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**RELATIONSHIP BETWEEN GENDER EQUALITY AND ARTICLE 14**- Anugyaa Sharma<sup>1</sup>**ABSTRACT**

Gender equality is a foundational principle in modern societies, crucial for the realization of human rights, social justice, and sustainable development. In India, a nation with a rich cultural tapestry and diverse population, the Constitution serves as the cornerstone of governance, embodying the values of justice, liberty, equality, and fraternity. Article 14 of the Constitution, often referred to as the "right to equality," guarantees equality before the law and equal protection of laws to all citizens, without discrimination based on gender or any other grounds.

Article 14, as a fundamental right, embodies the principle of equality before the law, ensuring that no person is unfairly advantaged or disadvantaged by the state. Its application in matters of gender discrimination has been pivotal in shaping legal jurisprudence and societal norms. Through a meticulous examination of judicial pronouncements, this paper explores the evolving interpretation of Article 14 in cases related to gender-based discrimination. This paper undertakes a detailed examination of the intricate relationship between gender equality and Article 14 of the Indian Constitution.

This paper underscores the critical role of Article 14 in advancing gender equality in India. It advocates for a holistic approach that combines legal reforms, policy initiatives, and societal interventions to address the multifaceted challenges facing women, transgender individuals, and marginalized genders. By upholding the principles of equality and justice enshrined in the Constitution, India can strive towards a more equitable and inclusive society for all its citizens.

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## INTRODUCTION

Women and girls make up half of the world's population and half of its potential as well. Nonetheless, gender inequality persists worldwide and hinders the progress of society. Gender refers to the socially constructed characteristics of men, women, girls, and boys. This includes interpersonal relationships as well as the roles, expectations, and conventions that come with being a woman, man, girl, or boy. India has always been a patriarchal nation, thus it is critical that women now speak up for themselves. Gender discrimination persists in various forms even in the modern era. Prejudices of this nature happen not only at work but even in our own households.<sup>2</sup>

For a very long time, our Indian civilization has been so deeply embedded with archaic customs and traditions that they limit women's independence, personal preference, and autonomy. Women are totally dependent on men since they are denied opportunities, imprisoned within their houses, and aren't allowed to express their own opinions.

According to a 2017 U.S. Bureau of Labor Statistics report, women who worked full-time as wage and salary workers made 82% less money per week on average than men. There are disparities in the public, business, and non-governmental sectors' approaches to gender equity and equality, according to a growing body of research.<sup>3</sup>

Article 14 of the Indian Constitution states, "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."<sup>4</sup> As a result, this article forbids discrimination against people on the basis of their caste, creed, color, sex, gender, religion, or place of birth.

Gender equality won't be fully achieved until both men and women have equal access to opportunities, rights, and responsibilities in all spheres of life. This includes sharing equally in the distribution of power and influence as well as having equal access to opportunities for achieving goals, education, health care, and financial independence. To attain gender equality, women must be empowered, with a focus on identifying and resolving power

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<sup>2</sup>[https://en.wikipedia.org/wiki/Gender\\_equality](https://en.wikipedia.org/wiki/Gender_equality)

<sup>3</sup>The U.S. Bureau of Labor Statistics, (2017)

<sup>4</sup>Article 14 of the Constitution of India

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imbalances as well as giving them more autonomy over their own lives. When women are empowered, entire families benefit as well as future generations.<sup>5</sup>

## CONCEPT OF GENDER EQUALITY

Gender inequality is the term used to describe the disparities between men and women's access to health, education, political, and economic resources, as well as the conventional notion of women as caregivers and housewives. By nature, the physical structures of men and women differ. Men are physically longer and stronger than women. Although males can breathe deeper and have larger blood vessels, women's white blood cells circulate more and produce antibodies more rapidly than men's. Since there is usually no cognition in both, sexual specialization is the main cause.

God made men and women for distinct purposes. Traditionally, women have been expected to take care of the home, but this is changing, and both sexes today contribute equally to day activities. Both men and women work outside the home, but males still load more outside the home than women do. Initially, women played a larger role in the home than men did, but today's trends have evolved, and women are equally involved in day-to-day operations. They perform their jobs in homes, farms, and the nation's parliament offices.

Sexual relationships involve a division of labor due to the greater aggression and risk of men compared to women. There is a notion that suggests the male sex hormone affects verbal memory and empathy disparities between genders. Beginning in infancy, men and women are raised in distinct ways throughout their lives. Men and women travel different paths and make an effort to select their own paths. It's common knowledge that girls like dresses, pink, and playing with dolls at home. Boys are usually dressed in blue, according to social conventions established by their parents and the community. Throughout life, men and females are perceived as different species with unique personalities and lifestyles.<sup>6</sup>

Men and women are formed for different purposes by God. The expectation that women should take care of the home has changed throughout time, and both sexes now contribute equally to day-to-day chores. Although both sexes work outside the home, men still put in more hours there than women do. In the past, women were more active in the home than men

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<sup>6</sup><https://blog.iplayers.in/legal-provisions-gender-equality-analysis> (Last visited on 19 April 2024)

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were, but times have changed and women now contribute equally to daily tasks. They work in the nation's legislative offices, on farms, and in homes.

Due to the length of time children spend in school, "teachers are influential role models for many aspects of children's educational experiences, including gender socialization" The perception of their students' mathematical abilities and effort resources in mathematics is distorted by teachers who uphold the culturally dominant gender-role stereotype about the distribution of talent between males and females. This distortion is more pronounced in the case of teachers who do not endorse the stereotype.<sup>7</sup>

According to the 1994 research "Intelligence: Known and Unknowns" by the American Psychological Association, "most standard tests of intelligence have been constructed so that there are no overall score differences between females and males."<sup>8</sup>

Negative gender stereotypes are fostered by the upper echelons of society. Some countries let firmly rooted laws and customs, including those that forbid women from inheriting property, to fail to uphold or even infringe upon the rights of girls. Gender stereotypes also impact boys. For instance, prevailing notions of masculinity may promote child labor, gang activity, school abandonment, and enlistment in the armed forces.

We study how to read body language, what sorts of jobs and pastimes to pursue, how to express certain emotions, what activities we should enjoy and be excellent at, and which ones we should avoid or be awful at, among other things. And even if it's not a perfect fit for many of us, we manage to make it work or find ways to downplay the parts of ourselves that don't fit the pattern. But for others of us, it's uncomfortable enough that we can't merely pass or blend in. Genderqueer and transgender people can only live by acting out a completely new script.

Men's rights mine, ours, and everyone else's have an impact on men's psychological development.<sup>9</sup>

It is stereotyped that men are competitive, aggressive, and risk-takers. Men who will take care of their children naturally pique the interest of women. In fights with other guys, the

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<sup>7</sup> Socio- Legal Dimensions Of Gender, Singhal Law Publications- Ankit Tiwari And Ritanshi Jain

<sup>8</sup> Women's Human Rights, Mohini Chatterjee (2005)

<sup>9</sup> [https://en.wikipedia.org/wiki/Gender\\_equality](https://en.wikipedia.org/wiki/Gender_equality) ( Last visited on 19 April 2024)

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strongest and wisest man will come out on top and attract the interest of women. Because they are viewed as leaders, men are frequently assigned to positions of power. Men in positions of power tend to attract women because they can shield their spouses and children.

They also think these guys are just, fair, and confident. Due to men's inclination for aggression, male tribal leaders have historically predominated over female ones. Men who are assertive and competitive are not to be denigrated, just as women with comparable traits are not. We must, however, accept the way that nature created us. Even if men and women are more likely to have different skill sets, we may still learn from one other's experience.

The most powerful societal echelons continue to enforce harmful gender norms. For example, some countries have adopted laws that forbid women from inheriting property, which fail to protect or even violate girls' rights. Boys are also impacted by gender norms; ideals of masculinity in society can promote child labor, gang violence, dropping out of school, and joining armed groups. In terms of gender equality and equity narratives of women members of registered non-governmental organizations in relation to their real experiences with healthcare, education, socioeconomic status, and political engagement, the study's conclusions explain how policies affect and transform organizations.

#### **CONCEPT OF ARTICLE 14**

The full text of Article 14 is, "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India." Equality is a cornerstone of the Constitution. An individual's degree of liberty is closely correlated with the equality they have in society. The main objective of the Article is to treat everyone equally with regard to the rights that are granted and the obligations that are imposed.

Classification must not be arbitrary; rather, it must be reasonable, which means that characteristics shared by all group members and not by others who are excluded may not be the only basis for classification; also, characteristics must make sense in light of the legislative objective. The terms "Equality before the law" and "Equal Protection of the law" are used twice in this article. But the Universal Declaration of Human Rights makes use of both of these phrases.<sup>10</sup>

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<sup>10</sup><https://articles.manupatra.com/article-details/Article-14-Equality-Before-Law-and-Equality-protection-of-the-law> Last visited on 19 April 2024)

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## EQUAL PROTECTION OF THE LAWS

One of the benefits of equality is this. This is one advantage of equality. The 14th Amendment Act of the US Constitution, Section 1, ensures that everyone is entitled to equal treatment under the law. According to this theory, every Indian citizen ought to receive the same treatment and protection under the law. The government cannot contest the fact that it guarantees equitable treatment for all individuals inside the boundaries of India. It gives the state a proactive obligation to put an end to rights infringement. This can be achieved by putting socioeconomic reforms into practice.<sup>11</sup>

The main issue raised in this case, **St. Stephen College vs University Of Delhi**<sup>12</sup> regarding the college admissions process was the validity of the preference given to Christian applicants. The Supreme Court decided in this case that a minority institution receiving state money is entitled to give local students preference or reserve seats. The Supreme Court has ruled that treating candidates differently throughout the admissions process is necessary for the minority sector and does not violate Article 14 of the Indian Constitution.

## EQUALITY BEFORE THE LAW

According to Dr. Jennings, "equality before the law means that like should be treated alike and that the law should be equal and equally administered among equals." It should be the equal right of all mentally competent persons to sue, be sued, and be prosecuted for the same offenses, irrespective of their race, religion, social status, or political influence.<sup>13</sup>

Everyone should be treated equally under the law, regardless of their financial circumstances, gender, caste, or social standing, according to the concept of equality before the law. It is an English-originated negative idea that ensures that no one, regardless of status or circumstance, has any special rights. There are a few exceptions, so this is not a hard-and-fast rule. The following are a few of the exclusions listed in the Constitution:

1. No court can hold the President or a State Governor accountable for using their official authority.

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<sup>11</sup> Supra Note 9

<sup>12</sup>1992 AIR 1630

<sup>13</sup><https://www.nextias.com/blog/right-to-equality/> (Last visited on 19 April 2024)

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2. No criminal procedures may be brought against the Governor or the President of a state.
3. During their terms in office, neither the President nor the Governor of a state may be arrested or imprisoned by a court.
4. During their terms, the President or a state governor may not be sued without providing two months' notice in advance in a civil action requesting redress.

Furthermore, Article 361 A states that no member of the State Legislature or Parliament may be ordered to appear before the Court in any criminal or civil action while the session is in session. No member of the State Legislature or Parliament may be legally held responsible for statements, votes, or opinions expressed in the House, according to Articles 105 and 194. In addition, foreign sovereigns, diplomats, or ambassadors cannot be the subject of civil or criminal litigation.<sup>14</sup>

The case of **State of West Bengal v. Anwar Ali Sarkar**<sup>15</sup> the inviolability of the right to equality has been called into doubt. The Supreme Court decided that the right to equality has some restrictions in this case. In this particular case, it was found that the State of Bengal was arbitrarily referring any matter to the Special Court they had set up. It was concluded as a result that the State of Bengal Act violates the right to equality.

### **REASONABLE CLASSIFICATION – AN EXCEPTION**

A class is a homogeneous group of people who are gathered together because they have common characteristics. Classification laws are prohibited by Article 14, yet they are infrequently allowed for justifiable reasons. In the 1955 case of **Budhan Chaudhary v. the State of Bihar**<sup>16</sup> and the 1965 case of **Vajravelu Mudaliar v. Special Deputy Collector for Land Acquisition**<sup>17</sup>, the following standards were established for what made class legislation reasonable or sensible:

1. An arbitrary classification is not feasible. The distinction between individuals who belong in the class and those who don't needs to have a strong or convincing justification.

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<sup>14</sup>The Constitution of India

<sup>15</sup>1952 AIR 75

<sup>16</sup>1955 AIR 191

<sup>17</sup>1965 AIR 1017

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2. The classification that the legislation aims to establish must have a sound rationale. When classifying someone, a variety of criteria may be taken into account, such as age, occupation, and geography. All that is required is for the classification and the law's objective to align.

The Supreme Court explains equality before the law jurisprudence, the method by which state actions are deemed legally legitimate in the case of **Ram Krishna Dalmia v. Justice Tendolkar**<sup>18</sup>. The well-known "classification test" has only been applied in this one instance.

In this instance, the High Court ruled that a government may establish a commission to look into a matter if it determines it has to. Here, the government's primary goal is to commit to supporting issues that are important to the people.

### **THE DOCTRINE OF LEGITIMATE EXPECTATION**

The theory of legitimate expectation is essentially a moral duty on the part of the government to seek out and enact laws that afford equality to every individual inside a territory rather than a legal right. When public authority fails to defend people's interests, it grants the right of judicial review under administrative law.<sup>19</sup> It serves as a link between the expectations of people and any official action. But in order for these expectations to be considered valid, they had to make sense and be reasonable.

The court offers a number of tools to accomplish the goal of authoritative legislation, which is to satisfy legitimate expectations. These tools are available to shield everyone from the state's organs abusing their power. It placed some sort of limit on a state's ability to utilize its authority arbitrarily, albeit a moral one.

### **GENDER EQUALITY AND THE INDIAN CONSTITUTION**

Gender equality refers to giving men and women the same opportunities in all spheres of life, including the job, earning potential, and opportunities. Discrimination between men and

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<sup>18</sup>1958 AIR 538

<sup>19</sup>Supra Note 10

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women is unacceptable. A few significant articles that talk on the idea of equality are Articles 14, 15, 16, and 39 of the Indian Constitution.

#### ARTICLE 14<sup>20</sup>

Article 14 discusses the equality. Ensuring equitable treatment of all Indian citizens before the law and preventing discrimination based on factors such as gender, caste, color, or religion is a fundamental right.

Women who are compelled to marry young find it difficult to further their education and find employment, which leaves them entirely dependent on men. The article establishes the fundamental rights of all people to equal protection under the law and equality before the law.

#### ARTICLE 15<sup>21</sup>

Article 15 prohibits discrimination on the grounds of race, caste, religion, sex and place of birth. Caste discrimination is the most common form of discrimination in India. Caste separation leads to discrimination and untouchability. Although untouchability is officially illegal in India, people still experience it in some places because of caste beliefs and a lack of legal knowledge.

Discrimination against people born into lower castes arises from the presumption that they are inferior to those born into higher castes. Article 15 defines this kind of discrimination as an offense, and anyone found guilty of it faces penalties.

#### ARTICLE 16<sup>22</sup>

The goal of Article 16 of the Indian Constitution is to give all people of the country equal opportunities for employment and official posts. Equal opportunities should be extended to all Indians in terms of employment in the public sector. The Article's first two sentences make it clear that there will be no discrimination against Indian citizens in the workplace. These clauses establish equitable job opportunities by outlawing discrimination on the basis of religion, race, caste, gender, place of birth, or any other criteria.

#### ARTICLE 39<sup>23</sup>

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<sup>20</sup>The Constitution of India, art 14

<sup>21</sup>The Constitution of India, art 15

<sup>22</sup>The Constitution of India, art 16

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Article 39 addresses pay parity between genders. Men and women should be paid equally for doing the same task, without any distinction in compensation. Article 39 contains six sub-clauses, that are:

1. That all the citizens irrespective of their sex whether men or women shall equally have the right to adequate means of livelihood. [Article 39(a)]
2. That the resources and the ownership of those resources and materials shall be distributed in such a way that it fulfils the common goal. [Article 39(b)]
3. That the economic system shall be executed in such a way that the concentration of wealth and means of production shall not result in a common detriment. [Article 39(c)]
4. The promotion of equal compensation for equivalent work. [Article 39(d)]
5. That no one shall mistreat or manipulate the physical well-being of employees, whether they be men, women, or children. Furthermore, engaging in an activity that is inappropriate for a particular age or strength should not be motivated by financial need or circumstance. [Section 39(e)]
6. That children would be provided with the right chances to help them develop in a healthy way while maintaining their independence and dignity. In addition, infancy and adolescence must be shielded from material and moral desertion as well as from all forms of exploitation. [Article 39(f)]

#### ARTICLE 42<sup>24</sup>

Maternity relief and humane working conditions are the two main goals of Article 42. "The State shall provide for securing just and humane working conditions and for maternity relief," it says. It is a socialistic idea aimed at achieving the people's social and economic well-being with the ultimate goal of making India a welfare state.

#### CONCLUSION

Boys and girls experience gender prejudice on a daily basis in the media, in textbooks, in their homes, and from the adults who are supposed to be watching out for them. Mothers often do the majority of caregiving and housekeeping, however parents may assign each other

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<sup>23</sup>The Constitution of India, art 39

<sup>24</sup>The Constitution of India, art 42

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varying amounts of work around the house. The majority of low-skilled, unpaid community health professionals who provide care for children are women, and they also have limited career progression options.

When the number of men and women on the planet is equal, gender equality will have been proven. To do this, public support for government action is required. The judiciary has created the new Article 14 dimensions that are primarily intended to remove any possibility of arbitrariness in actions taken by the State. As a result, since the Constitution was passed, the Article's purview has greatly increased. Consequently, the scope of this article has been extended by several judicial decisions.

To sum up, Art 14 emphasizes the necessity of a multifaceted strategy that includes education, institutional transformation, legislative reform, and public participation in order to promote gender equality in the arts. We can clear the path for a society that is more just, equal, and inclusive for people of all genders by utilizing the transforming power of art.

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