INTRODUCTION

The Constitution of India is the lengthiest constitution in the world and it came into force on 26th January, 1950.

For the purpose of regulating and managing the affairs of the country all the provisions of the Constitution are equally important, but there are certain provisions that are considered as heart and soul of the Constitution.

Part III, IV, and IV-A of the Constitution together constitute goals of justice, liberty, equality, fraternity and the dignity of the individual set out in the Preamble.²

Fundamental rights are guaranteed by Part III of the, some only to the citizens while others to citizens as well as persons. This article discusses in detail Article 14 of the Constitution that guarantees the right to equality to all persons. The principle behind the right to equality is that the equals must be treated equally while unequals must be treated differently. The diverse needs of different classes of people require different kinds of treatment and hence we must reasonably differentiate between those who are equal and those who are different. It is this principle that

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² SATHYA NARAYAN, LIBERTY, EQUALITY AND JUSTICE 45-48 (Eastern Book Company 2003)

has eventually led to the evolution of the doctrine of reasonable classification.

II. BACKGROUND

The framers of the Indian Constitution adopted the first part of Article 14 of the Constitution i.e., “the state shall not deny to any person equality before the law” after being inspired from the Irish Constitution. This is declaration of equality of the civil rights of all persons within the territory of India. In the case of *Ward vs Flood*, the American Judges regarded this clause as the “basic principle of republicanism”.³

The second part of Article 14 i.e., “the equal protection of laws within the territory of India” is a correlated to the first part and is based on the last clause of the first section of the Fourteenth Amendment of the American Constitution, which states that equal protection, without any discrimination shall be given to all persons in the enjoyment of their rights and liberties. This clause of the right to equality has been interpreted as “a pledge of the protection of equal laws” in *Yick Wo v. Hopkins*⁴ by the American Judges, in layman terms it means that the laws operate alike on all persons under similar circumstances. However, this does not mean that all laws must be of the same in character and should be universal in their application. In the case of *Chiranjit Lal Choudhary v. Union of India*⁵ as well as in many American cases, it has been held that the Government can make laws which has different applications on different groups or classes of persons for some specific need and purpose, provided the classification has been made reasonably and free is from arbitrariness.

III. GENESIS

(A) Article 14

As already discussed above article 14 declares that ‘the State shall not deny to any person equality before the law or equal protection of law within the territory of India.’. Thus the article 14 uses the two expressions “equality before law” and “equal protection of law”.

1. Equality Before Law

It has its origin from America. It is sometimes interpreted as a negative concept. It implies the absence of any special privilege by reason of birth, religion, sex etc to the individuals and the aims for the equal subject treatment of all the classes of the society to the ordinary law.

2. Equal Protection Of Law

³ . Supreme Court of California in January 1874

⁴ . 118 U.S. 356 (1886)

⁵ . 1951 AIR 41, 1950 SCR 869

It has its origin from British. Contrary to the previous concept, this is interpreted as a positive concept. It means equality of treatment in similar circumstances. For example, whether the person is P.M. or President he or she should be dealt with same law as normal being would have dealt with in similar circumstances.

IV. RULE OF LAW

The guarantee of equality before the law is an aspect which Professor Dicey calls the Rule of Law in England. It means that no man is above the law and that every person whatever his rank or condition may be is subject to the jurisdiction of ordinary courts.

Rule of law means that no person shall be subjected to harsh, uncivilized or discriminatory treatment even when the aim is to secure paramount importance of law and order.

(A) Professor Dicey gave three meanings for this purpose

1. Supremacy of the law

It means the complete and independent supremacy of law as opposed to the autocratic power of the Government. In layman terms, a man may be punished for a breach of law, but he cannot be punished for anything else.

It means that no person is punishable or held responsible or can be legally made to suffer. This is except for a distinct infringement of law established in an ordinary legal manner before the land's ordinary courts. For this purpose an alleged offense needs to be proved in the court of law.

2. Equality before law

(Already discussed above)

3. Absence of individual liberty

Article 21⁶ provides for the protection of life and personal liberty while Article 19 provides right to freedom which mentions individual liberty like a fundamental right. The first and second rules seen above apply to the Indian context, but not the third rule. This reason for this being that since the Constitution of India is the source of the right of individuals and thus the supreme law of the land, whatever laws are passed by the legislature must be in accordance to the provisions of the Constitution. Article 14 embodies a basic feature of the rule of law.

⁶ . Constitution of India 1950

V. EXCEPTIONS TO THE RULE OF LAW

The above mentioned rule of equality is not an absolute rule and has some exceptions to it-

1. The meaning of equality of law does not mean that the power which is available to private citizens is the same as that of the public officials. For this purpose the powers of the public officials must be clearly defined. The abuse of such power or authority provided to the officials must be punishable. For Example- A private citizen cannot arrest another person whereas a police officer has the power to do so. This is not a violation of the rule of law.
2. A certain class of people who are being subject to some special rules are not prevented by the rule of law. Example- Armed forces members are controlled by their military rules; the Bar council of India regulates the legal practitioners etc.
3. Special rules in the professions govern those professionals of society. These people are treated differently from other citizens. Example- Doctors, nurses, police, lawyers, members of the armed forces, etc.

VI. WHAT IS REASONABLE CLASSIFICATION?

If the classification is made on a reasonable basis, it must be based on smart differences for the legislature to deal with two sets of individuals or group of individuals. This means that these individuals or group of individuals make a properly defined, distinct class and may be exceptional from those left out of the group. Furthermore, this classification basis must have a rational reasonable connection to the object that the legislation in question seeks to achieve.

Illustration- The law on maternity benefits applies to women working on the way to maternity, not to others. The reason being that the purpose of it is to grant privileges only to women who turn out to be mothers. Thus, the category of men and women is based totally on an intelligible differentia.

Another illustration is of tax laws. Charities, libraries are exempted from sure tax whereas other residences are not.

VII. TEST OF REASONABLE CLASSIFICATION

In *R.K. Garg v. Union of India*, the Supreme Court held that Article 14 of the Indian constitution forbids class legislation⁷ but it does not prohibit the reasonable classification of

⁷. As per Black's Law Dictionary, 'Class legislation' is a term applied to statutory enactments which divide the people or subjects of legislation into classes, with reference either to the grant of privileges or the imposition of burdens, upon an arbitrary, unjust, or invidious principle of division, or which, though the principle of division may be sound and justifiable, make arbitrary discrimination between those persons or things coming within the

objects, persons, and transactions for the purpose to achieve specific needs by the parliament. Such classification should not be artificial, arbitrary or evasive and it must rest on notable distinction which is real. It must be reasonable and just enough in relation to what is to be achieved by the legislation. A law may be constitutional even though it relates to a single individual if on account of some special circumstances or reasons applicable to only to him and are not applicable to others, that single individual may be treated as a class by itself.

Reasonable Classification as in the case of *Saurabh Chaudhari v Union Of India*⁸, the Supreme Court of India laid down two conditions, they are-

- a) The classification must be founded on intelligible differentia, distinguishing grouped together persons or goods from the left out ones of the group.
- b) The differential must be in a rational relation with the sought object that is to be achieved by the act. The object of the act and differential on the basis of classification are two separate things. It is essential that there must be the presence of nexus between the object of the act and the basis of classification. When the classification is not based on reasonability and is not justified, then such a classification made by the legislature must be declared discriminatory.

The age at which a person would be deemed competent between themselves can be fixed by the legislature but competency cannot be claimed. A contract made dependent on the color of hair cannot be made, and such a classification would be arbitrary.

The classification may be made on different bases, for example it can be geographical or according to object or occupation or the like.

The classification which is made by the legislature need not necessarily be scientifically perfect or logically complete. Mathematical details and perfect equality are not required.

Equality before the law does not require mathematical equality of all persons in all circumstances. Equal treatment does not mean identical treatment. There can be discrimination in both substantive as well as the procedural law. Article 14 applies to both.

If the classification satisfies the test specified before, the law will be declared constitutional. The question whether a classification is reasonable and proper and not must however, be judged more on commonsense than on legal subtleties.

same class.

⁸ . AIR 2004 SC 2212

VIII. CASE LAWS

(A) Madhu Limaye v. Supdt. Tihar Jail Delhi⁹

There were Indian and European Prisoners, both were treated differently. Europeans received better diets. The Court in this case held that difference between Indian and European prisoners in the matter of treatment and diet violates their right to equality under Article 14 of the Indian Constitution. They all must be treated equally.

(B) Sanaboina Satyanarayana vs. Government of Andhra Pradesh¹⁰

In Andhra Pradesh, there was a scheme formulated for prevention of crime against women. In prisons, prisoners were classified into two categories, the first being the prisoners guilty of crime against women and second were the prisoners who are not guilty of crime against women. Prisoners who are guilty of crime against women challenged the court saying that their right to equality has been deprived. The Court held that there is reasonable classification for the purpose to achieve some objective.

(C) D.S. Nakara v. Union Of India¹¹

The Government issued an office memorandum announcing a liberalized pension scheme for retired government servants, but it was made applicable to only those who had retired after 31 March 1979. The Supreme Court held that the fixing of the cut off date to be discriminatory and violate Article 14 of the Constitution. The basis of the date of retirement was not based on any rational principle because a difference of two days in the matter of retirement could have a traumatic effect on the pensioner. Such a classification was held to be arbitrary and unprincipled as there was no acceptable or persuasive reason in its favour. The said classification had no rational nexus with the object sought to be achieved.

IX. RELEVANCE OF THE DOCTRINE

The equal protection of laws which is guaranteed by Article 14 does not mean that all laws must be general in character. The diverse needs of different classes of people often require different and separate treatment. From the vary nature of society there should be different laws in different places and the laws should be enacted in the best interest of the safety and security of the state. In fact similar treatment in unequal circumstances would amount to inequality.

For example denial of grant to a private college teaching management while giving grant to

⁹. 1975 AIR 1505, 1975 SCR (3) 582

¹⁰. Appeal (crl.) 1227 of 2002

¹¹. 1983 AIR 130, 1983 SCR (2) 165

other private colleges teaching some different subjects is not permissible. However, reduction of age from 58 years to 55 years is permissible.

So a reasonable classification is only not permitted but is necessary if the society needs to progress. As specified earlier, its relevance can more be determined based on common sense, rather than it being discussed based on legal subtitles.

X. PERSONAL OPINION

The article 14 aims to establish the “Equality of Status and Opportunity” as it forms the core of the Constitution and is specified in the Preamble of the Constitution. It is important for the equal protection of law, and sometimes classification brings out inequality. In my opinion this creates a paradox. For this purpose a middle course should be adopted, taking into consideration a more realistic approach. It should ensure that the persons or things which are similarly situated must be similarly treated.

The equal protection clause of the Article 14, gives us a hint at the varying needs of different sections of the society. This is the reason why there cannot be universal application of laws or general character of laws. This “abstract uniformity” of the people of the society is an impossible concept, and thus there is need of classification based on reasonable and justified grounds. The doctrine is not violative or an exception to the right of equality, instead it protects it.

XI. CONCLUSION

Article 14 guarantees the fundamental right to equality to every citizen in the country. It is one of the most important provisions of the Constitution. It provides equality to all the people irrespective of their caste, religion, race, sex, place of birth. Earlier, there was a test to test the constitutionality known as the reasonable classification test under which it was tested whether there is reasonable classification in the legislation. Later, a whole new test was announced to test whether it was violating Article 14 and it was known as the arbitrariness test. There was much criticism on this new doctrine and many legal pieces of literature did not agree with the new doctrine. Though the reasonable classification test is still rejected today in some cases but on the other hand it is still being used some cases.
