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Emerging Dimension of Equality: An Analysis

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ABSTRACT

“Equality is not in regarding different things similarly, equality is in regarding different things differently” Tom Robbins

The exploration of Article 14 of the Indian Constitution offers a comprehensive analysis of its provisions and implications. Rooted in the historical evolution of principles like liberty and equality, Article 14 stands as a cornerstone of democratic governance. Its origins can be traced back to the Enlightenment era, where thinkers like Rousseau and Locke advocated for social contracts emphasizing equality among citizens. This foundational principle found expression in revolutionary movements such as the French and American Revolutions, laying the groundwork for modern constitutional law. Article 14's scope has expanded over time, encompassing substantive equality and protection against arbitrary state action. The principle of equality is not static but evolves in response to societal changes and legal interpretations. It discusses the historical context and evolution of the principles of liberty and equality, emphasizing their incorporation into various legal frameworks globally. The abstract also delves into the significance of the rule of law in ensuring fair and just governance, tracing its origins to ancient civilizations and highlighting its fundamental elements. Furthermore, it examines the interpretation and application of Article 14 by the judiciary, addressing key cases that have shaped its understanding over time. The abstract concludes by underscoring the dynamic nature of Article 14, which has expanded beyond its original scope to encompass broader principles of substantive equality and protection against arbitrary state action.

Keywords: Article 14, Indian Constitution, equality, rule of law.

I. INTRODUCTION

The words "liberty" and "equality" have long been central to political and social ideas, striking a chord with people all across the globe and stimulating profound thought and feeling. Alluding to the revolutionary zeal of the French Revolution, Abraham Lincoln famously drew on these ideals in his quest to reimagine the United States. The Indian Constitution also incorporates these principles because of their historical significance and broad popularity. Demonstrating a

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commitment to freedom and justice, Articles 14–18 of the Indian Constitution provide a solid groundwork for legal equality and the eradication of biased practices. By outlawing discrimination and ensuring equal protection under the law, Article 14 squarely covers the essential notion of legal equality.

“The right to equal protection under the law is guaranteed to all individuals on a global level, as stated in Article 7 of the Declaration of Human Rights”³. The significance of these ideas is highlighted on a global scale by this. Societies are constantly compelled to reinterpret and maintain these essential ideas due to the dynamic link between liberty and equality, which continues to shape both legal and social contexts. Understanding and practicing the ideals of liberty and justice is crucial for attaining a just society. Due diligence in protecting and interpreting these concepts is required of legislators and the judiciary. An important part of India's democratic system, this article stresses the need of fair treatment under the law and the significance of the rule of law. Additional instances of the implementation of these ideals may be seen in the following articles, such as Article 17, which abolishes untouchability, and Article 18, which prohibits titles of nobility.

II. CONCEPTUAL BACKGROUND AND HISTORY

Embedded in the evolution of democratic societies are the long-standing principles of equality and liberty. “These ideas have their philosophical roots in the Enlightenment period of the 17th and 18th centuries, when philosophers like Jean-Jacques Rousseau and John Locke advocated for social compacts that put an emphasis on equality among citizens.” In an effort to dismantle aristocratic and monarchical regimes that upheld inequality, these beliefs were put into practice during the French and American Revolutions. “All individuals are inherently equal,” the famously said statement went forth in 1776's Declaration of Independence, laying the groundwork for a nation based on liberty and equality. However, these values were directly challenged by slavery's persistence, leading to the Civil War and, ultimately, the approval of the Thirteenth Amendment in 1865, which ultimately abolished slavery. By guaranteeing equal protection under the law, the Fourteenth Amendment, passed in 1868, strengthened these principles. With this amendment, we made great strides in returning to the ideals upon which our nation was built.

Prominent rallying cries of "Liberty, Equality, Fraternity." sparked the 1789 French Revolution across the Atlantic. This revolutionary movement intended to destroy the feudal system and

³ United Nation, International Human Rights Law: A Short History, available at: <https://www.un.org/en/chronicle/article/international-human-rights-law-short-history> (visited on May 17, 2024).

construct a society marked by legal equality for all citizens. These principles were defined in the French Declaration of the Rights of Man and of the Citizen, which had a significant impact on subsequent democratic movements worldwide. Freedom and equality were essential goals in India's struggle for independence from British colonial rule. The framers of India's founding document included these ideas into the country's supreme law code after being moved by worldwide examples and the wrongs done to Indians under colonial rule. The Indian Constitution specifically addresses issues of equality in Articles 14–18, which prohibit discrimination and provide equal treatment under the law. These provisions show the unwavering commitment to building a society where justice and freedom are not concepts but practical requirements.⁴

These ideas were further strengthened on a worldwide level with the “1948 Universal Declaration of Human Rights”⁵, which affirmed the fundamental human rights to non-discrimination and equality. In order to build just and democratic societies, the historical trajectory stresses the everlasting significance of liberty and equity.

“The rule of law is a foundational principle of democratic governance, asserting that all individuals and institutions are subject to and accountable under the law. This concept ensures that laws are applied equally, protecting citizens from arbitrary governance and fostering a predictable and fair legal environment.”⁶

Historically, the rule of law has its roots in ancient civilizations such as Mesopotamia, where codified laws like the Code of Hammurabi were established to maintain order and justice. In classical Athens, philosophers like Aristotle emphasized the importance of law over the whims of rulers. The principle gained further prominence in the Magna Carta of 1215, which limited the powers of the English king and laid the groundwork for modern constitutional law. In the Enlightenment era, thinkers like John Locke and Montesquieu expanded on these ideas, advocating for separation of powers and the supremacy of law as essential to protecting individual liberties. Montesquieu’s concept of checks and balances influenced the framers of the United States Constitution, embedding the rule of law in the new republic's framework.⁷

The rule of law embodies several key elements:

- Equality Before the Law: No individual, regardless of status, is above the law.

⁴ M.P. Jain, *Indian Constitutional Law*, (Lexis Nexis , Gurgaon, Haryana,7th edn 2015).

⁵ UN General Assembly, *Universal Declaration of Human Rights*, 217 A (III) (1948).

⁶ M.P. Jain, *Indian Constitutional Law*,(Lexis Nexis , Gurgaon, Haryana,7th edn 2015).

⁷ Thomas Pangle, *The Theological Basis of Liberal Modernity in Montesquieu’s Spirit of the Laws*, (University of Chicago Press, 2010)

- Legal Certainty: Laws must be clear, publicized, and stable, providing a framework within which individuals can plan their affairs.
- Accountability: Government officials and institutions are accountable under the law.
- Fair Processes: Legal processes must be fair, transparent, and accessible, ensuring justice is administered without bias.

The Indian Constitution, inspired by these principles, embeds the rule of law through various provisions. “Article 14 guarantees equality before the law and equal protection of the laws, preventing arbitrary actions by the state”⁸. The judiciary in India has reinforced these principles in landmark cases, emphasizing that arbitrary use of power is incompatible with the rule of law.

III. CONSTITUTIONAL PROVISION

Article 17, which abolished untouchability, and Article 14, which guarantees that the state cannot refuse equality before the law and equal protection of laws, were both practical implementations of the ideals of liberty and equality that the founding fathers, cognizant of this historical context, incorporated into the preamble. The right to equal protection under the law, free from discrimination, is proclaimed in Article 7 of the 1948 Universal Declaration of Human Rights. All persons are deemed equal before the law. Article 14 of the Indian constitution essentially states that everyone is born free and equal. The Indian Constitution guarantees equality in Articles 14–18. A cornerstone of Indian democracy is equality. The Indian constitution's emphasis on the rule of law naturally leads to the idea of legal equality. Article 14 outlaws prejudice generally, whereas paragraphs 15, 16, 17, and 18 deal with specific forms of bigotry. While Articles 15 and 16 are more narrowly focused, they are classified as species, in contrast to the more generalized category of genus that Article 14 belongs to. A unified and interdependent set of guarantees are provided by Articles 14, 15, and 16 of the constitution, which support and strengthen one another. In cases where Articles 15–18 do not deal with a particular claim of discrimination, the general principle of equality stated in Article 14 shall be used.⁹

Although Article 14 posed a number of difficulties, the groundwork had been laid by 1960. The idea of equality is greatly affected by Article 17. Article 18 exemplifies the use of equality in a distinct setting. Article 18 seems to have been enacted on the false premise that US precedent would be followed. While Article 1 of the United States Constitution forbids the conferral of

⁸ The Constitution of India, Art. 14.

⁹ M.P. Jain, *Indian Constitutional Law*, (Lexis Nexis, Gurgaon, Haryana, 7th edn 2015).

noble titles, Article 18 of the Indian Constitution forbids the conferral of any title, with the exception of those associated with the military or academics. This is the main difference between the two constitutions. It must be recognized that a title of nobility is bestowed by inheritance and does not necessarily denote excellence, even if article 18 recognizes titles bestowed according to merit.¹⁰

IV. EMERGING DIMENSION OF EQUALITY

Article 14 was reinterpreted by the court in “*ER Royappa v. State of Tamil Nadu*”¹¹ which highlighted its proactive character and its function in avoiding capricious measures. Since any attempt to restrict or diminish its full breadth and importance would be an affront to its impactful grandeur, we cannot abide such an action. Because equality is a dynamic and complex concept, it defies categorization by static legal frameworks.

When seen through the lens of positivism, equality stands in stark contrast to arbitrariness. There is a strong opposition between equality and arbitrariness. In one, everyone follows the law, but in the other, the actions of a single person may have devastating consequences.

It must be stressed in the case of *Ajay Hasia* (1981) that the idea of classification is not the same as Article 14. “It was formerly thought that article 14 forbade discrimination in cases when a categorization fulfilled two particular requirements, which led to its association with the concept of classification:

- In cases when further rules would have been ineffective, the court has upheld discretionary power on many occasions.
- No Indian state may deny its citizens the right to equal protection under the law or any other fundamental right.”¹²

Article 14 is interpreted by the judiciary.

In India, it is against the law for the government to discriminate against any citizen or resident based on their race, religion, gender, sexual orientation, or disability. Nonetheless, the state may nonetheless pass a law if the categorization it uses is directly related to the goal of the legislation.¹³

¹⁰ Sujit Choudhry, *The Oxford Handbook of the Indian Constitution*, (Oxford: Oxford University Press, 2016).

¹¹ (1974) 4SCC 3.

¹² *Ajay Hasia v. Khalid Mujib Sehravardi* [(1981) 1 SCC 722

¹³ Subdhi Raja, “Right To Equality: New Dimension and New Version - Part One”, legal Service India, available at <https://www.legalserviceindia.com/legal/article-1947-right-to-equality-new-dimension-and-new-version-part-one.html> (Last visited at April 29, 2024)

The state, as broadly defined in article 12, is the target of the restriction in article 14.

The viewpoint would change if India consisted of a single state. But things become trickier when you consider that the Union of India is also a state and that India is made up of several states. At issue here is the question of whether State A has the legislative power to enact a law that would deprive States B, C, and D of legal equality and protection. Any entity that the law acknowledges as having the capacity to hold rights or duties is considered a person, according to legal theory. Both "natural" and "artificial" persons exist in the human mind. The rights and responsibilities of the Union and State governments are outlined in the third portion of the constitution, which also includes the Directive Principles of State Policy (DPSP), Articles 32, 226, 298, 300, and 285. You may legally enforce these rights and responsibilities against each other and private individuals.¹⁴

In the case of "*Moti Lal v. State of U.P.*"¹⁵, the question of whether the state may be considered a legal entity under Article 14 was addressed. Nevertheless, the question of whether one state may invoke Article 14 protections against another state was left unanswered by all parties. The court only made a distinction between the treatment of the government and states as legal entities; the former is given more weight in relation to a state's commercial operations, while the latter receives equal weight. What constitutes the "activities of a state" are the many undertakings of a political or administrative authority. It must be remembered that a state is not an individual but a group with distinct roles and duties. In addition, it was decided that the word "State" does not qualify as a person in the particular sense used in Article 6.

There is a difference between governments, according to the author's point of view. It is debatable whether a state's business activities should be included when assessing its personhood. While some contend that Article 131 already establishes a procedure for settling such disputes, others maintain that the state should not be included in the definition of "person." Regardless, the question of whether Article 131 can finally resolve disputes between states over fundamental rights remains open.¹⁶

Everyone, regardless of their socioeconomic standing, should be subject to the same general rules of the land, and the lack of bias or favoritism should be assured by the concept of equality before the law. A right is granted by imposing a prohibition in Article 14. So, that is absolutely true. In contrast to Article 19, which does not include any reasonable limits, Article 14 does. At

¹⁴ Adarsh Singh Thakur, "Right to Equality under Article 14", Ipleader, May 18, 2019, *available at* <https://blog.ipleaders.in/right-equality-article-14/> (last visited on April 29, 2024).

¹⁵ AIR 2010 SUPREME COURT 281.

¹⁶ Gauri Shankar v UOI, AIR 1995 SC55.

first look, it can seem to be an absolute right. However, the idea of classification was actually established by court orders. A good concept is the guarantee of legal equality for all citizens. The guiding concept is that like things should not be differentiated from one another. A law should treat all persons within a specific group equally, but not treat different individuals in the same way; this is what the Principle of Equality means, not that everyone should be subject to the same regulation. Fair treatment for everyone is essential for each and every person. Although legitimately classifying persons is permitted by Article 14, it forbids the making of regulations that discriminate against certain groups.¹⁷

In some cases, it is reasonable to classify:

- It cannot be described as arbitrary, artificial, or evasive. An easily recognizable trait, a real and substantial distinction that distinguishes the things or people included in one group from those not included, is the basis of this idea.
- The applicable law must have a clear and reasonable objective in mind when developing the criteria for classification.

It is up to the person contesting the legislation to show that it breaks constitutional principles, as it is generally assumed that laws are constitutional. The state may be held liable if there is clear evidence of substantial bias in the legislation. In and of itself, discrimination does not amount to a violation of Article 14. But it's only a violation of Article 14 when there's no good reason to do it. It is insufficient to establish classification on minute differences. Eliminating equality is the same as superseding classification. It is not required that the categorization be executed with precise mathematics. Classification cannot be deemed reasonable if there is little difference between the grouped and excluded persons or things.¹⁸

The highest court in the land has reiterated its inability to evaluate the soundness, feasibility, and appropriateness of policies in its role as an appellate body. Also, as the executive branch is the one with the authority to formulate policies, the courts do not act as advisors to them on policies. Any potential violation of fundamental rights or obvious signs of arbitrariness are the only grounds for judicial review in this area. A seemingly random procedure is often used to make challenges to policy creation. This prevents the court from analyzing the policy's wording to find out whether it's obviously arbitrary. On the other hand, the court may have the power to

¹⁷ D. Jayarani & T Sudha, "DIMENSIONS OF GENDER (IN) EQUALITY IN INDIA- A COMPARATIVE STUDY AMONG STATES OF INDIA", *Journal of Accounting Research, Utility Finance and Digital Assets*, (2023).

¹⁸ Reshi, " WOMEN'S SELF-HELP GROUPS-ROLE IN POVERTY NEXUS AND EMPOWERMENT". *International Journal of Economic, Business, Accounting, Agriculture Management and Sharia Administration (IJEBAAS)*, 3(1), 79-84 (2023).

hear appeals in this particular case. The mere possibility of misuse of power cannot, even with limitations, render the act arbitrary and illogical.¹⁹

“*Ram Krishna Dalmia v. Justice S.R. Tendolkar*”²⁰ laid up norms for permissible categorization.

The fact that a law affects only one person doesn't mean it can't be considered constitutional if there are unique reasons or conditions that apply just to that person. But people are wary of these kinds of measures, especially when they threaten people's personal liberties.

- The burden of proving otherwise is with the party challenging the assumption of legality.
- A taxonomy is not required to be completely comprehensive or to adhere strictly to scientific principles.
- Things that are generally known and recognized, such the bill's background, must be considered by the court when it decides on the basis of classification.
- The court must apply the apparent arbitrariness requirement in this particular circumstance, moving beyond the prior idea.
- Activities that involve criminality are not protected by the right to equality.
- Whether it's bestowing benefits or exacting obligations, the right to equality is applicable.

V. RULES GOVERNING PRIVATE PERSONS

It would seem that laws that single out certain people without classifying them according to shared characteristics are in direct opposition to Article 14. One possible justification for personal laws is the effect they have on public rights, not private ones. Additionally, although these rules may make sense for corporations, they do not apply to people.

Disparities in procedure and special courts:

In the case of “*In Re: Special Courts Bill, 1978*”²¹, a 7-judge panel considered the validity of creating special courts to try high-ranking government officials for crimes they committed during the 1975–1977 period of emergency.

- Regarding the matter of whether the proposal violates Article 14, the Supreme Court offered its advisory opinion in compliance with Article 143.

¹⁹ *Ibid*

²⁰ [1959] S.C.R. 279

²¹ AIR 1979 SC 478

- In line with the standards laid down on the scope of Article 14:

A legislation may authorize an administrative body to apply the law selectively to a certain set of individuals provided the policy enacted by the legislature is clear and effective in carrying out that goal. It would be unfair to call the law discriminatory in such a situation.

Power to discriminate is not always inherent in discretionary authority.

The facts of each case determine whether a statute that specifies how certain crimes are to be tried constitutes discrimination. Developing a single, all-encompassing principle is just not doable. Article 14 encompasses both substantive legislation and procedural procedures. The court agreed with the classification and said that crimes committed during emergencies should be considered distinct from other types of offenses. In accordance with Article 21, the Court found that the procedure was fair and unbiased.²²

The court ruled that the first-come, first-served method of distributing 2G spectrum was unlawful in the case of “*Center for PIL v. UOI*.”²³ The court's ruling was founded on the idea that auctions should be used to dispose of or distribute natural resources.

The 1985 Bhopal Gas Disaster Act was upheld by the Supreme Court in the case of “*Charan Lal Singh v. UOI*”²⁴. The victims of the accident now have the power to seek compensation from the Indian government alone, thanks to this measure. As a result, the Union of India and the persons accountable for the catastrophe struck a settlement before the Supreme Court without involving or consulting the victims in any way.

The goal of substantive equality is to attain genuine and significant equality, as opposed to just formal or surface-level equality.

In the case of “*Navtej Johar v. Union of India*”²⁵

The following has been noted by Chandrachud J.: Along with freedom and dignity, Article 14 comprises crucial and important clauses that constitute the basis of the Constitution. In such portrayal, it essentially represents the effort to ensure fair treatment of the individual in all facets of human endeavors and in all parts of human existence. The following has been noted by Malhotra J : There can be no legitimate classification based on a visible and comprehensible difference if a law discriminates against a person because of their essential and inherent

²² M. Charles, ‘A world of difference: International trends in women’s economic status’, *Annual Review of Sociology*, 37: 355–71 (2011).

²³ (2012) 3 SCC 1

²⁴ AIR 1990 SC 1480

²⁵ (2018) 10 SCC 1

characteristics.

*“Joseph Shine v. Union of India”*²⁶

That was observed by Chandrachud J.: Equality is an ideal that is upheld by justice. The goal of substantive equality, according to constitutional morality, should be the elimination of all forms of discrimination against oppressed people. They are unable to take part in all facets of society—social, economic, political, and cultural—because of the prejudice they face. To move away from an inflexible view of equality that disregards social context, the Court has to think about how the rule or provision affects people's lives. If the Court is serious about achieving substantive equality, it must first determine whether the rule exacerbates the oppression of a vulnerable population.

*“State of West Bengal v. Anwar Ali Sarkar”*²⁷

It has been noted by Justice Vivian Bose that: I am less concerned with attaining academic equality than I am with whether the democratic republic as a whole can see the challenged law as an example of fair and just treatment that people with strong wills and unbiased viewpoints can find acceptable in a democracy like ours. Such viewpoints need to take into account the practical needs of government, the authority to change laws, and other considerations. Nevertheless, protecting individuals from unfair and discriminatory treatment should be the primary focus, as shown in a democratic society.

*“Subramaniam Swamy v. Union of India”*²⁸ and *“Deepak Sibal v. Punjab University”*²⁹

A legitimate aim, understandable differentia, and reasonable connection are all required under Article 14.

*“Shayara Bano v. Union of India”*³⁰

It is possible to invalidate legislation under Article 14 of the Constitution if it is shown to have been adopted capriciously, unreasonably, or without an adequate controlling principle.

*“St. Xavier's College, Ahmedabad v. State of Gujarat”*³¹ established the concept of unconstitutional circumstances with a straightforward explanation from the court. If a government benefit comes with a condition that makes the receiver give up a fundamental right, we say that the condition is unconstitutional. This theory operates on the premise that the

²⁶ (2019) 3 SCC 39

²⁷ [1952] SCR 284.

²⁸ (1989) 2 SCC 145

²⁹ (2014) 8 SCC 682

³⁰ (2017) 9 SCC 1

³¹ (1974) 1 SCC 717

petitioner lacks the constitutional authority to hold the office of police officer, but it draws attention to the right that they are recognized to possess according to a clear clause in the Constitution, namely their ability to express themselves politically.

The main requirement of the theory is that the person making the complaint has the burden of proving that the condition is unreasonable in a particular way, namely that it limits or lessens the ability to exercise a right that is explicitly protected by the Constitution. While the state does have some discretion over which privileges to give or withhold, it cannot use the granting of privileges to coerce someone into doing anything that would be outside its constitutional power if forced upon them. A culture of justification, in which all uses of authority must have a good cause, is what the Constitution should encourage. Government leadership in this culture is not founded on the coercion of power but on the rationality of the reasons given to justify it.

VI. AN NEW CONCEPT OF EQUALITY

Article 14's initial meaning during the Constitution's passage was narrower than the current understanding of its scope, which has grown as time has passed.

*“Air India v. Nargesh Meerza”*³²

Air hostesses are required under Indian Airlines policy to retire when they reach the age of 35, if they get married within four years of starting work, or when they become pregnant for the first time, whichever occurs first. Because being pregnant was an unreasonable reason to fire an air hostess, the court found that the practice constituted discrimination. After working as an air hostess for four years, she was legally entitled to tie the knot. That being the case, pregnancy could not be used as an excuse for termination. This regulation was found to be in direct violation of Article 14, rendering the termination illegitimate.

*“D.S. Nakara v. Union of India”*³³ upheld the constitutionality of Rule 34 of the Central Services rules, finding that it violated Article 14. This rule established a separation between pensioners who left their positions before to a certain date and those who left after that date. Such classification was found by the Court to be unreasonable and without logic. The reason that it was invalidated stems from the fact that it violated Article 14.

The notion of rule of law is fundamental in the whole Indian Constitution and it expressly forbids arbitrariness, according to Justice PN Bhagwati's explanation of the extended characteristics of Article 14 in the *“Bachan Singh v. State of Punjab”*³⁴ case. According to him,

³² 1981 AIR 1829

³³ 1983 AIR 130

³⁴ (1982)3SCC24

the Rule of Law is violated whenever there is arbitrary behavior. Since the Court might rule an act illegal if it contains any elements of arbitrary power, it is critical that all state actions be free of such characteristics. The expanded meaning of Article 14 goes beyond its original association with the reasonable classification principle. While the idea of classification is important, this Article's primary purpose is to safeguard citizens against the arbitrary actions of the state.

VII. CONCLUSION

Among the Fundamental Rights mentioned in Part III of the Indian Constitution is Article 14. Everyone agrees that it's a crucial part of the Constitution. Equal rights are guaranteed and discrimination based on gender, socioeconomic status, religion, etc. is prohibited under Article 14. The two most important parts of Article 14 are equal protection under the law and equality before the law. Important roles are played by both of these parts. No one has the right to think of themselves as above the law, and everyone is required to follow the rules laid down by the government, as laid out in Article 14's Rule of Law premise. Having said that, Article 14's promise of equality is conditional and applies only to individuals who are really regarded equal. This is why legislation is passed, especially when it comes to safeguarding the well-being of children. The reasoning for this classification is sound, and it is not arbitrary. The court has broadened the application of Article 14 to deal with the possibility of arbitrary state action. Because of this, Article 14 today carries more weight than it did when it was first written into the Constitution. Legal precedent has thereby broadened the applicability of this provision.

The interpretation of Article 14 has evolved significantly since its inception, expanding from a focus on reasonable classification to a broader emphasis on preventing arbitrary state actions and ensuring substantive equality. This evolving interpretation prompts an inquiry into how effectively this broader understanding of equality has been translated into tangible social justice outcomes. Specifically, there is a need to investigate whether the judicial expansion of Article 14 has led to a meaningful reduction in systemic inequalities and whether it has addressed the socio-economic disparities that persist in Indian society. Despite the constitutional guarantees of equality before the law and equal protection under the law as enshrined in Article 14 of the Indian Constitution, there remains significant debate regarding its practical effectiveness in preventing discrimination and arbitrary state actions. The historical and judicial interpretations of Article 14 suggest a complex relationship between legal principles and their implementation in a diverse and populous nation like India. This raises questions about the consistency and adequacy of legal protections against discrimination and the role of the judiciary in enforcing these protections.

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