

Introduction

Article 14 to 18 of the constitution guarantee the right to equality to every citizen of Indian. Article 14 embodies the general principles of equality before law and prohibits unreasonable discrimination between persons article 14 embodies the idea of equality expressed in the preamble the succeeding Article 15, 16, 17 and 18 lay down specific application of the general rules laid down in Article 14 Article 15 relates to prohibition of discrimination on grounds of religion, race, sex or place of birth.

Article 14 - Equality Before Law

Article 14 declares that ' the state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. Thus Article 14 uses two Exceptions " Equality before the law " and " Equal Protection of the law ". The phrase " Equality before the law " finds a place in almost all written constitution that guarantees fundamental rights, both these expression have, however been used in the universal declaration of Human Rights, The first expression ' Equality before law ' is of English origin and the second expression has been taken from the American Constitution.

- Equality before law -

The Concept of equality does not mean absolute equality among human beings which is physically not possible to archive it is a concept implying absence of any special privilege by reason of birth creed or the like in further of any individual, and also the equal subject of all individuals and classes to the ordinary law of the land.

Defination - According to Dr. Jennings " Equality before the law means that among equals the law should be equal and should be equally administered, that like should be treated alike. The right to sue and be sued to prosecute and be prosecuted for the same kind of action should be same for all citizens of full age and understanding without distinctions of race, religion, wealth, Social status or political influence.

- Rule of law -

The guaranttee of equality before the law is an aspect of what dicey calls the rule of law in England, Dicey wrote " every official from the prime minister down to constable or a collector of taxes in under the same responsibility for every act done without legal justification as any other citizen

Decey gave Three meanings of the Rule of law

1. Absence of arbitrary power or supremacy of the law - It means the abosolute supremacy of law as opposed to the arbitrary power of the government. In other words - a man May be punished for a breach of law, but he can be punished for nothing else.

2. Equality before the law - It means Subjection of all classes to the ordinary law of the land administered by ordinary law courts, This means that no one is above law with the sole exception of the monarch who can do no wrong everyone in England.

3. The constitution is the result of the ordinary law of the land - It means that the sources of the right of individuals is not the written constitution but the rules as defined and enforced the courts

1. Source : Text Book - Indian Constitution authors by - DR. JN Pandey and V N Shukla

2. Web Search : <https://www.equalityhumanrights.com/en/human-rights-act/article-14-protection-discrimination>

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Article 14 - Equality protection of the law

The guarantee of equal protection of laws is similar to one embodied in the 14th amendment to the American constitution - Means that subjection to equal law, applying to all in the same circumstances. It only means that all persons similarly circumstanced shall be treated alike, both the privileges conferred and liabilities imposed by the laws.

Meaning - Equal law should be applied to all the same situation, and there should be no discrimination between one person and another.

The words ' any person ' in Article 14 of the constitution denotes that the guarantee of the equal protection of laws is available to any person which includes any company or association or body of individuals, The protection Article 14 extends to both citizen and non - citizen and to natural persons as well as legal persons.

- Exceptions to the Rule of law - Equality is, however, not an absolute rule and there are number of exception.
- 1. ' Equality before the law ' " powers of the private citizens are the same as the powers of the public officials.
- 2. The rule of law does not prevent certain classes of persons

* Member of armed forces are controlled by military laws, similarly.

* Medical practitioners are subjects to the regulations framed by the medical council of India.

* Article 361 of the Indian constitution affords an immunity to the president of india and the state Governors - Because Art. 361 Provides that the president or the Governor of state shall not be answerable to any court for the exercise and performance.

3. Today ministers and other executive bodies are given every wide discretionary power by statute

4. Certain Members of society are governed by special rules in their professionals, i.e Lawyers, doctors, nurses, army etc.

Exclusion of Article 14

1. The scope of right to equality under Article 14 has been considerably restricted by the 42nd Amendment Act, 1976. The New Article 31-C added by the Amendment Act provides that laws made by the state for implementing the directive principles contained in clause b or c of Article 39 cannot be challenged on the ground that they are violative of Article 14.

Case law - Sanjeev coke mfg co. vs Bharat cooking coal ltd.

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2. Article 359 (1) provides that where a proclamation of emergency is in operation the president may by order, declare that the right to move court for the enforcement of such rights conferred by part (except article 20 and 21) shall remain suspended
3. Article lays down that the president and the governors are exempted from any from any criminal proceedings during tenure of their office.
4. Under international law, foreign sovereign and ambassadors enjoy full immunity from any judicial process.

Conclusion

Article 14 to 18 is the fundamental right which says about the equality of status, community and gender. This article gives wings to all citizens to make anything in any place, that's why Article 14 is an important part in the constitution and it is also a first part of fundamental rights. Equality before law The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth. This article save, The Human Rights Act makes it illegal to discriminate on a wide range of grounds including 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

Example case - R (L and others) v Manchester City Council and any other case [2001]

Manchester City Council paid decrease allowances to foster carers who had been own circle of relatives members, in comparison to carers who taken care of kids who had been unrelated to them. Two households with foster kids from their very own households alleged that the fees had been so insufficient as to be in struggle with the kids's welfare. They additionally argued that the fees had been discriminatory; the council's failure to base calculations at the households' economic desires confirmed that they'd now no longer taken into consideration the ability chance to Article eight rights (proper to recognize for personal and own circle of relatives life). The courtroom docket held that Article eight obliged the neighborhood authority to take 'all suitable superb steps' to permit kids to stay with their households, except their welfare changed into at chance. The price of foster allowance fell inside those superb obligations and must now no longer be accomplished in a discriminatory manner. There were a disproportionate distinction in remedy on grounds of 'own circle of relatives status', which the council had did not justify. This supposed that the coverage fell foul of Article eight and Article 14..⁽²⁾

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