

Where v. state of  
andhra, a.i.r. 1954  
S.C.



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Where the Court finds that the classification satisfies the tests, the Court will uphold the validity of the law, as it did in the following cases:- (a) Chiranjit Lal v. Union of India, A.

I. R. 1951 S.

C. 41: (1950) S. C. R. 869; (b) State of Bombay v. F. N. Balsara, A.

I. R. 1951 S.

C. 318: (1951) S. C. R. 682; (c) Kedar Nath Bajoria v. State of West Bengal, A.

I. R. 1953 S. C. 404: (1955) S.

C. 30; (d) V. M. Syed Mohammad and Company v. State of Andhra, A. I. R.

1954 S. C. 314: (1954) S. C. R. 1117; and (e) Budhan Choudhary. State of Bihar, A. I.

R. 1955 S. C.

191:(1951) 1 S. C. R. 1045.

2. A statute may direct its provisions against one individual person or thing or to several individual persons or things but no reasonable basis of classification may appear on the face of it or be deductible from the surrounding circumstances or matters of common knowledge. In such a case, the Court will strike down the law as an instance of naked discrimination, as it did in the following cases:- (a) Ameerunnissa Begum v. Mehboob Begum, A.

I. R. 1953 S. C. 91: (1953) S. C. R. 404; and (b) Ram Prasad Narain Sahi v.

State of Bihar, A. I. R. 1953 S. C. 215: (1953) S.

C. R. 1129. 3. A statute may not make any classification of the persons or things for the purpose of applying its provisions but may leave it to the discretion of the government to select and classify persons or things to which its provisions are to apply. In determining the question of the validity or otherwise of such a statute, the Court will not strike down the law out of hand only because no classification appears on its face or because a discretion is given to the Government to make the selection or classification but will go on to examine and ascertain if the statute has laid down any principle or policy for the guidance of the exercise of discretion by the Government in the matter of the selection or classification. After such scrutiny, the Court will strike down the statute if it does not lay down any principle or policy for guiding the exercise of discretion by the Government in the matter of selection or classification, on the ground that the statute provides for the delegation of arbitrary and uncontrolled power to the Government so as to enable it to discriminate between persons or things similarly situated and that, therefore, the discrimination is inherent in the statute itself.

In such a case, the Court will strike down both the law as well as the executive action taken under such law, as it did in the following cases:- (a)

State of West Bengal v. Anwar Ali Sarkar, A. I.

R. 1952 S. C. 75: (1952) S. C. R. 284. (b) Dwarka Prasad v.

State of Uttar Pradesh, A. I. R. 1954 S.

C. 224; 1954 S. C. R. 803; and (c) Dhirendra Kumar Mandal v. Superintendent and Remembrance of Legal Affairs, A.

I. R. 1954 S.

C. 424: (1955) 1 S. C. R. 224. 4.

A statute may not make a classification of the persons or things for the purpose of applying its provisions and may leave it to the discretion to the Government to select and classify the persons or things to whom its provisions are to apply but may at the same time lay down a policy or principle for the guidance of the exercise of discretion by the Government in the matter of such selection or classification. In such a case the Court will uphold the law as constitutional, as it did in *Kathi Raning Rawat v. The State of Saurashtra*, A.

I. R. 1952, S. C. 123L (1952) S.

C. R. 45. 5.

A statute may not make a classification of the persons or things to whom its provisions are intended to apply and leave it to the discretion of the Government to select or classify the persons or things for applying these provisions according to the policy or the principle laid down by the statute itself for guidance of the exercise of discretion by the Government in the matter of such selection or classification. If the Government in making the selection or classification does not proceed on or follow such policy or

principle, in such a case the executive action but not the statute should be condemned as unconstitutional.