

*Law Audience Journal, Volume 3 & Issue 4, 11<sup>th</sup> April 2022,  
e-ISSN: 2581-6705, Indexed Journal, Published at  
<https://www.lawaudience.com/volume-3-issue-4/>, Pages: 198 to 217,*

***Title: “A Comparative Study of Article 15 of the Indian Constitution with  
the U.S.A. and the U.K.”, Authored By: Ms. Deepti Rathi (B.B.A.LL.B),  
Symbiosis Law School, Hyderabad,  
Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).***



### **Cite this article as:**

MS. DEEPTI RATHI, “A Comparative Study of Article 15 of the Indian Constitution with the U.S.A. and the U.K.”, Vol.3 & Issue 4, Law Audience Journal (e-ISSN: 2581-6705), Pages 198 to 217 (11<sup>th</sup> April 2022), available at <https://www.lawaudience.com/a-comparative-study-of-article-15-of-the-indian-constitution-with-the-u-s-a-and-the-u-k/>.

***Law Audience Journal, Volume 3 & Issue 4, 11<sup>th</sup> April 2022,  
e-ISSN: 2581-6705, Indexed Journal, Published at  
<https://www.lawaudience.com/volume-3-issue-4/>, Pages: 198 to 217,***

***Title: “A Comparative Study of Article 15 of the Indian Constitution with  
the U.S.A. and the U.K.”, Authored By: Ms. Deepti Rathi (B.B.A.LL.B),  
Symbiosis Law School, Hyderabad,  
Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).***

***Publisher Details Are Available At:***

***<https://www.lawaudience.com/publisher-details/>***

***Editorial Board Members Details Are Available At:***

***<https://www.lawaudience.com/editorial-board-members/>***

***| Copyright © 2022 By Law Audience Journal |***

***(E-ISSN: 2581-6705)***

*All Copyrights are reserved with the Authors. But, however, the Authors have granted to the Journal (**Law Audience Journal**), an **irrevocable, non-exclusive, royalty-free and transferable license to publish, reproduce, store, transmit, display and distribute** it in the **Journal or books or in any form and all other media, retrieval systems and other formats now or hereafter known.***

*No part of this publication may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher, except in the case of brief quotations embodied in critical reviews and certain other non-commercial uses permitted by copyright law.*

*For permission requests, write to the publisher, subject of the email must be **“Permission Required”** at the email addresses given below.*

*Email: [lawjournal@lawaudience.com](mailto:lawjournal@lawaudience.com), [info@lawaudience.com](mailto:info@lawaudience.com),*

*Phone: **+91-8351033361**,*

*Website: [www.lawaudience.com](http://www.lawaudience.com).*

*Facebook: [www.facebook.com/lawaudience](http://www.facebook.com/lawaudience)*

*Instagram: [www.instagram.com/lawaudienceofficial](https://www.instagram.com/lawaudienceofficial)*

*Contact Timings: **5:00 PM to 9:00 PM.***

***Title: “A Comparative Study of Article 15 of the Indian Constitution with  
the U.S.A. and the U.K.”, Authored By: Ms. Deepti Rathi (B.B.A.LL.B),  
Symbiosis Law School, Hyderabad,  
Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).***

**DISCLAIMER:**

*Law Audience Journal (e-ISSN: 2581-6705) and Its Editorial Board Members do not guarantee that the material published in it is 100 percent reliable. You can rely upon it at your own risk. But, however, the Journal and Its Editorial Board Members have taken the proper steps to provide the readers with relevant material. Proper footnotes & references have been given to avoid any copyright or plagiarism issue. Articles published in **Volume 3 & Issue 4** are the original work of the authors.*

*Views or Opinions or Suggestions (**if any**), expressed or published in the Journal are the personal point of views of the Author(s) or Contributor(s) and the Journal & Its Editorial Board Members are not liable for the same.*

*While every effort has been made to avoid any mistake or omission, this publication is published online on the condition and understanding that the publisher shall not be liable in any manner to any person by reason of any mistake or omission in this publication or for any action taken or omitted to be taken or advice rendered or accepted on the basis of this work.*

*All disputes subject to the exclusive jurisdiction of Courts, Tribunals and Forums at Himachal Pradesh only.*

**Title: “A Comparative Study of Article 15 of the Indian Constitution with the U.S.A. and the U.K.”, Authored By: Ms. Deepti Rathi (B.B.A.LL.B), Symbiosis Law School, Hyderabad, Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).**

### **ABSTRACT:**

*“Discrimination faced by the citizens of the nation is relevant as there is a strong and affirmative connection between political equality and confidence in the integrity of government. When the state and its citizens share the values of equality, this bond ensures recognition and confirmation of the government's legitimacy. Furthermore, the fight against inequality in civilization leads to greater involvement of communal classes in the management of social relations, which leads to increased national solidarity and development. This paper talks about anti-discrimination laws in India, the U.S.A., and the U.K. in terms of social context, anti-discrimination statute references, defining discrimination grounds, and application of affirmative actions. The anti-discrimination laws of various countries are analyzed in this article, taking into account past years and social circumstances. People have experienced discrimination constantly, in various factors and various ways. These countries' fundamental rules, legislatures, landmark decisions, and other legal documents that discuss the question of anti-discrimination would be reviewed for this reason. “Article 15 of the Indian Constitution also forbids discrimination based on religion, ethnicity, social class, gender, and place of birth. It also stated that the above cases do not restrict or disable individual's entry to stores, restaurants, hotels, and other similar establishments, and their use of water supplies, highways, & public spaces.”<sup>1</sup> This paper will further compare the definition of Article 15 of the Indian constitution with the U.S.A, and the U.K.”.*

**Keywords: Equality, Anti-discrimination laws, Article 15, Religion, Gender.**

### **INTRODUCTION:**

One faces discrimination when the person is viewed differently or less favourably than another person in comparable situations, or when one is hindered by being put on an equal basis with another person in different circumstances, such as being impaired or pregnant. This conduct cannot be explained logically or rationally. Equality ensures that each person has the chance to

---

<sup>1</sup> INDIAN CONST. art. 15, cl. 1.

***Title: “A Comparative Study of Article 15 of the Indian Constitution with  
the U.S.A. and the U.K.”, Authored By: Ms. Deepti Rathi (B.B.A.LL.B),  
Symbiosis Law School, Hyderabad,  
Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).***

make the greatest possible use of his or her life and abilities. It entails the concept that no one should have a worse existence because of their birthplace, existence, nature, beliefs, or shortcomings. Equality recognizes that particular groups of individuals with unique characteristics, such as ethnicity, disabilities, sex, and sexual orientation, have historically faced discrimination. Under “Article 15 of the Indian Constitution, the state is prohibited from discriminating against citizens solely based on race, creed, caste, sex, or place of birth.”<sup>2</sup> The word discrimination refers to making negative distinctions or distinguishing unfavourable from others, while the term just refers to discrimination on any other factors.

Following Britain's admission to the European Union in 1973, new pressures were applied to pass legislation supporting non-discrimination. The European Court 1980 issued laws for several cases held by the Equal Opportunities Commission ensuring equal pay for females. This directed to sanction of an original regulation prohibiting sex discrimination, on which discrimination was accredited as prohibited activity and stretched the realm of anti-discrimination law. Rights of the citizens are stated under constitutional amendments, & the initial “ten amendments to the United States Constitution, often known as the Bill of Rights, related to the preservation of freedom, justice, and people's rights in the face of the federal government. In the face of the law, the fourteenth defends persons equally. No state shall refuse the equal protection of the law to any individual under its authority.”

In the eyes of constitutional law, equality is defined primary thing as the rights of an individual according to rational law and the respect for the basic right to freedom of others. This is referred to be the essence of liberty. When looking at equality through the lens of constitutional law, the focus is on equality & freedoms, which supports reasonability and fairness. There are at least two approaches for determining whether legislation or other government activities are discriminatory. The first is an erroneous application of the idea of equality, stating that a law enacts unjust biases against individuals if it serves them unequally. Their approach to the

---

<sup>2</sup> INDIAN CONST. art. 15, cl. 1.

***Title: "A Comparative Study of Article 15 of the Indian Constitution with the U.S.A. and the U.K.", Authored By: Ms. Deepti Rathi (B.B.A.LL.B),  
Symbiosis Law School, Hyderabad,  
Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).***

subject of freedom is another means of identifying discriminatory laws. Such restrictions limit the freedom that all people should enjoy to a small number of people.

### **RESEARCH OBJECTIVES:**

***The overall aim of this research is to shed light on the analysis of the various countries' constitutional laws regarding the prohibition of discrimination.***

1. To interpret the laws on prohibition of discrimination laid under the constitution of the UK, the USA, and India.
2. To understand who among the legislative, the executive, and the judiciary holds the power to interpret and amend the laws related to the prohibition of discrimination.
3. To study the idea of reservations and exceptions made while making the laws on the prohibition of discrimination.
4. To compare the constitutional laws on prohibition of discrimination of the U.K., U.S.A., and India.

### **RESEARCH QUESTIONS:**

1. Can anything unfavourable to the individual's general status be considered discrimination?
2. Are there any government programs in place in the U.K., U.S.A., or India to combat discrimination among citizens?
3. Isn't it discriminatory to make a distinction between two candidates with the same credentials that are competing for the same job or exam? What makes it possible to differentiate in this way?
4. What enables the state to enact legislation that discriminates against people based on where they live, and what reason does this kind of discrimination serve?

### **RESEARCH METHODOLOGY:**

The momentum research is essentially founded on the fundamentals of doctrinal examination. Referring to and dissecting the current information, for example, laws and measurements mean doctrinal exploration. The analyst accepts that the current exploration is significantly subject to existing laws and how they affect one another. To perform a successful examination on such

***Title: “A Comparative Study of Article 15 of the Indian Constitution with  
the U.S.A. and the U.K.”, Authored By: Ms. Deepti Rathi (B.B.A.LL.B),  
Symbiosis Law School, Hyderabad,  
Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).***

a subject, it is best recommended to lean toward doctrinal research and dissect different significant laws set up. The analyst likewise trusts in not confining the exploration procedure to investigative and prescriptive instruments yet additionally consolidates exact information which helps in an additional basic examination of the exploration point. Thus, in the analyst’s view, these apparatuses embraced for flow research are able for the theme examined.

### **LITERATURE REVIEW:**

This article describes that it is a “fact that Title VII’s prohibition of sex discrimination has no legal past is commonplace in job discrimination law. As a result, courts have argued that this ban should be limited to the standard definition of sex discrimination. Discrimination based on sex, according to the courts, used to apply only two policies that separated men and women into two perfectly sex-differentiated classes. Although Title VII doctrine has changed over time, the common definition of gender discrimination continues to have a significant regulatory impact on the law.”<sup>3</sup> This article describes that “the western political regimes tend to enforce obligations on public and private bodies, which are often expressed as a duty not to discriminate. For example, under certain circumstances, the European Union forbids both overt and indirect discrimination based on certain grounds. In this model, indirect discrimination is defined as a measure that, while not specifically (i.e., explicitly) discriminating based on a prohibited ground, has a disparate effect that is related to that ground. Indirect prejudice is commonly regarded as secondary to overt discrimination, both conceptually and politically.”<sup>4</sup>

This article examines the “prevalence and patterns of people’s self-reported daily prejudice. Sex, age, and race discrimination are the most prevalent, followed by discrimination based on physical attributes such as weight. Individuals’ recorded reports of discrimination are influenced by their sex, age, marital status, race, place of birth, and BMI. Discrimination based on sexual identity is

<sup>3</sup> Cary Frankli, *Inventing the Traditional Concept of Sex Determination*, 125, HARVARD LAW REVIEW 1307, 1308 (2012)

<sup>4</sup> Oran Doyle, *Direct Discrimination, Indirect Discrimination and Autonomy*, 27 OXFORD JOURNAL OF LEGAL STUDIES. 537, 537-538 (2007)

***Title: “A Comparative Study of Article 15 of the Indian Constitution with the U.S.A. and the U.K.”, Authored By: Ms. Deepti Rathi (B.B.A.LL.B), Symbiosis Law School, Hyderabad, Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).***

especially prevalent among gay men.”<sup>5</sup> This article helps to understand that the “first aspect of the ringing declaration, that the Constitution prohibits government prejudice against the speech of individual messages or concepts, was not recent. It had surfaced in cases just after the new Supreme Court began to take the first amendment seriously. ' Scholars had readily agreed with the principle. For example, it seems self-evident that we cannot encourage the government to target Democrats for special sanctions or to criminalize criticism of its policy when allowing praise.”<sup>6</sup> The article emphasizes on “Caste inequality affects at least 270 million people globally, the majority of which live in South Asia. The United Kingdom has a chance to balance national laws with international law commitments with the reform of its equality policy and the forthcoming new single equality act.”<sup>7</sup>

The article describes the “Employers in the United States have been required to comply with a ban of direct discrimination since the 1960s, and it allows for a changing burden of proof in acknowledgement of the difficulties of collecting direct evidence to show discriminatory intent. The presumption of evidence is made up of two parts: the burden of creation and the burden of convincing. ' The complainant bears the initial burden of production since he or she must create a prima facie case by presenting facts from which it can be inferred that there was a discriminatory motive.”<sup>8</sup> This article states that “Any country's anti-discrimination law has a list of protected grounds for discrimination, which also grows longer with each passing year. Unlike norms arising from the concept of equality, this applies to the rationale of the constitution, which is rooted in the prohibition of inequalities in treatment depending on defined groups. Moreover, considering the numerous grounds listed—more so in France than in other nations, such as the United States—they rarely come with specific meanings.”<sup>9</sup>

<sup>5</sup> Jenny Godley, *Everyday Discrimination: Prevalence and Patterns*, 43 THE CANADIAN JOURNAL OF SOCIOLOGY. 111, 118-119 (2018)

<sup>6</sup> Paul B. Stephan III, *The First Amendment and Content Discrimination*, 105 VIRGINIA LAW REVIEW. 1913, 1945-1946 (2010)

<sup>7</sup> Annapurna Waghay, *Caste Discrimination: A Twenty-First Century Challenge for UK Discrimination Law?* 72 MODERN LAW REVIEW. 182, 188-189 (2009)

<sup>8</sup> ELAINE HOLT, *DISCRIMINATION AT WORK* 28 (University of California Press 2016).

<sup>9</sup> MARIE MERCAT, *THE MULTIPLE GROUNDS OF DISCRIMINATION* 13 (University of California Press 2016)



**Title: “A Comparative Study of Article 15 of the Indian Constitution with the U.S.A. and the U.K.”, Authored By: Ms. Deepti Rathi (B.B.A.LL.B),  
Symbiosis Law School, Hyderabad,  
Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).**

## **DESCRIPTION:**

### **CHAPTER 1: ANALYSIS OF ANTI-DISCRIMINATION**

#### **CONSTITUTIONAL LAWS:**

##### **1.1 INDIA:**

The fundamental rights are superior; hence they can't be changed. “Only discrimination based on caste, sex, religion, place of birth, and race is prohibited by Article 15 of the constitution. The usage of the term merely implies that discrimination based on other reasons is unjustified. Part III of the Indian constitution protects the article of the constitution, and article 15 explicitly falls under the category of the Right to Equality.” Under “Article 15 (1), the state shall not discriminate against its citizens on the grounds of caste, sex, race, religion, place of birth, and race. The state is prohibited from discriminating against its residents under this Article.”<sup>10</sup> According to “*Nainsukhdas vs. State of Uttar Pradesh*, the state election commission sets up different electoral boards for different religions, which were declared unconstitutional by the Supreme Court of India.”<sup>11</sup> “Article 15(2) states that none of the citizens of the state shall do discrimination based on caste, religion, sex, place of birth and race concerning the same access to public parks, restaurants, shops, hotels should be there moreover access to public toilets, wells, water tanks, etc. should also be there.”<sup>12</sup> “Article 15 (3) states that in some areas the women and children do need special privileges and therefore the state for their welfare can make laws, moreover this doesn't mean that discrimination is being done but some special privileges are being given to them as they require them.”<sup>13</sup> “Article 15(4) was added to the Indian constitution after the 1st amendment of the constitution in 1951.”<sup>14</sup>

In the judgment of “*Champakam Dorai Ranjan vs. the State of Madras*, the state reserved some seats for the backward classes of the society but the Supreme court declares it unconstitutional the state says that according to article 46 of the Indian constitution the state

<sup>10</sup> INDIAN CONST. art. 15, cl. 1.

<sup>11</sup> Nainsukhdas v. State of Uttar Pradesh, AIR 1964 SCR 332.

<sup>12</sup> INDIAN CONST. art. 15, cl. 2.

<sup>13</sup> INDIAN CONST. art. 15, cl. 3.

<sup>14</sup> INDIAN CONST. art. 15, cl. 4.

***Title: “A Comparative Study of Article 15 of the Indian Constitution with the U.S.A. and the U.K.”, Authored By: Ms. Deepti Rathi (B.B.A.LL.B),  
Symbiosis Law School, Hyderabad,  
Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).***

can reserve seats for the weaker section of the society but still the Supreme court declares it unconstitutional by saying that Directive Principles of the State policy cannot override the fundamental rights but still the 1st amendment of the constitution was done.”<sup>15</sup> According to the amendment, the state may make any reserve for the SEBCs of society, and it will not harm the purpose of Article 15. Article 340 of the constitution solves the issue of categorizing people into general and backward classes. The article grants the power to form a commission to determine the members of backward classes and general categories. Furthermore, the commission's report is accountable in the court of law.

In the “case of *M.R Balaji vs. the State of Mysore*, the reservation done went up to 68% which was further declared to be unconstitutional but after that, the Mandal commission case came into the picture which declared that the reservation up to 50% is valid and above that is not valid i.e., will be declared as unconstitutional.”<sup>16</sup> “Article 15(5) states that nothing in this clause shall prevent the state from making any special provision regarding the admissions of scheduled castes and scheduled tribes into private institutions.” Additionally, in the “case of *T.M Pai Foundation vs. State of Karnataka*, it was held that it is the discretionary power of the state that they can or cannot impose the restrictions regarding the admission of the backward classes.”<sup>17</sup>

## **1.2 THE UNITED KINGDOM:**

Every citizen in a democratic country is authorized to equality and equal count in government elections, and everyone should be safeguarded against arbitrary imprisonment, property expropriation without compensation, and other forms of rigorous and unreasonable punishment. Unguaranteed security of such acts may result in intimidation, harassment, discrimination, humiliation which is not expected in a democratic nation. “Article 19 of the constitution states equality which includes the grounds for non-discrimination, age, disability, and homosexuality as well.”<sup>18</sup> “Article 19(1) states that everyone has the right to recognition

<sup>15</sup> Champakam Dorai Ranjan v. State of Madras, AIR 1951 SC 226

<sup>16</sup> M.R Balaji v. State of Mysore, AIR 1963 SC 649

<sup>17</sup> T.M Pai Foundation V. State of Karnataka, AIR 2003 SC 335

<sup>18</sup> UK CONST. art. 19

***Title: “A Comparative Study of Article 15 of the Indian Constitution with the U.S.A. and the U.K.”, Authored By: Ms. Deepti Rathi (B.B.A.LL.B), Symbiosis Law School, Hyderabad,***  
***Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).***

as a person before the law.”<sup>19</sup> “Article 19(2) states that all persons are entitled without any discrimination to the equal protection of the law.”<sup>20</sup> “Article 19(3) states that the equal protection of the law and the enjoyment of the rights and freedoms set out in this Bill of Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or another opinion, national or social origin, association with a national minority, property, birth, homosexuality, disability, age, or another status.”<sup>21</sup>

Such Codes are required to get the Secretary of State's approval under sex discrimination, racial relations, and fair employment law, but this wouldn't be suitable for Codes that are meant to guarantee that government, among other things, doesn't breach the Bill of Rights. “The Equal Opportunities Commission Act of 1986 provides the foundation for it. In some areas, such as sex discrimination cases, the courts have gained experience and demonstrated remarkable expertise in reading and administering human rights laws,”<sup>22</sup> and they have also demonstrated that they are perfectly capable of understanding and applying applicable Community law principles. The equality Article of the International Covenant on Civil and Political Rights has been expanded in the Bill of Rights to encompass discrimination based on age, homosexuality, or disability (Article 19).

“The Judicial Services Commission, the Public Services Commission, and the agencies in charge of police appointments are all tasked with ensuring that a sufficient number of applicants of both sexes and from various ethnic, religious, and social backgrounds are considered for appointment (Articles 104, 115 and 125).”<sup>23</sup> Government policies that protect and safeguard the United Kingdom's unity and integrity; eliminate economic and social discrimination among UK citizens, whether based on race, creed, or gender. It safeguards an individual's right to life and liberty; prohibits abuse of their rights; ensures a fair desired system

---

<sup>19</sup> UK CONST. art. 19, cl. 1.

<sup>20</sup> UK CONST. art. 19, cl. 2.

<sup>21</sup> UK CONST. art. 19, cl. 3.

<sup>22</sup> The Equal Opportunities Commission Act, 1986, Acts of Parliament, 1986 (UK).

<sup>23</sup> UK CONST. art. 104, 115, 125.

***Title: "A Comparative Study of Article 15 of the Indian Constitution with  
the U.S.A. and the U.K.", Authored By: Ms. Deepti Rathi (B.B.A.LL.B),  
Symbiosis Law School, Hyderabad,  
Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).***

of protection of fundamental rights; protects the environment; and promotes peace, security, & cooperation as well as mutual respect among nations.

### **1.3 THE UNITED STATES OF AMERICA:**

Even though the lack of compliance with the law and the obstruction of justice by George III, the King of England at the time, was stated as a purpose for the United States' assertion of independence, US Constitution considers the formation of security as the main motive of the US establishment. However, in the early version of the US Constitution, there is a greater emphasis on determining the government's political structure and the connection between the powers, as well as the connection between state and federal governments. Citizens' rights have been addressed in constitutional amendments, and the initial 10 amendments to the Constitution of the U.S.A, often known as the "Bill of Rights," are related to the preservation of individuals' rights. In the face of the law, the fourteenth amendment unambiguously favours equality. No state has the authority to refuse equal protection of law to an individual.

In "the United States, Title IX of the Education Amendments of 1972 prohibits gender discrimination in socially funded education services or practices & thereby mandates federally funded colleges to respond to cases of sexual harassment and abuse on their campuses."<sup>24</sup> For the last four decades, strong majorities in the Supreme Court of the U.S.A. have made it clear that the 14th Amendment provides fair protection of the rules, which includes safeguards against sex discrimination. This was first shown in the "landmark decision of *Reed vs. Reed* in 1971, followed by other decisions such as *Frontiero v. Richardson*, which was represented by Supreme Court's Justice Ruth Bader Ginsburg."<sup>25</sup> Of note, the fight for a statutory ban on segregation against all people did not stop in 1868. The American people improved the Constitution's defence of freedom with subsequent Amendments such as the 15<sup>th</sup>, 19<sup>th</sup>, 24<sup>th</sup>, and 26<sup>th</sup> Amendments. The Nineteenth Amendment, which was adopted in 1920, granted

<sup>24</sup> U.S. CONST. Title IX, Education Amendment, 1972

<sup>25</sup> *Reed Vs. Reed*, 404 U.S. 71

**Title: "A Comparative Study of Article 15 of the Indian Constitution with the U.S.A. and the U.K.", Authored By: Ms. Deepti Rathi (B.B.A.LL.B), Symbiosis Law School, Hyderabad, Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).**

women the freedom to vote, essentially repealing the sections of the Fourteenth Amendment that allowed discrimination against women in voting rights.

## **CHAPTER 2: LEGAL AND SOCIAL ASPECTS REGARDING DISCRIMINATION:**

### **2.1 INDIA:**

According to studies, India's caste system may be the world's oldest hierarchal structure, dating back more than 2000 years and dividing society into four classes. Brahmins, Kshatriyas, Vaishya, and Sudra are the four castes in order of prominence (labour workers). The Dalits, commonly known as the untouchables, are the fifth caste within this categorization. They only have the privilege to undertake jobs that are mediocre & deplorable that none would undertake. Across India, particularly in rural areas, there are still people who were born into their caste and work in caste-specific trades. Even if a Dalit has the financial means to operate a store, a consumer from a higher caste is unlikely to touch his or her goods or purchase there. Despite this, accepting one as an untouchable is hardly discussed in news, & it's not a popular issue among India's middle class. Dalits are those who converted to other religions from Hinduism. In 1947, prolonged disagreements among Muslims & Hindus in India resulted in the partition of a portion of India and the establishment of the Islamic Republic of Pakistan.

India's constitutional legislation is one of the first instances of a positive deed, sometimes known as "reservation." According to legislation, society is split into numerous strata for the precise application of this way of eliminating prejudice. These strata are based on the amount of advantage of social sections from social amenities & harm to different sections throughout years of various castes, rather than the Hindu religion. **The following are the social sections.**

1. Throughout history, high castes have not been oppressed in terms of societal concerns.
2. Backward classes:
  - a. Scheduled Castes
  - b. Scheduled Tribes

***Title: "A Comparative Study of Article 15 of the Indian Constitution with the U.S.A. and the U.K.", Authored By: Ms. Deepti Rathi (B.B.A.LL.B),  
Symbiosis Law School, Hyderabad,  
Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).***

3. Tribes that earn a living off criminality, were known as criminal tribes until 1953 and are now known as Denotified Tribes or Ex-Criminal Tribes.
4. Other Backward Castes comprised of labourers (Sudra caste) and "untouchables" who have abandoned Hinduism in favour of other faiths.

## **2.2 THE UNITED KINGDOM:**

Discrimination, inequality, societal segregation, and the establishment of boundaries between individuals have all been prominent in the United Kingdom for many years. Even before being exiled from England in 1290, Jews were persecuted and violently discriminated against, and a piece of white fabric was sewed on their garments to differentiate them from Christians by compulsion of church law. Along with these discriminatory practices, black people's presence in society was not accepted, and its history can be tracked back to 1596 when black people whose ancestors were slaves from North Africa were banished by Queen Elizabeth I. In keeping with this pattern, license for slavery and slave trade was first granted in the Atlantic Ocean, & when slavery was eradicated in 1830, slave possessors were penalized far more than ex-slaves.

“The Aliens Act of 1905, which restricted Jewish immigration to England owing to persecution in Poland and Russia, attempted to keep Great Britain British. Furthermore, the 1919 Liverpool riots against black people are examples of Britain's treatment of black people around the turn of the twentieth century. Catholics did not have the right to enter the parliament as a representative until 1829, despite their large numbers. This freedom was denied to Jews as well until 1859. Until the beginning of the nineteenth century, the number of men executed for homosexuality was larger than the number of offenders. Senior folks and those with disabilities were always among the lowest members of society, and prejudice against them was tolerated.”

<sup>26</sup> For at least a century, women who were majoritarian opposed inequity, until they eventually gained the right to vote which was treated equally to men in the year 1928. These initiatives continued in the 1940s and 1950s. In the 1950s, “Great Britain imported labourers from the

---

<sup>26</sup> The Aliens Act, 1905, Acts of Parliament, 1905 (United Kingdom).

***Title: “A Comparative Study of Article 15 of the Indian Constitution with the U.S.A. and the U.K.”, Authored By: Ms. Deepti Rathi (B.B.A.LL.B), Symbiosis Law School, Hyderabad, Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).***

Caribbean basin, mainly Jamaica, and engaged them in physical vocations and labour tasks in the transportation industry to help rebuild the country after World War II. Racial hostility has escalated in places such as London, Birmingham, and Nottingham as immigration continues to expand. Up until 1972, Coloured persons who wanted to live in the United Kingdom had to acquire a work permit or one of their parents or grandparents had to be a British resident. Up to 1970, 1.4 million non-white people were living in the United Kingdom, with one-third of them being British born.”

Following Britain's admission to the European Union in 1973, increased demands were applied to establish laws supporting equality. In 1980, the Court of Europe established legislation in response to various instances presented to it by the “Equal Opportunities Commission.” It ensured equal pay for the committee of females, leading to the 1986 approval of novel legislation prohibiting gender discrimination, based on which discrimination was recognized as illegal group contracts & anti-discrimination rules were extended to small-scale firms. The Commission for Equal Opportunities was established in 1975, following the passage of a statute prohibiting gender discrimination, which was also influenced by European pressure. Following the terrorist attacks of September 11th and the bombings in London in 2005, the “Racial and Religious Hatred Act was passed in 2006, marking the first time that the term religious hatred was used.”<sup>27</sup>

### **2.3 THE UNITED STATES OF AMERICA:**

Slavery & the treatment of American-Africans has shaped the history of the United States since its inception. The struggle for freedom and the demand for civil rights has always been at the heart of the fight against discrimination against black people, & the emancipation of black people from discrimination in all social contexts has paved the way for the abolition of all other forms of discrimination. Although African-Americans have actively fought in all of the United States' independence fights, the band that proclaimed slavery to be abhorrent was deleted from

---

<sup>27</sup> Racial and Religious Hatred Act, 2006, Acts of Parliament, 2006 (United States of America).

***Title: “A Comparative Study of Article 15 of the Indian Constitution with  
the U.S.A. and the U.K.”, Authored By: Ms. Deepti Rathi (B.B.A.LL.B),  
Symbiosis Law School, Hyderabad,  
Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).***

the independence declaration due to Southern pressure. Congress barred the “import of slaves into the United States in 1807, marking the first legal step in the struggle against slavery in the United States. In the Dred Scott case, a higher court concluded in 1857 that there was no evidence that the transcribers of the US Declaration of Independence had black people in mind when they wrote all individuals are created equal. As a result, they are not considered citizens of the United States and are unable to seek a Supreme Court trial. Furthermore, the Supreme Court issued a ruling based on which slaves who were the property of their owners in the eyes of the court would remain slaves and their owner's property even when transported to regions where slavery is prohibited, and the Federal government had no right to liaise with them. In the latter case, the Supreme Court alluded to the Missouri Compromise, which declares that Missouri is one of the states that does not practice slavery.”

Slavery was outlawed in areas above 36o 30 latitudes, according to this agreement. The Supreme Court proclaimed this accord against the constitutional legislation in that year. With the end of the American Civil War in 1885, the thirteenth amendment to the United States Constitution was enacted, prohibiting slavery and forced labour in all of the United States and regions under its legal jurisdiction. However, beginning in the same year, legislation is known as "Black Codes" began to be passed. Black Codes were ruled that were solely applied to African-Americans. In reality, the Southerners took advantage of the plight of free slaves who lacked a home or funds for trade and continued to practice slavery in a mild and legal form. “The Black Codes sparked a surge of protests in Northern states, leading to the passage of the fourteenth amendment to the United States Constitution in 1866, known as the Civil Rights Act, which recognized African-American citizenship and gave them equal rights to white people.”<sup>28</sup>

In the case of “Plessy vs Ferguson, 1896, the Supreme Court ruled that a Louisiana law requiring transportation companies to consider separate cabins for white and black passengers violated amendments 13 and 14 of the United States Constitution, and that separation of people

---

<sup>28</sup> Civil Rights Act of 1964, Acts of Parliament, 1964 (United States of America).



***Title: “A Comparative Study of Article 15 of the Indian Constitution with the U.S.A. and the U.K.”, Authored By: Ms. Deepthi Rathi (B.B.A.LL.B),  
Symbiosis Law School, Hyderabad,  
Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).***

of different races does not conflict with the principle of equality.”<sup>29</sup> Up until 1954, the notion of “separate but equal” was upheld, as in the case of “Brown vs. Board of Education.”<sup>30</sup> The Supreme Court reiterated last year that segregation of black & white students in schools constituted a form of inequity. “The Civil Rights Movement, spearheaded by Martin Luther King in the 1960s, resulted in the 1964 adoption of the Civil Rights Act, which made it illegal to discriminate and separate people based on race, gender, skin colour, religion, and other factors. The seventh band of the Citizens Law, enacted in 1964, prohibits any kind of discrimination in the aforementioned situations.”<sup>31</sup>

## **CHAPTER 3: LEGISLATION FOR ANTI- DISCRIMINATION:**

### **3.1 INDIA:**

“The All-India Institute of Medical Science” conducted a study in 1974 to identify prenatal abnormalities in city mothers. Over a year, it was stated that 7 out of every 8 conceived women who do a fetal gender test chose to abort their child if the findings are a girl. As a consequence of concerns by groups protecting the rights of women against prenatal gender determination testing, “the Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 was approved as the first national law in this area. In addition to prohibiting gender determination, this law also limits laboratories, counselling centres, and genetic clinics to the situations specified in the statute.”<sup>32</sup>

In addition, to prevent misuse, the purchase, and selling of any imaging equipment or other technology that can identify the gender of a fetus has been restricted by law to designated institutes. Because of the widespread discrimination against women in the workplace, the Benefits of the “Maternity Act of 1961”<sup>33</sup> and the “Equal Remuneration Act of 1976”<sup>34</sup> were

<sup>29</sup> Plessy v. Ferguson, 163 U.S. 537 (1896).

<sup>30</sup> Brown v. Board of Education, 347 U.S. 483 (1954).

<sup>31</sup> Civil Rights Act of 1964, Acts of Parliament, 1964 (United States of America).

<sup>32</sup> Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, Acts of Parliament, 1994 (India).

<sup>33</sup> Maternity Act, 1961, Acts of Parliament, 1961 (India).

<sup>34</sup> Equal Remuneration Act, 1976, Acts of Parliament, 1976 (India).

***Title: "A Comparative Study of Article 15 of the Indian Constitution with the U.S.A. and the U.K.", Authored By: Ms. Deepti Rathi (B.B.A.LL.B),  
Symbiosis Law School, Hyderabad,  
Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).***

passed. The "Persons with Disabilities (Equal Opportunities, Protection of Rights, and Full Participation) Act of 1995"<sup>35</sup> outlines responsibilities for the transportation sector in terms of developing suitable facilities for handicapped individuals to use public transit without discrimination. It also stipulates that in public apartments, amenities for wheelchair conveyance & Braille handwriting for signs and symbols are provided. Furthermore, the government is prohibited from creating discrimination based on disability in employment-associated circumstances. Employers with 5% or more handicapped employees are eligible for incentives. Blindness, poor eyesight, leprosy-cured, hearing impairment, locomotor disability, & mental diseases are all included as disabilities on this law's closed list.

"The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redress) Act was enacted in 2013."<sup>36</sup> The term "sexual harassment at work" is defined under this regulation in a detailed and precise manner. In addition to outright abuse, this definition includes circumstances of abuse and implicit threats against women. Furthermore, the term "abused women" offered is wide that it includes all females. Organizations, units, and similar situations in the non-public and governmental areas, hospitals, & generally everywhere that the engaged individual will be available during their employment, such as the conveyance section, are all examples of workplaces. This law supports persons who have occupations, including regular workers, case-specific workers, provisional workers, day-pay employees, as well as volunteers. There is no written legislation prohibiting discrimination based on religion or faith, yet such discrimination is strongly discouraged.

### **3.2 THE UNITED KINGDOM:**

"The Equality Act of 2010 establishes a new cross-cutting legislative framework to protect individuals' rights and advance equality of opportunity for all; to update, simplify, and strengthen previous legislation; and to provide a simple, modern, and accessible framework of

<sup>35</sup> Persons with Disabilities (Equal Opportunities, Protection of Rights, and Full Participation) Act, 1995, Acts of Parliament, 1995 (India).

<sup>36</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redress) Act, 2013, Acts of Parliament, 2013 (India).

***Title: “A Comparative Study of Article 15 of the Indian Constitution with  
the U.S.A. and the U.K.”, Authored By: Ms. Deepti Rathi (B.B.A.LL.B),  
Symbiosis Law School, Hyderabad,  
Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).***

discrimination law that protects individuals from unfair treatment and promotes a more equal society.”<sup>37</sup> The “Equality Act 2010”<sup>38</sup> combines various past anti-discrimination laws into a single law. It repealed “The Law of Equal Pay Act of 1970”<sup>39</sup>, “Sex Discrimination Act of 1975”<sup>40</sup>, “Race Relations Act of 1976”<sup>41</sup>, “Employment Act of 1989”<sup>42</sup>, “Asylum and Immigration Appeals Act of 1993”<sup>43</sup>, “Disability Discrimination Act of 1995”<sup>44</sup>, “Protection from Harassment Act of 1997”<sup>45</sup>, “Human Rights Act of 1998”<sup>46</sup>, “National Minimum Wage Act of 1998”<sup>47</sup>, “The Maternity and Parental Leave Regulations of 1999”<sup>48</sup>, “The Employment Equality (Sexual Orientation) Regulations of 2003”<sup>49</sup>, “The Employment Equality (Religion or Belief) Regulations of 2003”<sup>50</sup>, “Civil Partnership Act of 2004”<sup>51</sup>, “Racial and Religious Hatred Act of 2006”<sup>52</sup>, “The Employment Equality (Age) Regulations of 2006”<sup>53</sup>, and “Equality Law of 2006.”<sup>54</sup> It clarifies the law, removing flaws and forming it relaxed for the people to analyze and implement it. It also makes essential amendments to the law to help in the issue of discrimination and inequality. On October 1, 2010, the majority of this Act was implemented. The new Equality Duty replaces the old three equality obligations in the public sector — for race, disability, and gender. The following protected traits are covered under the new “Equality Act: • pregnancy and maternity leave • age • disability • gender reassignment •

<sup>37</sup> The Equality Act, 2010, Acts of Parliament, 2010 (The United Kingdom).

<sup>38</sup> The Equality Act, 2010, Acts of Parliament, 2010 (The United Kingdom).

<sup>39</sup> Law of Equal Pay Act of 1970, Acts of Parliament, 1970 (The United Kingdom).

<sup>40</sup> Sex Discrimination Act, 1975, Acts of Parliament, 1975 (The United Kingdom).

<sup>41</sup> Race Relations Act, 1976, Acts of Parliament, 1976 (The United Kingdom).

<sup>42</sup> Employment Act, 1989, Acts of Parliament, 1989 (The United Kingdom).

<sup>43</sup> Asylum and Immigration Appeals Act, 1993, Acts of Parliament, 1993 (The United Kingdom).

<sup>44</sup> Disability Discrimination Act, 1995, Acts of Parliament, 1995 (The United Kingdom).

<sup>45</sup> Protection from Harassment Act, 1997, Acts of Parliament, 1997 (The United Kingdom).

<sup>46</sup> Human Rights Act, 1998, Acts of Parliament, 1998 (The United Kingdom).

<sup>47</sup> National Minimum Wage Act, 1998, Acts of Parliament, 1998 (The United Kingdom).

<sup>48</sup> The Maternity and Parental Leave Regulations, 1999, Acts of Parliament, 1999 (The United Kingdom).

<sup>49</sup> The Employment Equality (Sexual Orientation) Regulations, 2003, Acts of Parliament, 2003 (The United Kingdom).

<sup>50</sup> The Employment Equality (Religion or Belief) Regulations, 2003, Acts of Parliament, 2003 (The United Kingdom).

<sup>51</sup> Civil Partnership Act, 2004, Acts of Parliament, 2004 (The United Kingdom).

<sup>52</sup> Racial and Religious Hatred Act, 2006, Acts of Parliament, 2006 (The United Kingdom).

<sup>53</sup> The Employment Equality (Age) Regulations, 2006, Acts of Parliament, 2006 (The United Kingdom).

<sup>54</sup> Equality Law, 2006, Acts of Parliament, 2006 (The United Kingdom).

***Title: “A Comparative Study of Article 15 of the Indian Constitution with  
the U.S.A. and the U.K.”, Authored By: Ms. Deepti Rathi (B.B.A.LL.B),  
Symbiosis Law School, Hyderabad,  
Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).***

ethnic or national origins, colour, or nationality • religion or belief – including non-belief • sexual orientation. It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.” The recent Equality Act is intended to decrease administration while guaranteeing that government entities take part in their share in creating a society more equitable by combating prejudice & ensuring that everyone has equal access to opportunities.

### **3.3 THE UNITED STATES OF AMERICA:**

The United States Congress approved three major statutes in the 1960s that provided the foundation for federal equality legislation in the United States. All three laws are linked to the advancement of the social movement for citizens' rights. “The first statute, the Civil Rights Act of 1964, was drafted during John F Kennedy's presidency in response to the Birmingham riots.”<sup>55</sup> This law barred commercial and public sector discrimination in access to residential places based on race, colour, religion, and national origins. Employers in the private sector were also barred from discriminating based on the same characteristics and gender. This legislation also prohibits discrimination based on race, colour, or national origins in educational institutions founded with governmental funds and public institutions whose budgets are funded by the federal government. An amendment was made to the “Equal Employment Opportunity Act of 1972”<sup>56</sup>, making discrimination by public employer’s illegal. Another modification to the Civil Rights Act of 1964 is the “Pregnancy Discrimination Act, which forbids discrimination against women due to pregnancy, motherhood, and medical problems associated with them.”<sup>57</sup> “The Equal Pay Act of 1963”<sup>58</sup> forbids men and women in a workshop from being paid differently for equal work. Individuals forty years & older are protected from age discrimination under the “Age Discrimination in Employment Act of 1967.”<sup>59</sup> The citizens with “Disabilities Act of 1990”<sup>60</sup>, Title I, makes it unlawful to discriminate against qualified

<sup>55</sup> Civil Rights Act of 1964, Acts of Parliament, 1964 (United States of America).

<sup>56</sup> Equal Employment Opportunity Act, 1972, Acts of Parliament, 1972 (United States of America).

<sup>57</sup> Pregnancy Discrimination Act, 1978, Acts of Parliament, 1978 (United States of America).

<sup>58</sup> The Equal Pay Act, 1963, Acts of Parliament, 1963 (United States of America).

<sup>59</sup> Age Discrimination in Employment Act, 1967, Acts of Parliament, 1967 (United States of America).

<sup>60</sup> Disabilities Act, 1990, Acts of Parliament, 1990 (United States of America).

**Title: “A Comparative Study of Article 15 of the Indian Constitution with the U.S.A. and the U.K.”, Authored By: Ms. Deepti Rathi (B.B.A.LL.B),  
Symbiosis Law School, Hyderabad,  
Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).**

citizens with disabilities in the private, state, and local government sectors, & “The Rehabilitation Act of 1972, Sections 501 and 505, make it illegal for federal employers and their contractors to do so.”<sup>61</sup> Additionally, unless these limitations cause unreasonable challenges for the employer, the employer should offer circumstances for physically and intellectually challenged applicants and employees to adapt to the work environment.

“The Genetic Information Nondiscrimination Act of 2008”<sup>62</sup> prohibits discrimination based on genetic information against workers and job seekers. Genetic information contains the results of a person's or a family member's genetic tests, as well as information on any sickness, problem, or condition that one of the family members has. In any of these instances, retaliatory action against the individual who reports discrimination or engages in a judicial process to report discrimination is prohibited. In addition to laws established by Congress, the Supreme Court's interpretations of constitutional law and the president's executive orders are further sources of anti-discrimination legislation in the United States.

#### **CHAPTER 4: CONCLUSION:**

Discrimination based on race, colour, creed, place of birth, pregnancy, disability, sexual orientation, or gender is outlawed in every nation under review. The way of prohibition or the legislation associated with it is subject to changing social situations over the period. In terms of the method of defining and identifying discrimination, the application of basic notions such as human dignity and like in the norm of prohibition of discrimination in constitutional laws, & the absence of application of a list which defines braced anti-discrimination qualities, courts are responsible for identifying prejudice, and in the event of judicial inefficiency, the courts are responsible for identifying prejudice. Article 15 of the Indian Constitution has always made strenuous efforts to reach out to those who are truly in need. It serves as a foundation for all the legislature needs to establish provisions to foster societal peace. The number of incidences of atrocities committed against the poor has drastically decreased. The vision that our founding

<sup>61</sup> The Rehabilitation Act, 1972, Section 501, 505, Acts of Parliament, 1972 (United States of America).

<sup>62</sup> The Genetic Information Nondiscrimination Act, 2008, Acts of Parliament, 1972 (United States of America).

***Title: “A Comparative Study of Article 15 of the Indian Constitution with  
the U.S.A. and the U.K.”, Authored By: Ms. Deepti Rathi (B.B.A.LL.B),  
Symbiosis Law School, Hyderabad,  
Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).***

fathers had for the society that now houses India has yet to be realized. Almost every institution in India is tainted with discrimination. This makes it clear that the present anti-discrimination regulations are insufficient to prevent the visible forms of discrimination that exist in society. As a result, the passage of comprehensive law becomes critical. As a result, the Anti-discrimination and Equality Bill should be properly investigated and passed as law as soon as possible, for the benefit of both societies and the polity of our country.

Another issue that has to be addressed in laws to address prejudice is affirmative action. Affirmative action is a requirement in cultures when a segment of culture has been barred from taking part in the society due to historical circumstances, resulting in economic, social, and educational damages, and preventing them from competing fairly with other social strata. There is no one executive prescription that can be issued in this regard. Similar to what we saw with assertive action in our country, the quota system, which is unconstitutional in various nations, is appropriate to resolve discrimination & is backed by the Constitution & the Supreme Court of India.

## **References:**

- INDIAN CONST. art. 15, cl. 1.
- U.S. CONST. Title IX, Education Amendment, 1972.
- Cary Franklin, *Inventing the Traditional Concept of Sex Determination*, 125, HARVARD LAW REVIEW 1307, 1308 (2012).
- Oran Doyle, *Direct Discrimination, Indirect Discrimination and Autonomy*, 27 OXFORD JOURNAL OF LEGAL STUDIES. 537, 537-538 (2007).
- Jenny Godley, *Everyday Discrimination: Prevalence and Patterns*, 43 THE CANADIAN JOURNAL OF SOCIOLOGY. 111, 118-119 (2018).
- Paul B. Stephan III, *The First Amendment and Content Discrimination*, 105 VIRGINIA LAW REVIEW. 1913, 1945-1946 (2010).

***Title: “A Comparative Study of Article 15 of the Indian Constitution with  
the U.S.A. and the U.K.”, Authored By: Ms. Deepti Rathi (B.B.A.LL.B),  
Symbiosis Law School, Hyderabad,  
Email Id: [deeptirathi1910@gmail.com](mailto:deeptirathi1910@gmail.com).***

- Annapurna Waghray, *Caste Discrimination: A Twenty-First Century Challenge for UK Discrimination Law?* 72 MODERN LAW REVIEW. 182, 188-189 (2009).
- ELAINE HOLT, *DISCRIMINATION AT WORK* 28 (University of California Press 2016).
- MARIE MERCAT, *THE MULTIPLE GROUNDS OF DISCRIMINATION* 13 (University of California Press 2016).

### **List of Cases:**

- Kelly v. Royal Mail Group Ltd. UKEAT/0262/18/RN.
- Obergefell v. Hodges, 576 U.S. 644 (2015).
- Brown v. Board of Education, 347 U.S. 483 (1954).
- Reed v. Reed, 404 U.S. 71 (1971).
- Frontiero v. Richardson, 411 U.S. 677 (1973).
- Plessy v. Ferguson, 163 U.S. 537 (1896).
- Nainsukhdas v. State of Uttar Pradesh 1953 AIR 384 1953 SCR 1184.
- Champakam Dorai Ranjan v. State of Madras AIR 1951 SC 226.
- M.R Balaji v. State of Mysore AIR 1963 S.C.R. 439.
- T.M Pai Foundation V. State of Karnataka, AIR 2003 SC 335.