



# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary  
Peer Reviewed Edition :

[www.ijlra.com](http://www.ijlra.com)

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INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS

ISSN

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# **ARTICLE -14**

## **EQUALITY BEFORE LAW AND EQUAL PROTECTION**

### **OF LAW IN CONSTITUTION OF INDIA**

AUTHORED BY – ALMITA SINGH

#### **I. Abstract**

The constitution guarantees six fundamental rights to Indian citizens as follows:-

- 1) Right to Equality (Article 14-18)
- 2) Right to Freedom (Article 19-22)
- 3) Right Against Exploitation (Article 23-24)
- 4) Right to Freedom of Religion (Article 25-28)
- 5) Cultural and Educational Right (Article 29-30) and
- 6) Right to Constitutional Remedies (Article 32-35)

The Indian Constitution's Article 14 guarantees everyone's equality before the law and forbids unjustified discrimination. Articles 15, 16, 17, and 18 go into more detail about particular facets of equality, like the ban on discrimination on the basis of sex, religion, race, or place of birth. Together, these articles help to establish and defend the equality values included in the Indian Constitution.

#### **II. Introduction**

Hearing that prejudice still exists in India in many forms despite Article 14 of the Constitution's "Right to Equality" provision is depressing. To ensure that the values embodied in the constitution are genuinely protected for the benefit of all, addressing these concerns will require continued efforts by society, the government, and people. A more equitable and just society can only be fostered by education, awareness, and group action.

Our country's founding fathers included Article 14 as a fundamental right to both citizens and non-citizens, based on their understanding of the Indian situation. This article's primary goal is

to provide clarification regarding Article 14. When we witness a husband mistreating his wife, a girl giving up on her studies because of familial pressure, or a man from a lower caste being portrayed as less valuable than those from a higher caste. These are instances of prejudice. Here, we can see how crucial the state's role is in preserving people's equality.

Article 14 of the Indian Constitution emphasizes the principle of equality before the law and equal protection of the laws. It prohibits the state from denying any person these fundamental rights within the territory of India. This underscores the commitment to ensuring fairness and justice for all citizens, regardless of factors such as religion, race, sex, caste, or place of origin. Liberalism is based on the fundamental idea that every citizen should be treated equally, with a focus on the rights and freedoms of the individual. By guaranteeing equality before the law, Article 14 supports the idea of individual liberty as a whole within the context of society. It is the belief that treating people fairly creates an atmosphere in which people are free to exercise their rights without unjust restrictions or prejudices.

### **III. Equality Before Law**

The Constitution of India upholds democratic principles, making it the largest democracy in the world. The goal is to give people the freedom to express themselves freely within the legal boundaries of what is deemed reasonable. As stressed in Article 14, equality before the law is essential to maintaining these democratic principles and creating a society in which everyone is treated equally and has the freedom to think and act within the bounds of the law.

Legal equality, sometimes known as equality before the law, states that all people should be treated equally and impartially by the legal system, regardless of their financial situation, gender, caste, or any other attribute. This principle emphasises the equal protection of the laws for all citizens within the territory of India, ensuring that the state does not grant special privileges or discriminate against any individual or group.

### **IV. Equality before the law and absolute equality**

Making sure that there are no special rights or forms of discrimination based on community, wealth, or other attributes is the main goal of the equality before law concept. It highlights a level playing field in which everyone is treated equally in the eyes of the law and no particular group

is given special treatment by the state. The goal is to create an impartial, just, and equitable legal system that upholds everyone's rights and opportunities within the parameters of the established legal system.

However, the right to equality is not unqualified and has a number of exclusions. Equals ought to be treated equally as a result. There are various exclusions to the rule of law regarding equality, such as the immunity granted to the governor and president. Another common example of how the right to equality is not unqualified and can be appropriately used or restricted in accordance with societal needs is reservation.

*State of West Bengal v. Anwar Ali Sarkar (1952)*, the case mentioned is in fact, a major precedent in Indian law. The ruling by the Supreme Court made clear that, even though it is a fundamental right, the right to equality is not unqualified and must be reasonable. The West Bengal Special Courts Act of 1950 was deemed arbitrary by the court because it granted the state unrestricted authority to refer cases to special courts without providing a logical or understandable distinction. This case made it clear how crucial it is to guarantee that state actions follow the RTE's fairness and non-arbitrariness standards, even when they take place in special courts.

## **V. Equality before the law and Rule of Law**

Although we have already covered equality before the law in great detail, there is an apparent connection between equality before the law and the rule of law. As Prof. Dicey explains, the Rule of Law states that everyone is equal before the law and that no one is above or below it. Everyone's equality before the law is guaranteed by the rule of law.

The Rule of Law highlights the idea that everyone should be treated equally by the law, regardless of their status or beliefs. This principle guarantees that discrimination on the basis of religion or any other factor is prohibited and protects against arbitrary state power. The goal of the Rule of Law, which has its origins in writings such as the Magna Carta, is to create a framework in which judgements about the application of the law are predicated on unambiguous and consistent principles, encouraging justice and avoiding the abuse of state power.

## **VI. Equal protection of the Laws**

A basic idea that is reflected in many constitutional frameworks, such as the 14<sup>th</sup> Amendment to the United States Constitution, is equal protection under the law. The notion is embodied in Article 14 of the Indian Constitution, which guarantees that every citizen of the nation is afforded equal protection under the law. Everybody has the right to the same protections and treatment under the law, free from discrimination, and this idea is essential to the development of a just and fair legal system.

It gives the government the explicit duty to stop rights violations. The implementation of socioeconomic reforms can accomplish this.

Article 14 of the constitution typically uses the phrase “any person”, emphasizing that the guarantee of equal protection under the law extends to both individuals and entities such as companies or associations. This provision ensures that the principles of equality before the law apply to all, regardless of citizenship or legal personality.

\*Exceptions to the rule of law – Equality is however, not an absolute rule and there are number of exceptions

1. The concept of “equality before the law” ensure that both private citizen and public officials have equal standing and right within the legal system. It means that everyone is subject to the same law and should be treated fairly without discrimination based on their status or position.
2. Indeed the rule of law acknowledges certain exceptions, such as the application of military laws to members of the armed forces and the regulations imposed by professional bodies like the Medical Council of India on medical practitioners. Additionally, Article 361 of the Indian Constitution grants immunity to the President of India and state governors, shielding them from being answerable to any court for the exercise and performance of their official duties.
3. Today ministers and others executive bodies broad are given every wide discretionary power by statute.
4. Certain professions have code of conduct and regulations to ensure ethical and responsible behaviour. This helps maintain standards and trust within those profession.

## **VII . Obtaining Justice**

Everyone has access to justice when they are treated equally before the law. Equality to justice cannot be denied to anyone. In front of the legal system, everyone in this situation should be treated equally. A person's fundamental privileges are encompassed in the term "access to justice." We mean when we talk about "access to justice" that everyone should be able to go to court.

Additionally, many people are denied access to justice due to a lack of economic knowledge or awareness. This means that the government must play an important role in providing them with justice. To provide Right to Justice, we must reform our legal system. We must improve the legal aid system.

## **Viii. Safeguarding Against Arbitrary Decisions**

In particular, the equality guaranteed by Article 14 serves as a restraint on the state's capricious actions. Equal protection under the law creates a framework that limits the authority of state organs to make arbitrary decisions or take arbitrary actions. This principle, which emphasises that government decisions should be reasonable, equitable, and based on clear principles rather than arbitrary or humorous choices, is essential to upholding a fair and just society. These limitations are essential to maintaining the values of justice and equality as well as preventing the misuse of state power.

## **IX. Special Courts' Constitutional Status**

In fact, the Indian Constitution's Article 246(2) is crucial in defining the scope of legislative authority. It supersedes the Union and State power sharing outlined in Clause (3) of Article 246 and empowers both Parliament and the Legislature of any State to enact laws on items on the Concurrent List (List III of the Seventh Schedule).

The need for coordination and cooperation between the various levels of government is emphasised by this provision, which shows that although there is an overall structure of legislative powers, there are exemptions and circumstances in which both the Union and State legislatures have equal authority over certain matters.

The courts usually check to see if the establishment of these special courts was justified and reasonable, making sure that they follow Article 14's requirements regarding impartiality and non-arbitrariness. Special courts are deemed constitutionally legitimate if their creation is judged to be reasonable and logical.

## **X. Administrative decisions**

The power granted to administrative officials or agencies to make decisions within a predetermined range of options is known as administrative discretion. It permits decision-making flexibility, allowing authorities to customise their responses to particular circumstances. On the other hand, it is anticipated that this discretion will be used fairly, reasonably, and without regard to arbitrariness, and that it will do so within the confines of the law. A major function of judicial review is to prevent the abuse of administrative discretion and to guarantee that decisions are made in accordance with the law and the constitution.

Discretion is essential for upholding equality and dealing with unforeseen circumstances, but it must be used carefully to avoid becoming arbitrary. Judicial review is one of the oversight mechanisms that aims to make sure administrative discretion stays within reasonable and legal bounds.

## **XI. the Principle of Reasonableness**

The Indian Supreme Court has used Article 14 to ensure that state actions are reasonable, fair, and not arbitrary. The case of *Indira Gandhi v. Raj Narain* established the precedent that natural justice principles, such as fairness and reasonableness, must be followed in all state actions. This has become a fundamental principle in determining the constitutionality of government actions, providing a mechanism for the judiciary to overturn actions that fail to meet the standards of fairness and reasonableness outlined in Article 14.

## **XII. The Principle of Horizontal Application of Article 14**

The horizontal application principle is a key component of Article 14. According to this theory, private individuals and corporations are also subject to the provisions of Article 14. This idea has been applied by the Supreme Court to invalidate discriminatory acts taken by private citizens and

businesses with strong ties to the government. For instance, the Court determined that private educational institutions that receive funding or recognition from the government are subject to the provisions of Article 14 in the Champakam Dorairajan v. State of Madras case.

### **XIII. Affirmative Action**

Affirmative action and reservation policies have also influenced the evolution of the interpretation of Article 14. According to the Supreme Court, reservation laws that are intended to give historically underprivileged and marginalised groups equal opportunities do not violate Article 14. The Court has further held, though, that these reservation laws must be proportionate and reasonable in order to avoid creating a permanent class of disadvantaged people.

### **XIV. Article 14 the Right to a Fair Trial**

Article 14 also protects against state discrimination in the administration of justice. Article 14's provisions ensure that all citizens have equal access to the judicial system and are not subjected to discrimination in the administration of justice. The Supreme Court has used Article 14 to overturn discriminatory laws and actions that undermine the right to a fair trial.

In the case of Maneka Gandhi v. Union of India, for example, the Court held that the State must follow natural justice principles and that a person cannot be denied of their personal liberty without a fair trial. This decision was a watershed moment in the evolution of the right to a fair trial.

### **XV. Remedies in case of breach of Article 14 of Indian Constitution**

If there is a violation of Article 14's provisions, people have a number of legal options for seeking redress.

A writ petition under Article 32 of the Indian Constitution, which gives people the right to constitutional remedies and allows for the enforcement of fundamental rights—including the right to equality under Article 14—is one of the most popular forms of redress. Individuals may contest any State action that violates Article 14 and request a remedy from the Supreme Court or a High Court by filing a writ petition.

People can challenge State actions that violate Article 14 by filing public interest litigations (PILs), in addition to writ petitions. Through PILs, people and civic-minded groups can petition the courts to seek redress for violations of fundamental rights, such as Article 14's right to equality.

Finally, people who believe that State actions violate Article 14 may also file a regular lawsuit in a civil court. Depending on the specifics of the violation and the person seeking relief, the court may award damages or an injunction in such cases.

It is noteworthy that individuals have the option to pursue remedies through any other available legal mechanism in the event of a breach of Article 14. All legal avenues are considered to be relevant.

### **Landmark Judgements on Article 14**

1. In case of **State of West Bengal v. Anwar Ali Sarkar** The question of whether the right to equality is inalienable was raised. The Supreme Court decided that there isn't a supreme right to equality in this particular case. It was found that the State of Bengal had misused its power to arbitrarily refer any case to the Special Court that they had set up in this particular case. It was determined that the Act of State of Bengal violates the right to equality in light of this.
2. In case of **Ram Krishna Dalmia v. Justice Tendolkar** The Supreme Court defines the legal concept of equality before the law. The well-known "classification test" had been used in this case. Put simply, it allows the State to categorise subjects differently (which is otherwise forbidden by Article 14) provided that the classification is rationally related to the objective it wishes to achieve and is based on understandable differences (i.e., objects within the class are distinct from those outside).
3. **Maggan Lal Chaggan Lal v. Municipal Corporation** of Greater Bombay Provided the necessary clarification for the reasonable classification test. The court made a distinction in this case between statutes that give the executive the power to classify things and those that do so on their own.
4. The statute is invalid if it fails the reasonable categorization test in the first place. In the latter case, if the statute gives the executive instructions to make classifications—either

explicitly or subtly—only the executive action will be considered unlawful, not the statute itself.

5. **E.P. Royappa v. State of Tamil Nadu** In his decision, Bhagwati J. put forth the second test of Article 14—also referred to as the “new doctrine” or the “arbitrariness test.” The test is predicated on the idea that the equality guaranteed by Article 14 encompasses a safeguard against arbitrary state action. This test has been approved by the Supreme Court despite its somewhat ambiguous wording, and it has been the basis for declaring State conduct to be in violation of Article 14 on multiple occasion.
6. **Indira Gandhi v. Raj Narain.** According to the Court’s ruling, the State must behave justly and reasonably, and all of its actions must adhere to the requirements of natural justice. Courts have frequently utilised this ruling to invalidate policies that are capricious and violate people’s rights to equality because it established the foundation for the concept of fairness in State action.

## CONCLUSION

Finally, the laws of Article 14 of the Indian Constitution provide an important remedy in the event of a violation of the right to equality and equality for all. Individuals can seek redress through writ petitions, public interest litigation, regular suits, and other legal channels to challenge State actions that violate Article 14 and enforce their right to equality and non-discrimination. The courts play an important role in providing remedies for violations of Article 14 as well as ensuring that the laws of Article 14 are upheld and preserved.

The right to equality guaranteed by Article 14 of the Indian Constitution has encountered significant obstacles in recent times because of a lack of political will, evolving social structures, and an increase in governmental regulations. In addition, people can now migrate more readily as a result of globalisation and the removal of trade barriers globally, which causes a number of cultural conflicts. Because of this, it gets harder and harder to uphold the right to equality in such diverse societies. Legislators must continue to be mindful of these possible obstacles and work to guarantee equality for all citizens.