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THE IMPACT ON THE FUNDAMENTAL RIGHTS OF SENIOR CITIZEN IN INDIA: A REVIEW

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Abstract: *The said article is reflecting various technical and legal aspects in terms of language, laws, statistics, etc. related to the impact on the fundamental rights of senior citizens of India. The main purpose of this article is to highlight the availing facilities provided by the State and Union to senior citizen and its impact as senior citizens. Age is the criterion which is affecting one life, as soon as they reach sixty plus, they became dependent or dependable in all respects i.e., physically, mentally, economically, socially, etc. Economically charges made him paralyzed and dependable. At this juncture what he/she/they need is protection through various Constitutional rights as good rules, regulations, and amendment formed and framed, by the Government for them.*

Key word: Fundamental Rights, Senior Citizens, Legal Aspects, Dependent.

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*A Critical Analysis of the deprivation of liberty of a citizen by
refusing a bail*

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INTRODUCTION

The rights of an accused person in India are divided into right before trial, rights during trial and rights after trial. The rights of accused include right to have a fair trial, get bail, hire a criminal lawyer, get free legal aid, and many more.

As Indian constitution is wedded to Democracy and Rule of Law, the concept of free and fair trial is a constitutional commitment for which the cardinal principle of Criminal Law revolves around the Natural Justice wherein, even the accused or guilty person is treated with a human treatment. The law of the land requires the prosecution to stand at its own legs and to prove the guilt of the accused beyond the shadow of a reasonable doubt. The accused persons are also granted certain rights, the most basic of which are found in the Indian Constitution. An accused has certain rights during the course of any investigation; enquiry or trial of offence with which he is charged, and he should be protected against arbitrary or illegal arrest.

Under Constitutional Law Our constitution is based on fundamental that "Let Hundreds Go Unpunished, But Never Punish An Innocent Person" Right to get a fair representation in a criminal procedure is a facet of Right to Equality (Article 14). Article 20 says that "no person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

Thus, accused is given fair equality as par with other citizen. Also by the judicial voice, a wider ambit has been given to right to life and liberty and thus accused are given a human treatment in jails fulfilling reformative approach (Article 21). Article 22 talks that No person shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult and to be defended by, legal practitioner of his choice. The exception

to the right is that it is not to be applied on alien. Thereby, these rights under constitution are inherent rights and cannot be altered or changed.

Every person is entitled to the basic human rights, fundamental rights under the Indian Constitution and certain legal rights under various laws. These rights are provided to a person, irrespective of the fact that person is accused of a crime. These rights are given to an accused in India on the lines that 'let hundreds go unpunished, but never punish an innocent person.

The rights of accused in India are provided at different stages which include right an accused before his trial begins, rights of accused during a court trial, and right of an accused after his trial is completed. Here's a complete list of rights of an accused in India:

Pre-Trial Rights of the Accused

Any person who is accused of committing a crime has been given some rights so that his freedom and liberty are not hampered. The first stage of a trial is the pre-trial stage where an FIR is filed on the basis of which the police arrests a person, searches his property. The stage prior to the commencement of a court trial is extremely crucial and any person accused of a crime must be granted the following rights:

1. Right to know about the accusations and charges: Under the Criminal Procedure Code (CrPC), 1973, the accused person has the right to know the details of the offence and the charges that are filed against him.

2. Right against wrongful arrest: The right is provided only in cases where a warrant is issued. Section 57 of Cr.P.C. and Article 22(2) of Constitution provides that a person arrested must be produced before a Judicial Magistrate within 24 hours of arrest.

3. Right to privacy and protection against unlawful searches: The police officials cannot violate the privacy of the accused on a mere presumption of an offence. The property of an accused cannot be searched by the police without a search warrant.

4. Right against self-incrimination: A person cannot be compelled to be a witness against himself as per Article 20(3) of the Indian Constitution.

5. Right against double jeopardy: A person cannot be prosecuted and punished for the same offence more than once as per Article 20(2) of the Constitution.

6. Right against ex-post facto law: A person cannot be tried for an offence that was earlier a crime and now is not. This means that retrospective effect a law is not applicable. An act that was not a crime on the day when it was done, cannot be considered as an offence.

CONCLUSION AND SUGGESTIONS

In India, the administration of the Criminal Justice System follows the Anglo-Saxon-adversarial pattern. It has four vital units, namely the Police, the Prosecutor's Office, the Judiciary and the correctional institutions. It is assumed that these components work harmoniously and cohesively with close coordination and cooperation to produce the desired results more effectively, fairly and quickly. In addition, the success or failure of the administration of criminal justice depends on the effectiveness of these allied units.

The Constitution of India, as well as the Commissions, treaties and international covenants on human rights attach great importance to the protection of the life and personal freedom of a person and the emphasis on respect for human dignity. The basic laws, that is, substantive and procedural, emphasize the need to strictly observe human rights in the administration of criminal justice in its true letter and spirit.

Defining the concept of human rights is difficult, but also impossible to ignore. The expression "Human rights" denotes all those rights, which are inherent to our nature without which we can not live as human beings. Among all human rights species, the right to life has priority and is a sine qua non condition for the enjoyment of other rights, which only complement and extend the meaning and full content of the right to life. In the case of an invasion of this right, other rights, which are subsidiary to this right, lose meaning, since the whole edifice of human rights jurisprudence is raised on the basis of the right to life.

The accused word has not been defined either in the Code of Criminal Procedure or in the International Covenants on Civil and Political Rights. The terms "arrested", "prisoners awaiting trial, minor prisoners and also unprocessed prisoners have been used so far. According to Law Lexicon, "Accused" means "A person against whom an accusation has been made that he has committed a crime, or that he is accused of a crime."

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“The Influence of Legal and Human Resources on Industrial Performance in India

NAME-DR.GAYATRI PATIL

INTRODUCTION

“Labor is prior to, and independent of, capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital, and deserves much the higher consideration.”

“To secure to each labourer the whole product of his labour, or as nearly as possible, is a worthy object of any good Government” - said Abraham Lincon.

This research work has been carried out with an intent to conduct a critical study of the impact of Labour Laws and Regulations on the Industrial Performance in India. The study aims at critically analyzing the provisions of various Labour Laws and Regulations and the way they impact on the Industrial Performance in India.

Labour is one of the basic resources of any industry and has an important bearing on the performance and goals of the organisation and that of a National Economy too. There is no real wealth but the labour of man. Labour is one of the great elements of society, a great substantial interest on which we all stand.

The struggle for income, wealth, privileges and power has divided the human race in two classes

(1) The workers who perform productivity and useful labour and

(2) The greedy capitalists and corrupt politicians who appropriate the products of labour under the slogan ‘ you toil – we eat.’

In a capitalist country where the policy of laisses faire is the policy of governance, we often find that, for the labouring people the doors of the prisons are always open to receive them and that of the courts of justice practically closed for them. The desire of one man to live on the fruits of another’s labour is the original sin of the world.

Manual labour though an unavoidable duty and though designed as a blessing since it is naturally both a pleasure and dignity, is often abused, till, by its terrible excess, it becomes really a punishment and a curse. It is only a proper amount of work that is a blessing. Too much of it wears out the body of the labour before its time, cripples the mind, debases the soul, blunts the senses and chills the affections. It makes a man a spinning- jenny or a ploughing-machine. He ceases to be a man when he, in order to forget this exploitation, intoxicates himself and becomes a thing or commodity ready to be exploited by the capitalists and the powerful. The labour of a human being is not and shall not be an article or commodity of commerce. The market price of the labour is that which is really paid for it, from the natural operation of the proportion of the supply to the demand, keeping in mind the constitutional mandate of creating a welfare state by providing social and economic justice to all.

Purpose of labour legislation is basically to establish a legal system that facilitates productive individual and collective employment relationships, and therefore a productive economy and for this the Labour Legislation should be able to provide a framework within which employers, workers and their representatives can interact with regard to work related issues, it serves as an important vehicle for achieving harmonious industrial relations based on workplace democracy, such (French: “allow to do”), policy of minimum governmental interference in the economic affairs of individuals and society. Laissez-faire was proclaimed by the Physiocrats in the eighteenth-century France, thus being the very core of the economic principles, Labour Legislation should also be able to provide a clear and constant reminder and guarantee of fundamental principles and rights at work which have received broad social acceptance and establishes the processes through which these principles and rights can be implemented and enforced.

But experience shows that labour legislation can only fulfill these functions effectively if it is responsive to the conditions on the labour market and the needs of the parties involved. The most efficient way of ensuring these conditions and needs are taken care of fully, is by involving those concerned in the formulation of the legislation through processes of social dialogue. The involvement of stakeholders in this way is of great importance in developing a broad basis of support for labour

legislation and in facilitating its application within and beyond the formal structured sectors of the economy.

The factors causing low Industrial performance or low Productivity in India can be found in a) less attention being paid to the problem of employer – employee relations, b) abundance of unskilled labour force, c) insufficiency of adequate trained personal and supervisors, d) absence of harmonious labour- management relations, e) lack of introduction of ‘work study and ‘method study’ techniques in the sphere of production, f) existence of the feeling of hatred towards menial works and the distinctions in social and economic status observed on the basis of caste, religion and income as has been witnessed in the violent attacks, death and destruction in many cases including the recent incident in Maruti Udyog, at Manesar Plant near Delhi.

The attitude of the Employers, Managers, Foremen, Supervisors, and Departmental Heads is not sympathetic towards their Employees. The Trade Unions are no more recognized as a source of Labour Discipline. Mistrust and suspicion between the Labour and the management affects the Industrial performance/Productivity adversely. It is felt by this researcher that the ‘work study’ and ‘method’ study techniques can help in improving working conditions, reduce physical strain, increase output and lead to higher wages for the labour. The researcher also feels that the Increase in Industrial performance does not necessarily involve installation of new machinery or greater exertion on the part of labour. Efforts like better layout of the plants, improvement in working conditions and training of workers could ensure increase in the productivity without correspondingly increasing the strain on the workers as this technique leads to increased output with reduced strain.

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Evaluating Existing Cyber Crime Policies:A Study

Name-DR.GAYATRI PATIL

Research Aim: Cybercrime, being a major cause of concern throughout the world, is controlled and curbed by different policies in place. These policies are designed to make sure that cybercrime is reduced and gradually eliminated from society. However, with the increased numbers, the need for a policy change or amendment seems inevitable.

This means that the existing policies need to be reworked or revised, or abandoned completely, and new policies should be formed. This dissertation will investigate both these options and emphasize whether policies should be revised or new policies should be formed.

If new policies should be formed, the research will explain how these should be shaped, and if they need to be revised, then which aspects need to be considered for amendments will be the main focus of the dissertation. A detailed analysis will be presented to make an informed decision.

Information technology has widened itself over the last two decades and has become the axis of today's global development. The world of internet provides every user all the required information and latest information making it the most valuable source of information. With the advancement of internet, the crime has also widened its roots in all possible directions which claim to be the biggest threat in the near future. The cyber crimes pose a threat to the under developed, developing and the developed nations as a whole. One such major cyber crime is Phishing. It targets not just big organization but also individual

users. In this paper we explore the Cyber crimes, the online security vulnerabilities and the available strategies and techniques for protection *Index terms* – Security threats, Online Security, Cyber crime, Phishing.

I. INTRODUCTION

Crimes are as old as man himself and computer crimes are as old as computers themselves. The more advanced computers and technologies become, the more rise in computer crimes especially with the widespread of networks. People are very reliant on information systems and the Internet making them easy targets for cyber criminals. According to a report from McAfee based on a survey conducted globally on more than 800 IT company CEO's in 2009, data hacking and related cyber crimes have cost multinational companies one trillion US dollars. Cyber crimes take different forms and shapes and could be carried out, not only by using personal computers, but also through cell phones and PDA's.[1] To understand cyber crimes it is necessary to take a detailed view into the crimes

Phishing is the criminally fraudulent process of attempting to acquire sensitive information such as usernames, passwords and credit card details. Phishing often directs users to enter details in a fake website who's URL, look and feel are almost identical to the legitimate one. Even when using SSL with strong cryptography for server authentication it is practically difficult to detect that the website is fake. Phishing is an example of social engineering techniques used to fool users, and exploit the poor usability of current web security

systems.[2] Once the attacker has established a realistic and convincing fake web site that mimics a trusted brand, their main challenge is how to divert users of a legitimate web site to the fake web site instead. Unless the Phisher has the ability to alter the DNS for a target web site (DNS poisoning) or somehow otherwise redirect network traffic. A technique sometimes referred to as Pharming, they must instead rely on some form of content level trickery to lure unfortunate users to the fake web site. The better the quality of the lure, and the wider the net that can be thrown, the greater the chance of an innocent user mistakenly accessing the fake website and in the process potentially providing the Phisher with the victim's credentials or other personal data)

Using URL obfuscation techniques, the attacker tricks the customer into connecting to their proxy server instead of the real server.[2] For example, the customer may follow a link to <http://www.mybank.com.ch/> instead of the original

Pharming is a hacker's attack aiming to redirect a website's traffic to another bogus website. Pharming can be conducted either by changing the hosts file on a victim's computer or by exploitation of a vulnerability in Domain Name System's (DNS) server software. DNS servers are computers responsible for resolving the Internet names into their real addresses. Compromised DNS servers are sometimes referred to as "Poisoned". DNS cache poisoning is a maliciously created or unintended situation that provides data to a Domain Name Server that did not originate from authoritative DNS sources. Once a DNS server has received such non-authentic data and caches it for future performance, it is

considered poisoned, supplying the non-authentic data to the clients of the server.

A raw phishing message can be split into two components: the content and the headers. These components are commonly accepted as being the major components of a message. 1) Content: The content is the part of the message that the user sees and is used by phishing message producers to deceive users. It can be subdivided into two parts. (i) The cover is the content which is made to look like a message from the legitimate organization, and usually informs the user of a problem with their account. Early phishing messages could be identified based only on their cover, due to imperfect grammar or spelling mistakes (which are uncommon in legitimate messages). Over time, the covers used in phishing messages have become more sophisticated, to the point where they even warn the users about protecting their password and avoiding fraud. (ii) The sting is the part of the content that directs the victim to take remedial actions.

It usually takes the form of a clickable URL that directs the victim to a fake website to log into their account or enter other personal details. We call this the sting, as this is the part of the content that inflicts pain, by means of financial loss or other undesirable action after the victim enters their details on the website. Typically the sting is hidden by using HTML to display a legitimate looking address, instead of the address of the fake website. 2) Headers: The headers are the part of the message which is primarily used by the mail servers and the mail client to In recent years both have been used to steal the end user's identity information. Sophisticated measures known as anti-Pharming are required to

protect against this serious threat. Antivirus software and spy ware removal software cannot guarantee to protect against Pharming.

Determine where the message is going and how to unpack the message. Most users do not see these headers, but in terms of determining if a message is phishing or not, this subdivided into three parts based on the entities which add them to the message: (i) Mail clients typically add headers such as “To:”, “From:”, “Subject:” and some client specific headers. Examples of mail client headers are X-MSMail-Priority, X-Mailer, and X-MimeOLE, Phishing messages may try to fake a particular header and in doing so, give away that the message is fake. For example, if the X-Mailer header indicates that a HTML message has been composed using MS Outlook but the message only contains HTML (without plaintext), this is an indication that the message is fake, as MS Outlook cannot send HTML only messages.

CONCLUSION

Cyber Crime becoming a serious security threat which causes loss of sensitive data like passwords, credit card information etc. which in turn causes loss in billions of dollars to both consumers and e-commerce companies. In this paper a detailed study has been made on the existing Cyber crimes and the available mechanisms which are used to counter attack the crimes. On a complete study, it is fair to say a new revolutionary technique is the need for the hour which will incorporate cyber laws into the technological realm to counter attack the cyber crimes to a greater extent.

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A Study on Cyber Crimes In India

Name-DR GAYATRI PATIL

Abstract

Information technology has widened itself over the last two decades and has become the axis of today's global development. The world of internet provides every user all the required information and latest information making it the most valuable source of information. With the advancement of internet, the crime has also widened its roots in all possible directions which claim to be the biggest threat in the near future. The cyber crimes pose a threat to the under developed, developing and the developed nations as a whole. One such major cyber crime is Phishing. It targets not just big organization but also individual users. In this paper we explore the Cyber crimes, the online security vulnerabilities and the available strategies and techniques for protection *Index terms* – Security threats, Online Security, Cyber crime, Phishing.

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III. URL OBSIFUCATION

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STUDY ON THE UNDERLYING PRINCIPLE OF UNIFORM CIVIL CODE IN INDIA

NAME-DR.GAYATRI PATIL

1. ABSTRACT

The purpose of this research is to explain the problems faced by women due to different personal laws applied for marriage, divorce, adoption, guardianship and inheritance. Generally this paper will talk about UCC- under the Indian constitution, Personal Law, Equality before law. This article is compiled from the observations made by various authors in their books, articles, blogs, personal laws of different countries, studies and developments in personal laws frequently. These issues make it necessary for a group or a common civil code as many countries have changed or modified the private law, involvement in Sharia as a necessity of society and involvement in private law is not strong but personal. The concept of "changing civil code" is used as an analytical tool to analyze changes in law, policy and implementation and to suggest opportunities for private law reform in India.

Keywords: Uniform Civil Code, Secularism, Gender equality

2. INTRODUCTION

The term Uniform Civil Code implies the same set of age-old civil laws to govern all people irrespective of their religion, caste and tribe. The subjects covered are the laws of marriage, divorce, adoption and inheritance, and the acquisition and administration of property. The Uniform Civil Code is a mandate to the state under Article 44 of the Constitution as a guiding principle of state policy. As foreseen by article 37 of the Constitution, the directive principles of state policy are not enforced by the Court of Justice. But this fact does not undermine the importance of the guiding principles. Immediately after Independence the circumstances were such that it was not possible to impose a uniform civil code on the citizens. That is why it was protected according to the guiding principle of state policy. India is a unique country not in terms of geography but also in terms of its social scene. It is a land of various religions and different cultures. Diversity in social life is an important aspect of Indian society. Indian

culture emphasizes the spirit of unity in diversity but unfortunately this spirit of cultural unity has not helped to achieve political unity in India. If we look back in history, we find that India as a state split into smaller political entities which ultimately led to foreign subjugation over a long period of time. In 1947 India gained independence, but again at the cost of dividing the country. In the light of historical experience, the goal of unity and integrity of the country had become the primary consideration of the Indian constitution makers. Religion has been a dominant factor in Indian society. On one hand, religions have brought spiritual uplift and tranquility; on the other hand, religious practices have perpetrated many social evils like untouchability, Sati, Devdasi, etc. Personal laws based on the religion and customs of different communities have been a major cause of this discrimination. Both the progressive and women's movements saw the UCC as an important means of obtaining secular, progressive and non-discriminatory personal laws in India. Feminist thinkers have always seen personal laws as a major source of exploitation of women. This is why feminists in India have highlighted the need for a UCC to achieve gender justice, and the Shah Bano Begum case has brought this need of the moment to its zenith, highlighting the flaws in the system and the potential for exploitation which it holds.

3. UNIFORM CIVIL CODE- UNDER THE INDIAN CONSTITUTION

The directive to secure a uniform civil code had originated as a suggestion from M. R. Masani, for its inclusion amongst – the justifiable rights. However, the fundamental rights sub-committee decided by a majority of five-four that the provision was outside the scope of fundamental rights. It was again pressed for inclusion and ultimately found its way as a directive principal. The dissatisfaction from same that no time limit was fixed for its realization persisted. It is significant that many of the organizations or bodies in the pre-independence period has suggested the need for a uniform civil code probably came from the Hindu law draft which was before the legislative assembly when the Constitution was being framed.

The minorities' subcommittee, which examined the report of the fundamental rights sub-committee, wanted that its application should be entirely voluntary. Several amendments moved by the Muslim members had the same purpose in view. They pleaded that all civil laws connected with religious beliefs and practices (in particular the personal laws divorce) should not be touched by the state, and that it would violate the guarantee of freedom of conscience and its practice is not affected if a religious practice covered a secular activity which was the subject of social reform or

welfare. The instance of Egypt and Turkey were also highlighted where the reform of Muslim personal law had been carried out. Besides, the uniform civil code was aimed at consolidating the entire community and to make the way of life of the whole century secular and unified and to divorce religion from personal law.

Muslim law, prior to the coming of the Britishers to India, covered every field, but subsequently, the Britishers introduced uniformity with respect to all sphere of law (Except personal laws) and the Muslim had accepted it. As a refutation of the view that Muslim personal law was immutable, ancient and uniform, throughout the country, it was pointed out that till 1935 the Muslims of North West Frontier Province (N.W.F.P) followed the Hindu Law, the Shariat Act, 1937¹⁰³ was applied to them only in 1939. Similarly up to 1934 the Muslims in U.P., were governed by Hindu Law in matters of succession, the Shariat Act was applied to in 1937.

In North Malabar, the Marumakkathayam law applied, both to Hindus and Muslims. The Khojas and Cutchi Memons followed the Hindu customs and were highly dissatisfied with Shariat Act when Shariat Act was applied to them. Dr. B. R. Ambedkar, however, gave an assurance that uniform code will not be forced on the Muslims and also suggested that the future parliament could make a provision that the code would apply only to those who made a declaration that they were prepared to be bound by it, such a modality had been adopted in the Shariat Act, 1937 also when it was applied to territories other than the North West Frontier Province.

4. PERSONAL LAWS AND THE CONSTITUTION OF INDIA

The Constitution of India empowers the Legislature to legislate with respect to family relations governed by the personal laws by a Common Civil Code. With the enactment of the Hindu Code to replace significant segments of the customary Law of the Hindu Law, the demand for a Common Civil Code on the one hand and for the reform of the Muslim Personal Law on the other, has gained momentum. Enactment of a Common Code is recommended for a wide variety of reasons, which include averting communal riot and acceleration of the process of National Integration. While replacement of Muslim Law by a Common Civil Code, has provoked intense opposition from a section of Muslims. Not all the advocates of the reforms are for replacement of Muslim family law, nor all their opponents, in India are scholars of Muslim Law.

They do not conduct the debate on sound and sober lines. Consequently, the real issues are lost in a Uniform Civil Code and The Constitution of India whirlpool of non issues. We have already seen

in the preceding section how the debate took in relation to Uniform Civil Code. How after heated discussion the Article 35 of the draft constitution (Now Article 44) was incorporated in the Indian Constitution. Dr. Ambedkar the Chairman of the drafting Committee while supporting the inclusion of the provision of Uniform Civil Code assured the members that they should not read too much into Article 44". he also assured the Muslim members that even if the Uniform Civil Code was implemented it would be applicable only to those who would consent to be governed by it. The Constitution of India guarantees the religious and cultural freedom to every citizen of India Article 25 (1) states:

"All persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion." Article 26 states : "every religious denomination or any section thereof shall have the right :

- a. To establish and maintain institutions for religious and charitable purposes.
- b. To manage its own affairs in matters of religion.

Article 29 (1) states: "Any sections of the citizens ... having a distinct language, script or culture of its own shall have the right to conserve the same". Uniform Civil Code and The Constitution of India Religion is the matter of faith and conscience. The culture and civilization incorporate the religious ethos. Muslim Personal Law being the very core of Islamic religious faith amalgamates in itself 'belief, 'practices', 'Propagation'. The ambit of religious and cultural freedom enshrined in Part III of the Constitution as the fundamental rights covers the Muslims Personal Law.

Under Article 372, the Constitution of India ensures the application of "all the law in force in the territory of India immediately before" its commencement. The Muslim Personal Law {Shariat) Application Act, 1937 is 'the law in force before the commencement of the Constitution of India.

5. EQUALITY BEFORE LAW – UNDERLYING PRINCIPLE

The right to equality is provided by the Indian constitution to every person, within the Territory of India. This article guarantees to every person, the right not to be denied equality before the law or the equal protection of laws. The first-expression "equality before the law" which is taken from the English common law, is a declaration of equality of all persons within the territory of India, implying thereby the absence of any special privilege in favour of any individual. Every person, whatever is his rank or condition, is subject to the jurisdiction of the ordinary courts. No man is above the law. Every person may sue and be sued. Prof. Dicey in explaining the concept of legal

equality, as operating in England, said – “With us every official, from the Prime Minister down to a constable or a collector of taxes, is under the same responsibility for every act done without any legal justification as any other citizen”.

The second expression, the equal protection of the laws, which is rather a corollary of the first expression, and is based on the last clause of the first section of the 14th Amendment of the American Constitution, directs that equal protection shall be secured to all persons within the territorial jurisdiction of the Union in the enjoyment of their rights and privileges without favoritism or discrimination. It has been said that “the equal protection of the laws” is a pledge of protection or guarantee of equal laws

Guiding Principle of Article 14

The guiding principle of the article is that all persons and things similarly circumstanced shall be treated alike both in privileges conferred and liabilities imposed. “Equality before the Law” means that amongst equally administered and that like should be treated alike

Legislative Classification

This leads us to the important question of legislative classifications or distinctions between persons and things made by law. It is accepted that persons may be classified into groups and such groups may differently be treated if there is a reasonable basis for such differences or distinctions.

Test of Valid or Legal Classification

The power of making classification, as we have pointed out above is not without limits. A classification to be valid must not be arbitrary. It must always rest upon some real and substantial distinction bearing reasonable and just relation to the needs in respect of which the classification is made. In order to pass the test of permissible classification two conditions must be fulfilled, namely:-

1. The classification must be founded on an intelligible different which distinguishes persons or thing that are grouped together from others left out of the group.
2. The differentia must have a rational relation to the object sought to be achieved by the status in question.

6. CONCLUSION

It is a fundamental aspect that Indian Law stands by the concept of Equality before law and equal Protection of the law. The UCC is a fine element of this concept. It is evident that all religions

have to be given equal rights and preference in the country. But it is also evident to ensure that the practices undertaken by every religion individually, does not violate the equality maintained by the Indian laws between the religions. Implementation of the UCC would only ensure that laws governing religion is going to be common for every Woman, Child and Man. It would not give special preference to a particular sex, caste or sub caste. It would not violate the principles of Secularism.

On the contrary, it would rather ensure that every person directly or indirectly affected by certain individual religious belief should gain benefit rather than be thrown in a never ending void of suffering. The UCC does not target towards changing the religion or hurting the religious sentiments followed by all, but targets towards bringing a common legal system that would benefit every individual on equal grounds.

Banning of social evils such as Sati and Child marriages or female infanticide was not a mere step towards helping the Hindu woman or child, but to implement a law that would ensure that a person's right to life is not denied. This act has been one of the first symbolic steps towards the implementation of the UCC.

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