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Article 14 of indian constitution: A glance

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Abstract--The Preamble of Indian constitution declares India to be a sovereign, socialist, secular, democratic republic for the promotion of fraternity, justice, liberty and equality for all the citizens. The great philosopher Socrates and their democratic ideals gave guidelines for the growth of popular political rights all over the world. Article 14 is a significant feature in safeguarding the rights of individuals in India.

Keywords--Indian constitution, democratic republic, liberty, justice.

Introduction

India is a parliamentary democratic secular State The constituent assembly adapted the constitution of India and the constitution came into force on 26 January 1950. Indian constitution has so many significant features .It is the supreme law of our country and it has a preamble with 395 articles and are grouped into 25 parts 12 schedule and 5 appendices.It has been amended nearly 104 times according to the changing trends of our nation. The idea of democracy and the history of political development had its origin in the Greek state and the series of growth ensured rights and protection to all the people gradually. The usage of the term law was a body of rules to guide human action. They are virtually comments or duties precipitation of certain actions, disobedience to which inflicted by the government

Frame work of Indian constitution

Indian constitution has so many significant features and it is the supreme law of India. The structure, political code, procedure, powers and duties of the government institution, fundamental rights, fundamental duties, directive principle of the state policy are in the framework. The unique feature of Indian constitution is that it is the longest written constitution in the world the constitution has been amended for the welfare of the citizens.1

Article 14 of Indian constitution

Article 14 ensures protection from discrimination. This article assures all the rights and freedom mentioned in the Act must be protected and have to be

applied without discrimination. Protection from discrimination in the enjoyment of human rights guaranteed in the covenant of human rights. It is completely based on the principle of equality. No matter it offers the same human rights and give equal access to all the protection against discrimination. The human rights Act does not free standing. It is essential to show the discrimination with necessary evidence. But in this article 14 the victimize need not prove that human rights has actually been breached.²

Discrimination occurs when a person is treated less favourable than another person. This may be in any situation and this cannot be an objective act and also reasonably justified. It may be occurred when a person is disadvantaged by being treated the same as another person when one's circumference is different. It is necessary to understand that the human rights act does not protect one from discrimination in all areas of life.³ There are some other laws which offer much more protection such as the Act like the Equality Act of 2010.

The human rights protection from discrimination includes indirect discrimination too. The enjoyment of rights and freedom shall be seemed without discrimination such as sex, race, colour, language, religion, political or other which is associated with National minority status based on birth or other status. Part one of our constitution is about the union and its territory and part 2 is about citizenship. Part 3 of Indian constitution is about fundamental rights and Article 14 dealt with equality before law and part 4 is directive principles of State policy. Article 14 of Indian constitution states that the state shall not deny to any person equality before the law or the equal protection of laws within the territory of India. What's the opposite articles in two parts which one recommends the state not to deny any person equality before law and the second one recommends the state not to deny equal protection of laws.⁴ Thus equality before law protects the people from discrimination. It ensures equal treatment to person in different situations and would have to be treated equal amongst all.

No state shall enforce any law which preach the privileges or immunities of citizens. This article ensures all the subjects to live peacefully and to enjoy the rights without any hindrance. The right to equality is one of the fundamental rights and it ensures the equal treatment before the law in addition it guaranteed equal protection of law, and equal opportunity in public employment. It strictly enforces untouchability as a great social evil.⁵

The Indian supreme court assured the main intention behind the inclusive of fundamental rights in our constitution. It is to safe guard the basic rights from the vicissitudes of internal politics and keep and protect the people beyond their reach. The term rights to equality means in front of the law of the land all the citizens must be treated equally and any break of unfair treatment on the basis of sex, caste, race, religion or birth should be discarded. The right to equality is the most necessary feature and is a fundamental basis which is necessary for implementing the rights that are granted to the citizens of India.⁶ Moreover it gave the foundation for all the other rights and privileges ensured by Indian constitution.

Types of equality

Harold Laski define the term equality that it is an availability of adequate opportunity for all the individuals developed their potential. The following are the types of equality:

- a) Legal equality- all the citizens of the country is equal before the eyes of law
- b) Social equality- without discrimination such as caste, race ,religion every citizen should be treated equally
- c) Economic equality - all the citizens are entitle to enjoy national wealth equally.
- d) Political equality - every citizen is entitled to enjoy equal opportunity to contest in the election ,to vote and also to hold public offices.
- e) National equality - it ensure equal treatment to all the world Nations

The most striking fact that equality of man has stated in The American declaration of independence in 1776 .In equalities are inescapable skbabwe facts.Ethically all are equal in the position of nationality and this is best described as equality before law .where all the citizens in the State have the same status in the sphere of law and both men and women have fundamentally the same civic rights and duties. Public ,legal, privileges and disadvantages of rank was abolished. The state is being a sovereign,the power is unlimited and indivisible . The rights are assured through law and the state has the power to make law and to enforce it for the benefit of all subjects.

The constitution of India firmly lays down that the state shall not deny to any person equality before before the law . Indian constitution also ensures that the State should not discriminate against any citizen on the basis of sex, race, caste place of birth or any of the above said items.This article provided and ensure equality to all the people of our nation. The sole duty of the government is to provide protection to all the individuals from violence or fraud. To secure the rights of all citizens including health and reputation the constitution provides right to the State to implement it. Laws are body of rules to guide human action .They are actually comments or prohibiting certain actions, dis obedience to which a penalty inflicted by the government

Article 14 required that the rights and freedom given must be protected and to be followed without discrimination. The supreme court of India believed that Article 14 is the basic fundamental element of the constitution hence it shouldn't be abolished in any way. This article guarantee to any person protection of law within the boundaries of India Anyhow it is not an absolute rule and there are a number of exceptions in it.The right to equality is not absolute but highly qualified under the constitution of India .7. There are certain disparities in it. For instance for independence enjoy special priority from the countries judicial process like wise article 361 extends immunities to the President of India ,governors of the state, public officers and judges. Some privileges are given to some groups and trade unions and they enjoyed special privileges by law.

If the equality guaranteed in the article is violated by anyone that affected

person can seek remedy through courts. The affected person can directly approach the supreme court or High court of a state for remedy. So that Dr. Ambedkar called the constitutional remedies as "the heart and soul" of our constitution.⁸

Conclusion

The Preamble of Indian constitution declares India to be a sovereign, socialist, secular, democratic republic for the promotion of fraternity, justice, liberty and equality for all the citizens. The great philosopher Socrates and their democratic ideals gave guidelines for the growth of popular political rights all over the world. Article 14 is a significant feature in safeguarding the rights of individuals in India.

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