

RIGHT TO EQUALITY ARTICLE 14
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ARTICLE 14- EQUALITY BEFORE LAW

- Article 14 declares that ‘the State shall not deny to any person equality before the law or equal protection of law within the territory of India.’.

“Equality before law”

“Equal protection of law”

- The phrase “equality before law” find a place in almost in written constitution that guarantees fundamental right both these expression aim at establishing what is called “equality of status”

- ◎ EQUALITY BEFORE LAW

Its origin is from British common Law. And somehow its negative concept. It aims at implying the absence of any special privilege by reason of birth, sex, religion etc in favor of individuals and the equal subject of all the classes to the ordinary law

- ◎ EQUAL PROTECTION OF LAW

Its origin is from America . And some how it is a positive concept. it aims at equality of treatment in equal circumstances. It means whether someone is P.M. or President he should be deal with same law as normal being deals with

RULE OF LAW

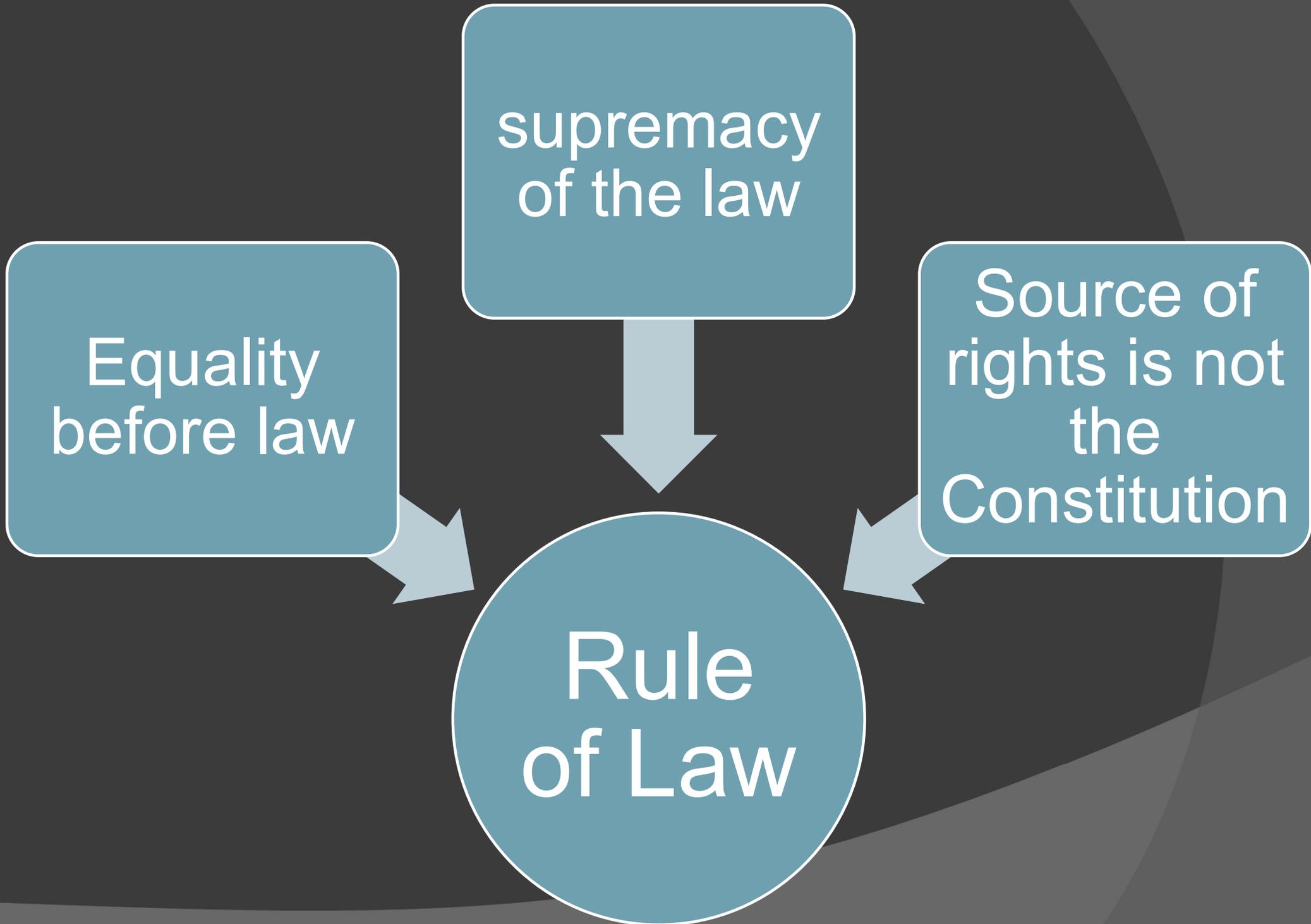
- It means that no man is above the law and that every person whatever be his rank or condition is subject to the jurisdiction of ordinary courts.
- Rule of law require that no person shall be subjected to harsh, uncivilized or discriminatory treatment
- Supremacy of the law
- Equality before law
- Source of the right of individuals is not the written constitution

supremacy
of the law

Equality
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Source of
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Constitution

Rule
of Law



- ① Three meanings of the Rule Of Law
 1. Absence of arbitrary power or supremacy of the law
It means the absolute 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't be punish for anything else.
- ②
 2. Equality before law
It means subjection of all classes to the ordinary law of land administrated by ordinary law courts. This means that no one is above law all are equal in eyes of law
- ③
 3. Absence of individual liberty
There are various constitution that provide individual liberty but not provide method It means that the source of the right of individuals is not the written constitution. U.K. don't have provision for individual liberty.

Exception To Rule OF Law

- 'Equality of Law' does not mean the power of the private citizens are the same as the power of the public officials. But rule of law does require that these powers should be clearly defined by law and that abuse of authority by public officers must be punished by ordinary courts.
- The rule of law does not prevent certain class of persons being subject to special rules.
- Certain members of society are governed by special rules in their profession i.e. lawyers
- Special Privileges given to President of India and Governor

It Permits Classification But Prohibits Class Legislation

- Class legislation is that which makes an improper discrimination by conferring particular privileges upon a class of persons arbitrarily selected from a large number of persons all of whom stand in the same relation to the privilege granted that between whom and the persons not so favored no reasonable distinction or substantial difference can be found justifying the inclusion of one and the exclusion of the other from such privilege.
- It forbids is class-legislation but it does not forbid reasonable classification. The classification however must not be “arbitrary ,artificial or evasive” but must be based on some real and substantial bearing a just and reasonable relation to the object sought to be achieved by the legislation
- The equal protection of laws guaranteed by [Article](#) 14 does not mean that all laws must be general in character. From the vary nature of society there should be different laws in different places

Test Of Reasonable Classification

- classification must not be “arbitrary ,artificial or evasive”. It must always rest upon some real and substantial distinction bearing a just and reasonable relation to the object sought to be achieved by the legislation.
- Classification to be reasonable must fulfill the following two conditions
- Firstly the classification must be founded on the **intelligible differentia** which distinguishes persons or thing that are grouped together from others left out of the group
- Secondly the **differentia must have a rational relation** to the object sought to be achieved by the act.

Reasonable
Classification

intelligible
differentia

rational relation

