

RIGHT TO EQUALITY: A FUNDAMENTAL RIGHT

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ABSTRACT

A Constitution or for that matter any Law, will remain just a piece of writing on a parchment unless it's put into action. Law plays important role within the society. It's a dynamic concept; some important questions are raised referring to its importance, these are

- *Does Law serve only the interest of these who control political power or economic power, or it provides Justice and caters to the requirements of the people?*
- *Is Law made only to preserve, protect and promote the category interest of the privileged and also the powerful minority?*
- *Has it remained silent spectator to the sufferings of the masses, or has it to play an activist role in fighting the inequalities and injustices, the people bear during a present environment?*

Meaning there by that law is the expression of the overall will. Law relates to general interest. It represents general will of the people of the state. Of course Law could be a body of rules which can be written or unwritten but should be obeyed by all the people. No doubt Law should be for the benefit for a every man, and it should be felt equally by a common man in every setup, which may in true sense be the goal of each setup. If we talk Equality, little question its break free the Justice and Merit. The prime concern of each founded is to produce these justices to each individual. Of these objectives are enshrined in Preamble of Constitution. The malady that faced by India is additionally faced by the entire world. India is not any exception. The globe community is under the grip of Legal chaos. There's urgent have to check out problem and a concerted effort is required find the answer so as to supply Equal Justice to any or all.

The above perspectives have provided contours and content to the theme of the current research work. The necessity for a scientific analysis of concept of Equality and its dimensions deduce some general principles about the idea, character, and process and provoked and inspired this work. The correct to Equality and its dimensions, due to their common value, goals and imperatives of co-ordination, conform to a broad system and parameter, if to not a rigid formula.

Keywords: *Fundamental, Equality, Political, Constitutional, Awareness, Systematic, Liberty, Justice.*

Introduction

Right to Equality is one in all the foremost intimate and practical instrument of Justice. It's not monolithic. It's composite concept of human values aspiring for Justice. It's many facets which are Equality before Law, Rule of Law, Equal protections of Laws, Equality of status and opportunity and substantive Equality through affirmative action's, to realize equilibrium in significant power relations. Other than the standard target individual as equal human person, the Constitutional policy of social Justice procures sensitization from awareness of the entrenched cumulative nature of group inequalities. Hence, Equality becomes more complex and therefore the desire for it, more insatiable. The concept of Equality has also roots in the very test of the Constitution. The Preambular objectives of building India into Sovereign, Socialist, Secular, Democratic Republic where all its citizens are ensured of JUSTICE social, economic and political, LIBERTY of thought, expression, belief, faith and worship, EQUALITY of status and opportunity and where promotion of FRATERNITY, individual dignity and national unity is aimed among all its citizens-provide a strong infusion of energy for a composite treatment of those values. This beckons an approach of integration and balancing of Fundamental Rights as a logical necessity. There are relations of mutual dependence, reinforcement and balancing amidst

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Right to Equality, and its dimensions and among various components of them, there's an unsatisfactory result if Right to Equality or its component is unduly preferred or papered or when anyone is excluded or denigrated from the concept of Equality, the expansion of the scope, content and efficacy of Right to Equality as an entire is feasible only with an orderly interaction of dimensions of Equality within the parameters of concept of Equality.

Constitution and Fundamental Rights

The Fundamental Rights in true sense reflects the image that individuals possess basic human Rights independently of any Constitution by reason of the fundamental incontrovertible fact that they're the members of the mankind. The basic Rights are important as they're of intrinsic value. Their purpose is to withdraw certain subjects from the world of political controversy and to put them beyond the reach of majorities and officials. Fundamental Rights also are considered as a limitation on the facility of the state. In our country, Fundamental Rights are the gift from the state to its citizens. The Fundamental Rights are given partially in our Constitution, though it doesn't confer it, it confirms their existence and offers protection. Within the Constitution Fundamental Rights are given in six heads:

- Right to Equality, (Article 14 to 18),
- Right to Freedom, (Article 19 to 22),
- Right against exploitation, (Article 23 to 24),
- Right to freedom of religion, (Article 25 to 28),
- Right to cultural and Educational Rights, (Article 29 to 30)
- Right to Constitutional remedies, (Article 32)".

The Fundamental Rights are inherent rights because they mean life itself. If a citizen is to measure and not merely exist, these rights must be recognized as sacred and inviolable and fundamental to the state itself. The aim of the country is to enable the people to possess full lives and if the basic Rights are denied, a full life isn't possible. Experiences show that the fundamental Rights are necessary for bringing the Social Equality in the society and for safe guarding the Rights of the minorities. It's the sacred duty of the state to produce Fundamental Rights and it's the sacred duty of the Courts to ensure the basic Rights of the people. Since the abuses of the rights are to be controlled in the interest of the society, and also the very controlling power of the state should even be controlled in the interests of individual and society, a requirement for supremacy of valid law and a dependable legal procedure should be properly satisfied. As a result, rule of law and group action of law emerged because the key concepts to influence, monitor and channelise the Rights. It's through the courts that the conflicting interests are balanced and Rights are better protected for his or her proper exercise. In our country it's a matter of pride that the Judiciary has been performing its duties properly, the criterion for determining the validity of Law is the competence of the Law making authority. The competence of the Law making authority would rely upon the ambit of the legislative power and therefore the limitations imposed there on as also the restrictions on the mode of exercise of the facility. The axioms like Secularism, Democracy, Reasonableness, Social Justice, etc are overarching principles which give linking factor for principles of Fundamental Rights and these principles are beyond the amending power of the parliament. Within the Indian Constitution the speculation of basic structure is predicated on the concept of the Constitutional identity. It's the Constitution which organizes and controls power, ensures Human Rights, balances the competing claims of social and individual interests, shows the culture and skill of the country, and operates as a vehicle of national progress and unity. As purposeful enterprise of those objectives, the elemental Rights inculcate enduring values of Human Rights in their Constitutional schemes. Having the due relevance the qualities or worth of creature, the basic Rights commit themselves to confirm a just outcome through just principles and just procedures.

Meaning of Equality

A major phenomenon of Fundamental Rights is filled by the notion of Equality or we are able to say Right to Equality. Equality means first of all the absence of special privilege. Equality means within the second place, that adequate opportunities are laid upon to all or any. As per J.A. Corry, "The ideal of Equality has insisted that men are political equals that each one citizen is equally entitled to require part in the political life, to exercise the franchise, to last and hold office. The most theme of the concept of Equality is to supply political, social and economic equality within the society. Briefly the concept of Equality in essence is for correcting the unjust inequalities from the society. The thought of Equality doesn't contemplate that every one material goods, the whole value or all educational

opportunities available in society should be equally distributed among all the members of the society, what it means is that the lads who are different from each other in their physical and mental capacities, aptitude and skills, talent and energies, should run equal opportunities for the event of their personal qualities and capacities, within the shape of material goods, comforts, education, training etc. If all persons are considered as equally possessing similar packages, without being subjected to exploitation, denial and tyranny by other and therefore the authority, the doubtless for development of individual personhood in tune with social interests is immense. As nobody's Rights is superior to the Rights of others, an antidote against arbitrary acts or abuse of Equality is usually within the aptitude of this idea. Within the process of distributing good parts of life, including Equality, the priority for Justice is ready into operation. The Constitutional endeavors of safeguarding the dignity and growth of human personhood revolve round the central principles of Equality in Rights for all, compelling multitudinous relations.

Equality and Society

The Concept of Equality has significantly influenced the social and political structure of the society and therefore the Right to Equality has played a significant role in bringing the social, political and economic Justice within the society, it's due to the socialistic approach which eradicated the social inequalities from the society. The ideas and views, concerning the Equality, of the western and Indian thinkers have influenced to a good extent the social and economic movements in many parts of the globe. All the social and economic awakening in the 19th and 20th centuries has been suffering from the consideration of Equality, which has found place in most Constitutional documents. The Concept of Equality little question has its own history in becoming a legal doctrine. The correct to Equality has now been considered the pivot of all the fundamental rights. In the Indian Constitution the correct to Equality may be a symbol of the event of the personality of the individual. This right represents the emotions of all the people fought against land rule out this country. The foreign rule and therefore the consequent exploitation by it, which created complex of inferiority in the society, the correct to Equality played a important role in eradicating this problem and creating a way of Equality. If there's no guarantee to the proper to Equality in any Constitution the full concept of Fundamental Rights become useless. When relation of Right to Equality and Justice is seen, then it may be concluded that the correct to Equality and Justice, which is additionally a crucial component of interaction amidst Fundamental Rights, may be a dynamic one, and is manifest in the variety of group action of Law, Equality before Law, Equal protection of the Laws, reasonableness and social action. Mutual reinforcement and balancing of those facets, due to the common genus of Justice underlying them, may be a notable Constitutional development.

Right to Equality and Liberty

Right of Equality is additionally closely connected with Liberty. Liberty couldn't exist without equality. The item of both liberty and equality is the same, which relates to the event of the personality of people and to bring equal justice to any or all. Both liberty and equality are related with the standard of person, it's a composite concept consisting of life, body and mind, and faculties for multifarious activities like speech, expression, assembly, association, religion, education and occupation. The propensity for the best and also the most harmonious development of man's powers to a whole and consistent whole compels a favourable relation amidst these human faculties and activities. Rather than separate exercise of every of his faculties of nature, man unites them with a spontaneous co-operation, although apparently projecting one dominant faculty. Hence, quite one interest is employed in human actions. For instance, going in a specified place or prohibition of racial and gender discrimination and protection of Rights is preceded or in the course of an exercise of Rights like Right to Equality. The Constitutional experience about Fundamental Rights i.e. Right to Equality is stuffed with such relations. Make Equality to act in an exceedingly most balancing way, even as time and space interact in every physical movement. This idea of Equality has now developed in such a way that each one Constitution of the planet today incorporates the proper of Equality as a Fundamental Right. Within the Constitution of India, the cardinal goal of achieving Equality and Justice to all or any the citizens provides a theoretical thrust to the size of this Right. The structure, phraseology and setting of Right to Equality in Fundamental Rights guaranteed partially III of the Constitution suggest that the ideas of Justice, reasonableness, and development of human person hood attain primordial importance in interweaving the size of the correct to Equality. the method of balancing between individual and collective interests through the forum of reasonable restrictions and procedures established by law has also persuaded for dimensions of the correct to Equality.

Our Constitutional Approach to Equality

Our Constitution is written constitution having the qualities of both flexibility and rigidity which is the concrete efforts of our leaders and also the Constitution makers at the time of constructing of the Constitution, which also becomes clear from the observations about Indian Constitution by the Late Prime Minister Jawahar Lai Nehru in the constituent assembly. In any event we must always not make this Constitution so rigid that it can't be adapted to changing conditions". It's the supreme power of the state. It's a complex document and to not be construed as mere law, but because the machinery by which laws are made. It provides for democratic functions of the govt. Our constitution provides Sovereign, Socialist, Secular, Democratic, Republic variety of Government so as to realize the concept of Equal Justice to all or any.

Right to Equality is grouped in Articles 14 to 18. These are

Article 14 'Equality before Law'

Article 15 'Prohibition of discrimination on the grounds of religion, race, caste, sex, or place of birth'

Article 16 'Equality of opportunity in matters of public employment'

Article 17 'Abolition of untouchability'

Article 18 'Abolition of titles'

The Article 14 'Equality before Law' may be a highly activist magnitude in recent years by the courts and thus, it generates an oversized number of lawsuits. Article 16 'Equality 'of opportunity in matters of public employment' has also assumed great significance due to the issues of employment, reservation publically services etc. Art. 14 is the genus while Arts. 15 and 16 are the species. Article 17 'Abolition of untouchability' features a vital impact on the doctrine of the Equality and Article 18 'Abolition of titles' appears to possess been framed under the mistaken belief that the U.S. president was being followed.

Conclusion

It is Right to Equality which inspires values of Justice and also the moral underpinnings of human dignity. It commonly upheld prime values of citizenship and sense of brotherhood. Several principles of Equality are mutually interrelated. They're because the Constitutional guarantee of facet of Right to Equality will be a piece of land for one more. Second, giving an undue emphasis upon one aspect will have an adverse impact on other aspects. Parenthetically, an excessive amount of classification will dine out the essence of Equality and banish the guarantee of Equality before the law. Similarly, extensive equalization of conditions for creating Equality of opportunity will eventually displace the ideas of common humanity, efficiency and equal respect for all. These inherent tensions among several strands of Equality may be neutralized only by a balanced approach on the part of the state. Third, the components of principle of Equality are complementary. They together form the entire concept of Equality.

Inspite of Constitutional provisions and therefore the provisions of reservation, the economic, social, political equality has not yet been achieved. The gap between the poor and therefore the rich is widening day by day, because of the political corruption. The antisocial ailments are gaining ground in political circles and also the honest and deserving persons are unable to return forward in politics. Inspite the Constitutional provisions for women's and child the bulk of the women are still not financially independent, they need to depend on the funding of their family. There's sizable amount of Orphans, abandoned and destitute children in India. Which is that the way forward for our nation, they must be properly taken care of, so they'll be able to available in the most stream of the society. It's been generally observed that the advantage of the reservation is being enjoyed only by some. Persons who really deserve this benefit are denied of the identical. There are numerous instances of social tensions also. More and more communities are making demands to incorporate there caste in SC's or ST's. Reservation is getting used as a tool to secure votes by the politicians. There's no provision on reservation on economic criteria in our Constitution. Though a untouchability has been removed but it still continue the society. It's a social evil it cannot be removed only by legal provisions. There's must make/opinion against this evil. Though, after independence the government, has formulated the varied plans to upgrade the rank of poor, weak and downtrodden sections of the society but the result don't seem to be satisfactory and far more is required to be done to attain the goal of equality as enshrined by Preamble of the Constitution and partly III of the Constitution. Keeping these facts into consideration some suggestions are given.

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