

10 December

HUMAN RIGHTS DAY AND EQUALITY IN INDIA: A LOOK AT ARTICLE 14

*Celebrating 75 Years of
the Indian Constitution*

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Human Rights Day is observed every year on 10th December to mark the adoption of the Universal Declaration of Human Rights (UDHR) by the United Nations General Assembly in 1948. This declaration was the first international acknowledgment of fundamental rights for all individuals, regardless of race, religion, gender, or nationality. Though the UDHR is not legally binding, it has shaped over 60 human rights instruments globally, becoming a guiding framework for nations to ensure dignity and equality. The day is celebrated through conferences, cultural events, and awareness campaigns aimed at emphasizing the importance of justice and fairness.

India's Constitution shares this vision of protecting human rights, with Article 14 reflecting the ideals of equality outlined in the UDHR. The right to equality enshrined in Article 14 seeks to eliminate discrimination and provide justice for all, just as the UDHR aspires to establish equality worldwide. This link between Human Rights Day and Article 14 highlights India's commitment to aligning its laws with universal principles of fairness and respect for human dignity.

Pre-Constitution Era: Historical Context of Article 14

Discrimination has been a persistent part of human history, manifesting as racial biases in the West, caste or religious prejudices in countries like Germany, and class-based inequalities worldwide. Indian society, too, faced its share of such biases, including practices like slavery. To address these deep-rooted issues, the Constituent Assembly incorporated the right to equality in the Constitution, ensuring fairness for all. Dr. B.R. Ambedkar, a key figure in the Assembly, was instrumental in securing equal rights, particularly for Dalits, reflecting his dedication to social justice.

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1950

Introduction of Article 14 in the Constitution

- **Foundation:** Article 14 guarantees "equality before the law" and "equal protection of the laws," derived from the British common law principle of the rule of law and the American doctrine of equal protection.
- **Purpose:** To eliminate arbitrary action by the State and ensure fairness and justice.

The essence of Article 14 goes beyond just being a legal provision. It is about fairness and respect for every individual, no matter who they are. It connects deeply with what **Human Rights** stands for, ensuring dignity and equality for all, and what **Minorities Rights** stands for that is protecting the rights of those who might otherwise be overlooked. By guaranteeing equality before the law, Article 14 reminds us that every person deserves the same opportunities and protections, fostering a society where everyone feels seen and valued.

1952

Doctrine of Reasonable Classification

- **State of West Bengal v. Anwar Ali Sarkar (1952 INSC 1; MANU/SC/0033/1952)**
The Supreme Court invalidated a law that gave unfettered discretion to executive authorities, emphasizing that classification must not lead to arbitrariness.

1974

Introduction of the Doctrine of Arbitrariness

- **EP Royappa v. State of Tamil Nadu (1973 INSC 213; MANU/SC/0380/1973)**
The Supreme Court stated that Article 14 extends beyond mere discrimination and includes a prohibition on arbitrary state action. Administrative authorities must act reasonably, non-arbitrarily, and in a non-discriminatory manner. A person holding a higher post cannot be transferred to a lower post without valid justification, and transfers should be based on administrative exigencies, not discriminatory preferences for junior employees.

1978

Expansion to Procedural Fairness

- **Maneka Gandhi v. Union of India (1978 INSC 16; MANU/SC/0133/1978)**
The Supreme Court ruled that the right to life and personal liberty under Article 21 includes more than just physical integrity. It also includes the right to travel, privacy, and freedom from solitary confinement. The court established that laws restricting personal liberty must be "right, just, and fair."

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1981

Gender Equality and Social Justice

- **Air India v. Nergesh Meerza (1981 INSC 152; MANU/SC/0688/1981)**
Struck down discriminatory service conditions for female air hostesses, upholding gender equality.

1993

Affirmative Action

- **Indra Sawhney v. Union of India (1993 MANU/SC/0104/1993)**
Upheld reservations for Other Backward Classes (OBCs) under Articles 14, 15, and 16. Laid down the 50% cap on reservations, ensuring a balance between equality and affirmative action.

1997

Gender Equality and Workplace Justice

- **Vishaka v. State of Rajasthan (1997 INSC 604; MANU/SC/0786/1997)**
Established guidelines for the prevention of sexual harassment at the workplace, reinforcing equality for women

2014

Rights of Marginalized Groups

- **National Legal Services Authority v. Union of India (2014 INSC 275; MANU/SC/0309/2014)**
Recognized transgender individuals as the "third gender," affirming their equality under Article 14.

2018

Decriminalization of Homosexuality

- **Navtej Singh Johar v. Union of India (2018 INSC 790; MANU/SC/0947/2018)**
Decriminalized homosexuality, holding that Section 377 of the IPC violated the principles of equality and dignity under Article 14.

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2019

Economic Reservation

- **103rd Constitutional Amendment**

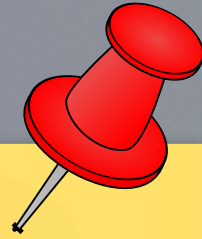
Introduced 10% reservation for Economically Weaker Sections (EWS), raising debates on its compatibility with Article 14.

2022

Constitutional validity of the Constitution (One Hundred and Third Amendment) Act

In **Janhit Abhiyan v. Union of India (2022 INSC 1175; MANU/SC/1449/2022)** the Supreme Court upheld the constitutional validity of the Constitution (One Hundred and Third Amendment) Act, 2019 that introduced reservations for the Economically Weaker Sections (EWS) of society., marking a shift in the equality paradigm.

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