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Equality Before Law: Article 14 of the Constitution of India

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ABSTRACT

The purpose of the research is to identify the general principal of Right to equality. And it is one our fundamental right. But there are some hidden points which are needed to explain & this research project highlighted those points and exceptions which are admissible by our Indian constitution.

Keywords: Gender, Caste, religion.

I. INTRODUCTION

Article 14 of the constitution of India deals with the equal protection of law and equality before law. As per the Article 14 of the Indian constitution the state shall not withhold to any person equal protection of law or equality before law within the provision of India. This right is available for the citizens of India and foreigners.

Equality is basic human right as well as natural rights. And Right to equality is a Fundamental rught which is mentioned In part III of the constitution of India. Equality is important element of the Indian constitution and any treatment of equals unequally of unequal as equals will be an offence of crucial configuration of the Indian constitution.

II. BACKGROUND OF ARTICLE 14

Equal Protection of law and equality before the law is one of the most essential fundamental rights. The concept of equality before the law is inspired by the British Constitution. It is element of the concept of the rule of law Propounded by British Jurist A. V. Dicey. It implies the dearth of special exemption in favour of any persons, the equal domination of all persons to the common law of the land operated by common laws, and no person is above the law of the nation.

The concept of equal protection law is taken from the American constitution. This concept connotes equality of treatment under equal conditions, the related plea of same laws to all persons who are similarly positioned, all persons should be treated equally without any

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discrimination based on race, caste, gender and religion.

III. EXCEPTIONS OF ARTICLE 14

The rule of Article 14 is not absolute and there are constitutional and other exceptions to it. The exceptions of equal protection of law and equality before law are stated below:-

1. According to Article 361,

- a) The president and the governors of India not accountable before any court in India for the exercise and performance of the power and duties of his office.
- b) During the work period of the president and the governors no criminal proceedings shall be instituted against them.
- c) During the work period of the president and the governors of India no imprisonment shall be allocated from any court.
- d) During the work period of the president and the governors of India Civil Proceedings shall be instituted against them.

2. According to Article 361 (A)

No Person shall be accountable to any civil and criminal proceedings in any court of India in respect of the publication of newspaper of a substantially valid report of any proceedings of parliament or legislature of a state.

3. According to Article 105

No member of parliament shall be accountable to any proceedings in any court in respect of anything said or any vote provided by him in parliament or any council thereof.

4. According to Article 194

No member of legislature of a state shall be accountable to any proceedings in any court in respect of anything said or any vote provided by him in legislature or any council thereof.

IV. PURPOSE OF ARTICLE 14

The Purpose of article 14 Equality before law and equal protection of law is to treat all persons equally in similar situations. The classification must not be erratic must be realistic. The provision is strictly restricted to discrimination and discriminatory laws. It prohibited any discrimination based on religion, caste, and gender which is sentimental issued of a person.

Article 14 is not abolished by a constitutional amendment.

V. CASE LAW

1. In the case of **Alagaapuram R Mohnraj V. TN Legislative Assembly**

In that case the SC Stated that resolution passed by a legislative assembly for a suspension of some MLAs should be set aside on the ground of infringement of principles of natural justice Article 14 in the process of investigation.

2. In the case of **Indian Hotel & restaurant Association V. State of Maharashtra**

In this case The SC said that licensing authority has sufficient power to regulate the violence of dignity of women and prohibit obscene dances in the interest of prestige and safety of women.

3. In this case **Anand Buttons Limited V. State of Haryana**

The SC held that Article 14 of the Indian constitution does not mandate that a person should be approved of legal and unjustified relief similar to those granted to others.

4. In the case of **Yogendra Pal V. Municipality Bhatinda**

The SC stated that a legal provision providing for compulsory transfer of land by landowner to the municipal committee for a public purpose without the expenditure of compensation has been held to be violate of article 14 of the constitution of India.

VI. CONCLUSION

The Constitution of India Protects all the citizen's rights and gives the citizens as well as foreigners equal status and opportunities. All persons are equal under the eyes of the law without any discrimination. Article 14 provides equal rights among the people who live within the territory of India. If the right vested in Article 14 is violated, a person can appeal to any high Court of India or the Supreme court for violating a fundamental right. This provision, Equality before the law and equal protection of the law, build a strong brotherhood in the nation.
