

All people are equal
before the law essay



**ASSIGN
BUSTER**

Classical liberalism, when it was fighting against feudal and religious privileges, held that equal distribution of opportunities required merely equal allocation of basic rights of life, liberty and property. If legal privileges are abolished and legal rights are protected, no obstacles will stand in the way of one's pursuit of happiness. It means two things: Rule of law and Equality before law. Rule of law means that the law is sovereign and no person, no matter how great he is or thinks he is, can declare himself above the law because that would be tantamount to arbitrary rule.

Equality before law means that law guarantees freedom to each citizen. This is popularly explained as i) Equality before Law and ii) Equal Protection of Law. Equality before law consists in 'equal subject of all classes to the ordinary law of the land administered by the ordinary law courts'. It means that amongst equals, the law should be equal and should be equally administered and that the 'like should be treated alike'. In other words, the law is not to make any distinction between rich and poor, feudal lord or peasant, capitalist or workers. In the eyes of law, all are equal. It also implies equality of rights and duties in law i. . , equal protection of life and limb of everyone under the law and equal penalties on everyone violating them.

However, since law creates classes with special rights and duties such as landlord vs. tenant, police vs. people, Member of Parliament vs. judges etc. , in such circumstances, differences in rights are inevitable. And last not but the least, equality before law also implies equality in the actual administration of laws. In spite of the fact that people may be equal before law, the judges may be corrupt or biased. Equality before law must ensure

that the judges are free from political pressures, free from corruption, bias etc.

The inequality in the application of law may also arise if poor men are kept from the cost of a legal action i. e. if a rich man can force a settlement on less favourable terms than a poor opponent would get in court by threatening to carry the cause of appeal. Equality before law does not mean absolute equality. While the law will not make any distinction between the people, equal protection means that on grounds of reasonable circumstances, certain discriminations can be made. The law, in certain special circumstances, can make rational discriminations. It means ' equal laws for equals and unequal laws for unequals'.

This can be understood very well in the context of the Indian constitution where the law, while not recognising any distinction based upon birth, caste, creed or religion, does accept certain rational discriminations like reservation of seats or special queues for ladies, concessions given to students in railway journeys etc. Such discrimination based upon backwardness, sex, ability etc. are considered rational discriminations. In such cases, law protects the people by unequal rather than equal application.

Talking about legal equality, J. R. Lucas writes that equality before law does not necessarily mean that the law will treat all alike, but rather it determines that the law will be within the reach of everybody. In other words, nobody will be small enough that he will be unable to take the shelter of law and nobody will be big enough that he will not be accountable to law. It means that anybody can ask for the help of courts, everybody is bound to obey its

orders, and the courts will also take decisions impartially. Equality before law means equal subjection to law and equal protection of law.

However, legal equality becomes meaningless in the absence of equal opportunities to get justice. In liberal societies, people need both time and money to have justice to protect their equality. All may possess equal rights, but all do not have an equal power to vindicate those rights, so long as the vindication demands expenditure and so long as some are more able than others to meet the expenditure demanded. Thus, in actual practice and operation of the courts, as distinct from the rule of law of the land, inequality still prevails though it is being steadily diminished by reforms in their operations.