



REASONABLE CLASSIFICATION: A COMPREHENSIVE ANALYSIS AND ITS SIGNIFICANCE WITHIN THE INDIAN POLITICAL LANDSCAPE

SYED MOHD OSAMA AZAM

LL.B. FIRST-YEAR STUDENT, SAIFIA ART, COMMERCE & LAW COLLEGE, BHOPAL (MP)

“The course of the equity is part of the constitution of the law and judicial proceedings.”

Lord Hardwick

ABSTRACT

India's rich variety of cultures, traditions, and customs, are reflected in the diverse regional and community-based lifestyles of its citizens. However, Due to the resulting diversity, creating equal laws that apply to all citizens equally is challenging for the Indian government since some people are privileged while others are underprivileged. To address this issue and promote fairness, Article 14¹ of the Constitution of India establishes the “Doctrine of Reasonable Classification.” In this article, we will discuss the Doctrine of Reasonable Classification and its validity under the Indian Political System.

KEYWORDS

Equality and Equity, Fundamental Rights, Social Justice, State Policy, Object Classification

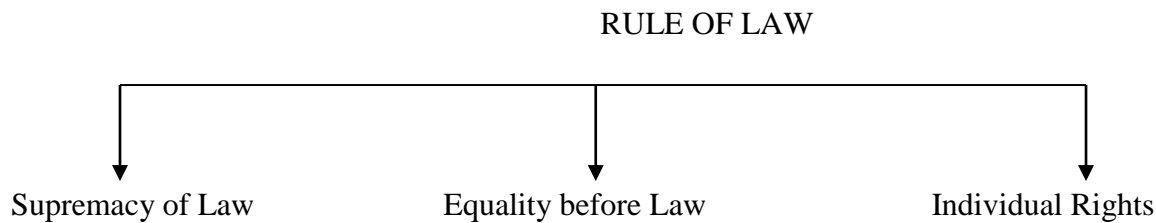
INTRODUCTION

There are more than 200 countries in the globe today, and each with its distinct policies and regulations governing the manner in which it conducts its affairs. Despite these differences, democracy has become essential to promoting fairness and justice. A strong democracy is built on several fundamental principles, including upholding law and order and safeguarding the rights of every citizen. It is challenging to create laws and regulations that are fair to everyone and apply to all situations, regardless of social and economic standing. Therefore, in accordance with their respective cultural, social, and economic principles, nations develop their special laws and policies to uphold the rights of every individual.

¹The Constitution of India, 1950, Article 14.

RULE OF LAW

In the year 1885, Mr. A.V. Dicey introduced his revolutionary theory of the “Rule of Law” to the world in his book². According to his theory, the law is supreme and no one is above it and no person should be punished except for the breach of the law. He clarified three main principles in his theory:-



Supremacy of Law

According to this principle, the law must apply equally to all persons, regardless of their classes, gender, race, and creed. Nobody is above the law even those who are in power are bound to follow the applicable law of the State. The concept of the Supremacy of law is of British origin, primarily expressed by Sir Edward Coke in his book³ during the reign of King Charles I.

Equality before the law

Everyone is equal before the law and has equal access to justice. This means that no one can be subjected to discrimination on the basis of their race, gender, belief, etc. Even though this concept is originally taken from the book⁴ of John Locke, in which is stated the importance of “Equality”.

Protection of Individual Rights

Protection of individual rights requires that an independent judiciary protect everyone’s essential liberties. Legal processes and procedures should be followed in a fair and consistent manner. This means that individuals must be given notice of the charge against them, have the opportunity to present evidence and arguments in their defense, and receive a fair trial before an impartial judge.

CRITIQUES OF DICEY’S THEORY

Although Dicey’s theory of the “Rule of Law” has been an influential legal principle and a key factor in the development of modern legal systems, some issues have been raised with his theory over time. Let us discuss some of them:-

Lack of Clarity

Dicey’s theory is too broad and lacks clarity in its definition of the rule of law. It does not give a clear view of how laws should be applied to individuals. To ensure that the rule of law is administered consistently and fairly to everyone, it is crucial to further define its key principles.

² AV Dicey: Introduction to the Law of Constitution (First Edition), 1885

³ Sir Edward Coke: Institutes of the Lawes of England, 1628.

⁴ John Locke: Two Treatises of Government, 1689

Ignore Social and Economic Inequalities

According to Dicey's theory, everyone should receive the same punishments regardless of age, sex, caste, race, or religion. However, the applicability of this theory in a democratic country raises questions. For instance, the capacity of a 25 year old man and a 14 year old boy can not be the same. Thus, imposing the same punishment on both for the same offense may be inappropriate. Physical and mental inequalities between them can affect their understanding of the offense and their ability to bear the consequences equally.

Limited Scope

While the theory of the rule of law has its merits, it is often subjected to criticism for its limited scope. By focusing solely on the legal system and its relationship with the state, it fails to account for other significant social and political factors that can shape the applicant of law, such as economic inequality, social norms, and cultural values. A more comprehensive approach is necessary to fully understand and address the complexities of the rule of law in society.

Ignores Historical and Cultural Context

Dicey's theory fails to take into account the legal system's historical, and cultural setting. The concept of law is not static and unchanging; rather, it is influenced by social, cultural, and historical influences. The hypothesis ignores the complexity and diversity of legal systems throughout the world, as well as the many historical and cultural settings in which they have evolved.

Ignores Political Influences

Another issue with Dicey's theory is that it presumes a neutral state free of political influence. In reality, however, political considerations and power dynamics frequently influence the legal system. As a result, the rule of law may be selectively applied or manipulated to serve the interests of those in power.

INDIA'S REASONABLE CLASSIFICATION PERCEPTION

The idea of "reasonable categorization" is a fundamental part of Indian constitutional law. It refers to the notion that the government is permitted to make specific differences or classes when formulating laws or policies, provided that the classifications are founded on reasonable standards and fulfill legal objectives.

Even the Supreme Court of India has held regarding the concept of reasonable classification various times, that it is an integral part of equality enshrined in the Indian Constitution. The principle, following the court, enables the government to develop policies that take into account the distinction between persons and groups as well as the recognition of those differences.

Conclusively, India's perception of reasonable classification is positive, as it is viewed as an important tool for the government in developing policies and laws that are fair and just for all citizens. In India, the principles of reasonable classification aim to promote social equality, inclusion, and economic development.

OBJECTS OF REASONABLE CLASSIFICATION UNDER THE INDIAN CONSTITUTION

The term "reasonable classification" is very broad and encompasses many goals aimed at ensuring that everyone is treated fairly. In this article, we will look at the goals of reasonable classification established by the Indian Constitution⁵.

⁵ The Constitution of India, 1950, Preamble

Justice

The primary objective of reasonable classification is to serve justice to all. This indicates that regardless of one's origin or circumstances, everyone should be treated fairly and equally.

Liberty

Individual liberty is an essential right in the Indian Constitution, and it aims to ensure that this right is granted to all individuals. The Indian Constitution guarantees the right to life and personal liberty⁶, as well as other fundamental rights including freedom of speech, expression⁷, and religion⁸ etc.

Equality

This implies that everyone must have access to resources and an equitable chance. Achieving this balance is crucial for creating a just and sustainable society.

Fraternity

Fraternity, in general, means a feeling of unity and support among people. However, in legal terms, it is used in a broader sense. Its fundamental principles and values are meant to promote a sense of purpose and belonging among all people, regardless of their background or beliefs.

GROUNDINGS FOR REASONABLE CLASSIFICATION

There are some important grounds for reasonable classification. Which is as followed:-

- Age
- Gender
- Geographical or territorial basis
- Nature of business or profession
- Nature of the source of authority
- Nature of offences and offenders
- Basis under tax laws
- State of Government
- Single individual or body as a class

CLASSIFICATION UNDER “ARTICLE 14”

The right to equality is guaranteed by Article 14 of the Indian Constitution which may be claimed by any person whether a citizen or non-citizen of India under Indian Territory. India is a diverse country having numerous cultures, religions, castes, and races. Thus, just equality before the law was not sufficient for the nation. Dr. Bhim Rao Ambedkar knew it very well, that is why he added the expression “Equal Protection of Laws” with “Equality before the law” under “Article 14” of the Constitution of India.

⁶ The Constitution of India, 1950, Article 21

⁷ The Constitution of India, 1950, Article 19(1)(a)

⁸ The Constitution of India, 1950, Article 25

Although these two lines look similar but there are numerous differences between them. Let it understand one by one:-

Equality before Law

The concept of equality before the law states that everyone should be treated equally in the eyes of the law, regardless of their status, race, sex, or religion. Dr. Kailash Rai writes in his book⁹ “

“Equality before the law” is an expression of English common law. According to this notion, no one should be given any special privilege. It makes sure that everyone is treated fairly by the law and equally accountable to the general provisions of the law. This expression is similar to Dicey’s theory “Rule of Law”.

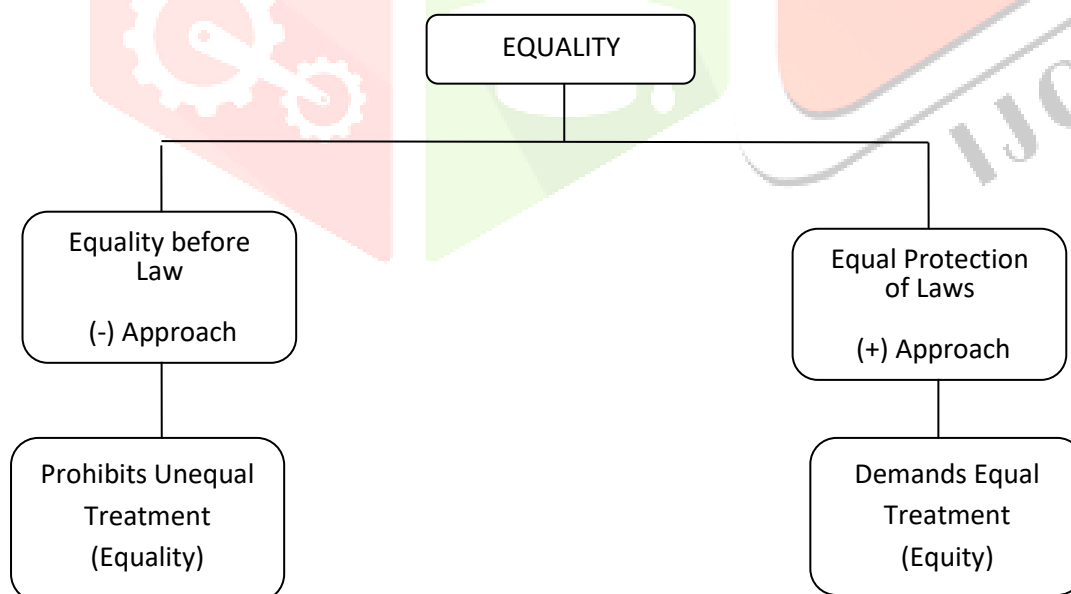
In a Landmark case¹⁰ the Supreme Court held that any act that violates any fundamental right of a person or gives state government arbitrary powers to set up special courts and select judges with any proper guidelines or criteria is unconstitutional and against the principle of natural justice. Thus, the act cannot be enforced.

Equal Protection of Laws

The phrase “Equal Protection of Law” is taken from the US Constitution. It is a positive concept. It implies equality of treatment in equal circumstances. This concept implies equality for equals and seeks to eliminate hostile discrimination or oppression of inequality.

It is to be noted that, ‘equality before law’ and ‘equal protection of the laws’ both attempt to achieve equal justice, and classification must not be arbitrary or discriminatory. Thus, an arbitrary action by the State cannot be justified solely based on equal protection of the laws.

In **D.K. Yadav Vs. J.M.A. Industries**¹¹ The Apex Court has held that action or decision, even administrative in nature which involves civil consequences, must be just, fair, reasonable, non-arbitrary, and in consonance with the principle of natural justice.



⁹ Dr. Kailash Rai: The Constitutional Law of India 11th Ed. 2017, Chapter 9, Pg. 128

¹⁰ State of West Bengal Vs. Anwar Ali Sarkar, AIR 1952 SC 75

¹¹ D.K. Yadav Vs. J.M.A. Industries AIR 1993 SC 259

Equality

Equality is about treating everyone the same regardless of their wealth, gender, or social standing. It provides equal rights to all without regard to class, gender, or, any other factor in order to ensure that justice is served. Equitable access to resources, advantages, and opportunities for all people or groups is what equality tries to achieve. It doesn't take into account each person's specific demands and treats everyone equally.

Equity

Equity is about recognizing and addressing inequalities and offering where it is required. Equity strives to equalize opportunities by offering more support and resources to those who need it. Equity acknowledges those people have diverse needs and aims to allocate resources in a targeted way to promote justice.

Distinguish between Equality and Equity:

S.N.	Equality	Equity
1.	Equality emphasizes treating everyone the same.	Equity focuses on fairness.
2.	It aims for an equal distribution of resources.	It seeks to distribute resources in a targeted manner.
3.	It focuses on providing equal opportunity for everyone.	It focuses on equal outcomes and recognizes that some individuals or groups may require additional support over others.
4.	Equality is like giving everyone the same pair of shoes	Equity is like giving everyone a pair that fits.
5.	It aims to provide equal access to resources, opportunities, and services.	Equity recognizes barriers between underprivileged and privileged groups and works to eliminate them.

CLASSIFICATION UNDER “ARTICLE 15”

General Clause

Discrimination against any citizen merely on the basis of their place of birth, race, caste, religion, or gender is prohibited by Article 15 of the Indian Constitution. The state has no right to discriminate against any citizen on any of the aforementioned grounds, according to clauses 1 & 2 of Article 15.

Exceptions

However, the article also empowers the government to formulate distinctive measures for the advancement of particular social and educationally deprived groups or categories that fall under reasonable classification.

Dr. Kailash Rai writes in his book¹² that Article 15(3) is an exception to Article 15(1) & (2) and these clauses do not prevent the State from making any special provisions for women and children. For instance, special seating arrangements for women in buses and trains or even reservation of seats for women in colleges are not unconstitutional.

Whereas Articles 15(4), 15(5), and 15(6) explain, the exceptional provisions designed for the upliftment of socially and financially unprivileged groups, such as SCs, STs, and other backward classes. However, the notion of “reasonable classification” denotes the idea that the government can enact laws or policies that differentiate between diverse groups of individuals, as long as the classification is based on reasonable and

¹² Dr. Kailash Rai: The Constitutional Law of India 11th Ed.2017, Chapter 9, Pg.273

objective criteria. In many cases, The Supreme Court of India also strongly supported the basic principle of reasonable classification.

PRIVILEGE GRANTED TO WOMEN UNDER THE INDIAN POLITICAL SYSTEM

The Constitution not only guarantees equality to women but also authorizes the State to adopt affirmative action measures in their favor. Article 15(3) gives women certain provisions and exceptions, which include-

Reservation in Educational Institution

The reservation policy seeks to eliminate gender inequalities and advance gender equality in the educational sector. This initiative involves providing a 33% reservation for women in every government-run educational institution, with a view to the advancement of women in the field of education.

Reservation in Government Jobs

The Indian government has launched several policies that allocate a specified number of jobs for women. The main purpose of reserving jobs for women is to empower them in the workplace and create a more diverse work environment.

Maternity Benefits

Based on Article 42¹³, the Government introduced “The Maternity Benefit Act of 1961”, which ensures that women are entitled to a range of benefits, including paid leave and medical allowance, during and after pregnancy. This creative legislation encourages a more inclusive and empowering work environment for everyone while also recognizing the fundamental rights of women and assisting them in establishing a better work-life balance.

Protection from Harassment at the Workplace

Article 19(1)(g) ensures every individual the right to practice any occupation, trade, or business regardless of their social or professional status. The Sexual Harassment of Women at Workplace Act, 2013 safeguards this right by providing women protection against workplace harassment, making it the employer’s legal duty to maintain a safe working environment.

In the landmark case of **D.K. Yadav Vs. J.M.A. Industries**¹⁴ The Supreme Court held that women have a fundamental right to freedom from sexual harassment in the workplace. It also put forward various important guidelines for employees to follow and avoid sexual harassment of women in the workplace.

Protection from Domestic Violence

The Protection of Women from Domestic Violence Act of 2005 stands as a significant legal framework, offering essential protection and redressal to women who are victims of domestic violence and abuse. Furthermore, to the aforementioned regulations, Section 498A of the Indian Penal Code also functions as an important safeguard against domestic abuse by making such acts illegal offenses. This ensures the safety and security of women.

¹³ “The State shall make provision for securing just and humane conditions of work for maternity relief.”

¹⁴ D.K. Yadav Vs. J.M.A. Industries AIR 1993 SC 259

INITIATIVE FOR WOMEN EMPOWERMENT

The government has introduced numerous policies and schemes aimed at promoting women's empowerment and effectively addressing issues of gender inequality.

National Policy for the Empowerment of Women

To tackle gender inequality and discrimination against women, the Indian government implemented a policy in 2001 that focuses on six important areas: health, education, economic empowerment, governance, and decision-making, violence against women, and mainstreaming gender issues.

Beti Bachao, Beti Padhao Scheme

This scheme was launched to constrain the continuously declining child sex ratio in the country. The scheme's objective is to discourage female child abortion and encourage girls' education. It provides financial incentives to parents who have a girl child, guaranteeing their education and health.

Mahil-E-Haat

In order to encourage and help female entrepreneurs, this online platform was launched in 2016. It gives women access to a digital marketplace where they may advertise their goods and attract more customers.

REQUIREMENT OF SPECIAL PROVISIONS FOR BACKWARD CLASSES

In India, the Scheduled Castes (SC) and Scheduled Tribes (ST) are recognized as historically disadvantaged groups that have experienced social, educational and economic discrimination for generations. Dr. D.R. Nagaraj in his book¹⁵, sheds light on the discrimination and oppression faced by the Dalit community, while also showcasing its struggle, aspirations, and achievements.

The condition of backward classes in India before Independence was vulnerable. Dr. Ambedkar himself faced discrimination, which led to his heightened concern for the backward classes. As a result he included special provisions for their upliftment in "Article 46" of the Constitution of India. These provisions were later incorporated into Article 15(4)¹⁶ through First Amendment Act, 1951.

SPECIAL PROVISIONS FOR SOCIALLY & ECONOMICALLY BACKWARD CLASSES

To uplift the backward classes, Indian Government implemented many policies. Let us discuss some of them.

Reservation System

This is the most common policy for the backward classes in which government provides reservations to SC, ST, and OBC classes to support them and to reduce the gap between upper and middle-class citizens. In the case of direct recruitment, Government reserves 15% of seats for SC, 7.5% of seats for ST, and 27% of seats reserved for the OBC class in almost every Government Department.

Indra Sawhney Vs. Union of India & Ors.¹⁷ commonly known as the Mandal Commission case, is one of the most famous cases in the history of India regarding the reservation. In this case, the Supreme Court affirmed the concept of reservations for socially and educationally backward classes in its judgment as a means of rectifying historical discrimination and achieving social fairness.

¹⁵ Dr. DR Nagaraj; The Fleming Feet, 1993

¹⁶ The Constitution of India, 1950, Part III (Fundamental Rights) Article, 15(4)

¹⁷ Indra Sawhney Vs. Union of India & Ors., AIR 1992, SC 217.

The court held that OBCs could receive reservations as long as they did not exceed 50% of the available seats or jobs.

National Scheduled Castes Finance and Development Corporation (NSFDC)

NSFDC offers loans to SC people for self-employment, skill development programs, and educational purposes at subsidized interest rates. The lower interest rates on these loans make them an accessible and cost-effective choice for scheduled-class people who are in need of financial support. Some of the major objectives of NSFDC are given below:-

- Identification of commerce & other economic activities that are significant to the population of Scheduled Castes.
- Development of skills & processes used by persons belonging to Scheduled Castes.
- Funding for experimental projects aimed at improving the lives and finances of people from Scheduled Castes.
- Assistance to target groups in building up their projects by way of project preparation for full-time professional and technical courses in India and overseas.

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

This act legally protects individuals who identify as SC or St from social discrimination, abuse, and violence. It makes crimes against them illegal and creates special courts for speedy trials.

Pre-Matric Scholarships Schemes for Scheduled Castes & Other Backward Classes

Pre-Matric Scholarships Schemes for Scheduled Castes and Others is a centrally sponsored program that aims to assist SC and other underprivileged group parents in paying for their children's education while they are in the Pre-Matric stage, in order to increase their children's involvement and to provide more chances of moving on to the Post-Matric stage of education

In a leading case¹⁸, the apex court recognized that reservation should primarily be given to the weaker sectors of society to uplift them. However, it also clarified that this should not be done at the cost of the interests of the other sections of the society.

Pradhan Mantri Awas Yojana(PMAY)

This initiative aims to give affordable housing to all sections of society, including backward and underprivileged families. It provides subsidies and loans to eligible beneficiaries for the construction or purchasing of houses.

Skill Development Initiatives

To improve the employability of people belonging to Economically Backward Classes or Sections, the government has started several skill development programs. Training and certification are offered in a variety of professions through programs like the Pradhan Mantri Kaushal Vikas Yojana (PMKVY) and Skill India Mission.

ISSUES ARISING IN REASONABLE CLASSIFICATION IN INDIA

Reasonable classification is a legal principle that allows for differentiation between individuals or groups of individuals under the law. However, if the classification is biased or does not meet the criteria of being reasonable, it can give rise to several issues.

¹⁸ Balaji Vs. State of Mysore AIR 1963, SC 649

Arbitrary Classification

One of the primary issues is that the criteria used for classification are often arbitrary and lack objective reasoning. Consequently, certain groups may be excluded from the benefits of the law, leading to inequality and discrimination.

Inappropriate Policies

Moreover, the classification criteria frequently do not consider the diverse needs and circumstances of different communities in India. As a result, policies formulated on such criteria may not effectively address the needs of marginalized or disadvantaged groups.

Poor Implementation of Policies

Even if a policy is correctly formulated, it is still possible that it will not be effectively implemented. There are several factors, which may affect the implementation of such policies including insufficient resources, negligence of implementers, and occasionally the vast majority of classified people also becomes the reason for poor implementation.

Lack of awareness

Most of the needy people are deprived of the scheme due to a lack of awareness and illiteracy. The government creates a number of policies for the backward and underprivileged citizens, but either many people are unaware of the scheme or, if they are aware it is difficult for them to meet the criteria or complete the necessary process to avail its benefits.

Corruption

In India, corruption is a widespread and severe challenge that affects nearly every aspect of government departments and even influences classification criteria. Despite the existence of various beneficial schemes targeted at particular groups, unchecked corruption prohibits deserving people from making use of these programs.

CONCLUSION

In conclusion, the doctrine of Reasonable Classification is crucial to the functioning of the Indian political system because it gives the government a framework that allows it to respond to the unique requirements of various social groups. However, classification must be non-arbitrary and fair in order to satisfy the requirements of reasonableness and comply with the Indian Constitution.

While India has made progress in classification, there is still a long way to go before its population is fairly classified. Women and members of socially and economically disadvantaged groups frequently experience inadequate treatment and open discrimination in their daily lives. These problems emphasize the requirement for more efficient methods to guarantee social justice and equality.

The doctrine allows favorable action policies to boost and empower marginalized communities based on significant characteristics such as social and economic backwardness. The most common example of reasonable classification in India is the reservation system.

India still struggles to achieve balanced classification among its citizens despite immense efforts. Numerous cases show the difficulties disadvantaged and backward classes have in getting access to the programmes intended to benefit them.

Comprehensive and focused strategies that address the root cause of prejudice and inequality are required to address these issues. It is important to work towards building a society with diversity where everyone, regardless of background, has access to resources and equitable opportunities.

Conclusively, while the Indian political system acknowledges the value of fair classification, more work needs to be done to guarantee justice and equality for all residents. India can get close to attaining its objectives of a just and inclusive society by recognizing the issues and implementing practical solutions.

SUGGESTIONS

India still needs to make progress in fulfilling the objectives of reasonable classification. Here are some suggestions:-

Improve Anti-Corruption Initiatives

The Government is required to implement strong anti-corruption rules and regulations. The Establishment of an unbiased and independent authority to investigate cases of corruption may be useful to fulfill the objectives of the reasonable classification.

In addition, the government should encourage openness and transparency by implementing effective strategies such as the creation of online public information portals and a citizen feedback system.

Promote Awareness

Another significant reason for the failure of reasonable classification in India is that the majority of people are not aware of the schemes or procedures to avail of their related benefits. The government should encourage public awareness and initiate campaigns to reach out to every citizen. Additionally, individuals who are already aware about the schemes and special provisions of the government should take an active role in raising awareness.

Enhance Literacy Rates in India

Education does not only increase the knowledge of an individual but also enhances the skills of a person, which helps in every aspect of life. The government should pay special attention to enhancing educational infrastructure, particularly in underprivileged and rural areas. Enough funding for high-quality education should be provided and encourage adult literacy initiatives.

Leverage Technology to Improve Transparency

Government should use advanced technology to improve transparency and lessen corruption. Use e-governance tools to offer services quickly and effectively while minimizing the need for in-person encounters that might be corruptible. To reduce the possibility of corruption, use digital platforms for public contracting.

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