

Liberty Versus Equality: Partners or Competitors?

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ABSTRACT

In a modern democratic setup of states, the constitution of any country plays a pivotal role in shaping the country's fate. It's the various elements of the constitution which simultaneously empower as well as abstain the State and its citizens from doing something. History has shown us that justice, equality, liberty etc. are more than mere fundamental values, they are perspectives. Meaning thereby, their interpretation might change for a society over time but none can disregard their importance. Both the Fundamental Rights (FRs) as well the Directive Principles of State Policy (DPSPs) enshrined in the constitution of India can be seen as an example of the above mentioned fact. The researchers intend to portray an analytical description of the changing trends in the Indian judiciary when it comes to a question of preference between FRs and DPSPs. Directive principles lay down the various tenets of a welfare state. Whenever friction has arisen between fundamental rights and directive principles, the judiciary's answer to this clash has varied from time to time depending upon the ever changing nature of the society. From strict non-enforceability, to putting DPSPs at par with FRs and most recently the onset of judicial activism which has not only adopted principles of harmonious construction and reconciliation but has also given precedence to directive principles at various instances.

The right to equality guarantees equality before law as well as equal protection of law to all the citizens of India except under some special circumstances. On the same hand, the right to freedom empowers an individual to enjoy life according to his own will subject to reasonable restrictions imposed by law. Looking at the Directive Principles, the principles like equal pay for equal work are a symbol of the same idea of equality that the constitution makers had but the State at all times is at liberty to not strictly adhere to these principles as they are mere guidelines. This is what makes them non-enforceable as well. Overall, both the FRs and DPSPs are a reminder of the various values embarked in the preamble of the Constitution like Justice, Liberty, Equality and Fraternity. Therefore, it is never a question of whether equality would triumph over liberty or vice versa but rather their mutual co-existence which leads to the welfare of a society. Although the ratio of their participation may change from time to time but none of them can be completely ignored or

neglected. This might be one of the reasons why FRs and DPSPs are often collectively referred to as the “Conscience of the Constitution”. This is the driving force that has led the researchers to undertake this particular research paper and they wish to depict the same by analysing various judgments, legislations, judicial principles and the activist judicial trends prevalent in the recent times.

Liberty and Equality within the Indian Constitution

“Equality is the soul of liberty; there is, in fact, no liberty without it.”

Since time immemorial, there have existed certain basic fundamental values which have been a part of every society. Though the understandings of these values have changed over the years, but what has not changed is the importance of these values. They are a reminder of the fact that values like justice, equality, liberty etc. are not just words but rather are perspectives and various societies, regimes and modern states in the contemporary times, over the years have evolved through the years on the ever evolving understandings of these same values. They can easily be identified in the basic structure of every modern day democracy.

If looked in the Indian context, these values can be easily and clearly identified in the grund norm¹ for every Indian law, i.e. the Constitution of India. The Preamble to the Constitution of India, as often referred to as “the key to opening the minds of the framers of the constitution”, reflects these values. The various articles and schedules of the Constitution are also based upon these principles per se. Be it the question of imparting equality amongst the citizens of status and of opportunity² or safeguarding their life and personal liberty, these foundational values lay the basis of the constitutionality of the Indian Constitution.

But before proceeding to what the Constitution has to offer for safeguarding the interests of the Indian citizens, and how there exists a conflict between some of the principles, it is imperative that one understands these principles (mainly liberty and equality) correctly as they form a major part of this research project. Liberty is derived from the Latin word **liber**, which means free. In other words, it denotes a state where there exist no restraints.³ It signifies the freedom of the individual to do whatever he likes but this is not an absolute concept. Without compliance to some common rules, co-existence amongst people can seem farfetched. Laski has said that: “Historical experience has evolved for us rules of convenience which promote right living; and to compel obedience to them is a justifiable limitation to freedom”.⁴ Liberty, therefore, remains to be an important pre- requisite in

order to provide the individual with an environment, a non-hostile one, where he may progress according to his wish, needless to say under the reasonable restrictions imposed by the laws of the state.

It is inclusive of various types of liberties, be it natural liberty, referring to which Rousseau rightly said: “What a man loses in his social contract is his natural liberty and an unlimited right to anything which tempts him, which he can obtain”⁵, or civil liberty, whose importance was rightly recognized during what a lot of people over the years have referred to as ‘the darkest hour of the Indian democracy’, the period of emergency. The principles of liberty therefore, were embedded even more firmly than before after this period when the Indians realized that the constitution is not a dead document of almost zero significance for the general masses but can rather act as a weapon to serve one’s interest in a “legal and democratic manner”. The Indian constitution also speaks of the political liberty of the citizens also referred to as “**constitutional liberty**” by Leacock⁶, i.e. the right of the people to choose their government.

The Declaration of the Rights of Man (1789) issued by the National Assembly of France quoted that “Men are born, and always continue, free and equal in respect of their rights”⁷. A somewhat similar statement can be found in the American Declaration of Independence: “We hold these truths to be self-evident, that all men are created equal”⁸. The principle of equality lays a very basic yet extremely powerful proposition that everyone falling under the same authority, usually a state in the modern context, will be treated equally and no special privileges be it on the grounds of caste, race, religion, sex, divine authority etc. will be offered to anyone. It can be seen that it in a way eliminates the perks that anyone might receive on the basis of his ascribed status. Be it Dicey’s Rule of law⁹ is also a portrayal of the same where he tends to suggest both equality before law and equal protection of law, a linchpin of the Indian constitution firmly and suitably placed under article 14 of the Constitution of India.¹⁰

But what makes them extremely crucial in the case of democracies like India is not the presence of these values individually but rather a web of interdependence amongst them. Liberty and equality are not the rivals of each other; on the contrary they are complementary to each other and the presence of one facilitates the functioning and effectiveness of the other. As rightly said by Tawney, “a large measure of equality, so far being inimical to liberty, is essential to it”¹¹. What is meant actually is that it is never the question of which one of the two will triumph over the other but rather it is their optimum co-existence that leads to welfare in the true sense in a welfare state.

With all said about these values, in order to achieve these ideals enshrined in the preamble and to be a welfare state, one of the most important provisions are the Fundamental Rights (hereinafter FRs) and The Directive Principles of State Policy (hereinafter DPSPs) contained in Part III and IV of the Constitution respectively. They are an inseparable part of the Indian constitution and it is almost impossible to imagine how the history of the Indian administrative system would have been, had the FRs and the DPSPs been any different from what they are. The Constitution of India has mainly laid two mandates to the Parliament, the Legislatures of the States and to all institutions of the government (as only a govt. Institution can be held accountable for the violation of the fundamental rights¹²). They are:

- Not to take away or abridge certain rights thereby imposing negative obligations on the state (the FRs); and
- To apply certain principles while looking after the policy formation of a state and overlooking its functioning. (the DPSPs)

As discussed earlier, both the FRs as well as the DPSPs, contain the essence of the values mentioned earlier. Let's devote our attention to liberty first. For instance, Article 21 of the Constitution¹³, perhaps the most crucial important FR, has been interpreted in recent years in a manner which has led to the inclusion of a lot of aspects under the right to life. Cases like those of Nargesh Meerza¹⁴ have taken it to such an extent that the right of a married woman to be autonomous to decide her pregnancy is also a part of this immensely vast and often extremely liberal principle. Another example in the same regard of liberty from the side of the DPSPs can be taken to be Article 43-A of the constitution which gives the state a directive to ensure of the participation of workers in the management of industries, in a way giving them the liberty to be a part of the managerial aspects of the organizations they work in.

Coming to equality, Article 14 of the constitution¹⁶ is the linchpin of this principle in the context of the Indian Constitution. It embarks upon the Rule of law propagated by Dicey, which mentions that the citizens be subject to both equality before law, i.e. everybody be equal in the eyes of law, as well as, equal protection of law meaning thereby that irrespective of the differences that may be amongst the various classes of the society, law will safeguard the interests of all the citizens in an INDIAN CONST. art. 12: Definition In this part, unless the context otherwise requires, the State includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.

INDIAN CONST. Art 43-A: Living wage, etc, for workers The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co operative basis in rural areas.

¹⁶ INDIAN CONST. Art 14: Equality before law The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth. equal manner. The same can be said for Article 39-A¹⁷, as it provides for equal justice and free legal aid.

The main purpose for pointing out that these various FRs and DPSPs are laid down upon the foundation of the principles of liberty and equality is to point out to the reader that it is not a competition or a race amongst the FRs or the DPSPs. Both of them have played an important part in the process of law making as well as governance of India. This is the reason why Chandrachud C.J. in the landmark judgement in the case of *Minerva Mills*¹⁸ opined that “the Fundamental Rights are not an end in themselves, but are, means to an end”. Further it has also been said that the FRs and the DPSPs together constitute the conscience of the constitution.

In the same case itself, the court took a view that the Indian Constitution relies heavily upon the balance between both the FRs as well as the DPSPs. Furthermore, the court also held that to give primacy of one over the other will disturb the harmony among the two which is considered to be the basic feature of the Indian Constitution. Meaning thereby, the court clearly identified the complementary nature of the two parts and recognized them at being at par with each other rather than the strict principle that the DPSPs aren't enforceable in a court of law.

This in itself, in a way, is the proof of the fact that both the provisions rely heavily on each other. But this isn't always the case. Over the years, the judiciary has struggled and given different takes upon these questions: What will be the outcome when the two, i.e. FRs and the DPSPs stand in contradiction to one another? Will the judiciary stick to the literal and strict interpretation or will it consider the true essence of the constitution?

Judicial Trends

There has been a perpetual controversy pertaining to the constitutional relationship between Fundamental Rights and Directive Principles of State Policy. Whenever fundamental rights and directive principles have been put against each other in the past, the judiciary's attitude has varied and evolved itself over time. Can a directive principle be given primacy over a fundamental right when they both come into conflict with each other? Or is the non-enforceability of directive principles to be emphasized and accordingly they are to be subordinated? Or can both of them be put at par and treated as co-equals? The answers to these questions given by the judiciary have ranged from irreconcilability and supremacy of fundamental rights, to harmonious construction and integration, and in some of the more recent cases the directive principles have been given primacy. The genesis of this debate came from the question of enforceability. While Part III is enforceable in a court of law, Article 37 expressly states that Part IV is not enforceable in court.¹⁹ This non-enforceability was stressed upon and it was advocated that DPSPs are not law and if the State fails to enforce them, there cannot be any legal consequences. Any law passed which gives effect to the directive principles, has to keep in mind all the constitutional limitations like the fundamental rights and in case it does not do so, then it is unconstitutional.

Early Supreme Court decisions gave paramount importance to fundamental rights based on this constitutional provision. Soon after the Constitution came into force, in the case of **State of Madras Champakam Dorairajan**, a Brahmin filed an application to the High Court under Article 226 of the Constitution for protection of her fundamental rights under Article 15(1) and Article 29(2) as she was denied a seat in the medical college on the ground that there were 2 seats reserved for Brahmins which were already filled. It was held that Article 37 expressly states that directive principles are unenforceable and therefore cannot override the fundamental principles contained in Part III. The Chapter of Fundamental Rights is sacrosanct and cannot be curtailed by any legislative or executive act or order, except to the extent provided in the Articles under Part III. The directive principles should obey, and run subsidiary to the fundamental rights. That same year, Parliament amended the Constitution to introduce Article 15(4), specifically allowing for affirmative action in educational institutions. **In Venkataraman v. State of Madras**²², which is the companion case to, the petitioner who was a Brahmin contended that the Public Service Commission had not considered his application for the post of district munsif on merits but applied the rule of communal rotation. It was held by the Supreme Court that the Madras government's order to give preference to the Harijans and backward classes was unconstitutional for it was discriminatory in relation to other backward classes.

In 1967, came Golak Nath's case²³ where again, it was reiterated that fundamental rights cannot be diluted to implement the directive principles. Subsequently, in the 24th Amendment Act, 1971 the Parliament amended Article 13 and Article 368 of the Constitution. By this amendment, it was held that the Parliament had the power to amend any part of the constitution including the fundamental rights and the word 'law' used in Article 13 does not include constitutional amendments.

Slowly and gradually, the Supreme Court's view on the relation between Part III and Part IV began to change. It started giving value to the directive principles and harmonizing the two. Even though it maintained that directive principles are not enforceable, it was observed that "Where two judicial choices are available, the construction in conformity with the social philosophy of the Directive Principles has preference."²⁴ Thus, the courts started actually implementing the directive principles and thus prevented them from becoming a dead rope of sand. Of course, the directive principles were imbibed in the constitution by our constitution makers because they wanted them to be implemented and did not intend for them to become redundant. Although it was maintained that directive principles are subordinate to fundamental rights, it was a step forward from the previous views of them being strictly non-enforceable.

The doctrine of harmonious construction came to be introduced as a new approach to resolve the conflict. The doctrine follows a simple rule that whenever two or more laws are in conflict with each other, they should be read as a whole and in such a manner so that effect can be given to both. In **Mohd. Hanif Qureshi v. State of Bihar**²⁵, the court quashed a prohibition on the slaughter of all cattle, on the ground that it was an unreasonable restriction on the right to carry on a butcher's business, as guaranteed by Article 19(1)(g), notwithstanding the Directive under Article 41. However, it was stated that the Constitution has to be read harmoniously, and the Directive principles must be enforced, but it must not be done in such a way that its laws takes away or abridges the fundamental rights.

A similar view was taken in **In Re Kerala Education Bill**²⁶ where the court held that a law which sought to force minority education institutions for children not to charge fees would infringe the fundamental right guaranteed to such institution by Article 30, even though the State was charged by Article 45 with the duty to provide free education for children below 14. However, Das C.J. said that the courts must not entirely ignore the Directive Principles and the principle of harmonious construction should be embraced to give effect to both Fundamental Rights and Directive Principles as much as possible. It was indicated that while interpreting a statute, the courts would look for the light to the 'lode star' of Directive Principles.

Thus, without making the directive principles making completely justifiable, the judiciary started to implement the values underlying them to the extent that it was possible. The Supreme Court realized that there is no need to think that there is a conflict on the whole between FRs and DPSPs. They are complementary and supplementary to each other.²⁷ Since then, the judicial view towards directive principles has become more positive and affirmative in nature. They came to be regarded as co-equals.

In **Kesavananda Bharti v. State of Kerala**²⁸, Justice Hegde and Justice Mukherji²⁹ observed that “the fundamental rights and directive principles constitute the ‘conscience of the constitution’. There is no antithesis between the fundamental rights and directive principles and one supplements the other.”

In **State of Kerala v. N.M Thomas**³⁰, it was held that the Directive Principles and Fundamental rights should be interpreted in harmony with each other and every attempt should be made by the court to resolve any apparent inconsistency between them.

In **Pathumma v. State of Kerala**³¹, the Supreme Court has highlighted that the object of the directive principles is to fix certain socio-economic goals for immediate accomplishment by bringing about a non-violent social revolution. The constitution aims at bringing about synthesis between Fundamental rights and the Directive principles.

Subsequently, in **Ashoka Kumar Thakur v. Union of India**,³² it was opined by Chief Justice Balakrishna said that no discrimination can be made between the two parts of the Constitution. The Fundamental rights embody political and civil rights whereas directive principles stand for social and economic rights. Just because directive principles are non-justiciable does not mean that they are of subordinate importance.

Chief Justice Chandrachud, in **Minerva Mills Limited v/s Union of India** held that the constitution was established on the bed-rock of balance between part III and part IV. To give complete primacy to one over the other was to disturb the harmony of the constitution. This harmony and balance between fundamental rights and the directive principles is a crucial part of the basic structure of the constitution. Both the fundamental rights and directive principles of the state policy are exemplifying the philosophy of our constitution, the philosophy of justice- social, economic and political. They are “the two wheels of the chariot as an aid to make social and economic democracy a truism.

In **Bandhua Mukti Morcha v/s Union of India**, the practice of following strict legalism in the application of laws implementing directive principles, which in turn endorse fundamental rights, has strengthened the role of directive principles in the inter-relationship doctrine.

In **Unnikrishnan v. state of Andhra Pradesh**, Justice Jeevan Reddy held that the fundamental rights and directive principles are supplementary and complimentary to each other, and not exclusionary of each other, and that the fundamental rights are but a means to achieve the goal indicated in the directive principles that “fundamental rights must be construed in the light of the directive principles.”

In **Dalmia Cement’s case**, it has been emphasized that the core of the obligation of the constitution to the social revolution through rule of law lies in effectuation of the fundamental rights and directive principles as supplementary and complementary to each other. The preamble to the constitution, fundamental rights and directive principles-‘the trinity’-are the conscience of the constitution.

Thus, the new phase that emerged in the Indian judiciary is of integration of the fundamental rights and directive principles. They are no longer regarded as being exclusionary to one another, but supplementary and complementary to each other. Thus, so far we have seen stages ranging from irreconcilability to giving some importance to the directive principles and the values they are based upon, to harmonious construction and treating them as co-equals which are exclusive of each other. Both of them have to be read together. Directive principles are now used to define the scope of and broaden the fundamental rights. The biggest beneficiary of this new trend is Article 21. By reading Article 21 with the directive principles, the Supreme Court has derived numerous fundamental rights. Few of these are- The Right to live with human dignity, Right to enjoy pollution free water and air and environment, Right to shelter, Right to education and Right to Privacy.

Directive principles have also come to be regarded as relevant for determining the scope of ‘reasonable restrictions’ under Article 19. A restriction that promotes any of the objects of the directive principles is reasonable.

In **Laxmi Khandsari v. State of Uttar Pradesh**³⁹, the Supreme Court has stressed that an importance consideration which the courts must keep in mind in determining the reasonableness of a restriction is that it should not disregard the directive principles. The directive principles intend to establish an egalitarian society so as to bring about a welfare state and these principles should be kept in mind when deciding whether or not the restrictions are reasonable under Article 19.

Ban on slaughter of cows, bulls and bullocks to make sure that the public has a sufficient supply of milk, and to safeguard availability of sufficient number of draught cattle for agricultural tasks was held reasonable under Art 19(6) in view of the directive principle contained in Articles 47 and 48.

In **Welfare Assn., A.R.P. v. Ranjit P. Gohil**⁴⁰, the term “transfer of property” in entry 6 and the term “contract” in entry 7 of list III were broadly construed relying on the directive principles of state policy especially those contained in Article 38 and 39 of the constitution.

In short, read with several directive principles, Article 21 has emerged into a multi-dimensional fundamental right. Article 14 and Article 39(d), when read together, have resulted in the development of the principle of equal pay for equal work.

Lastly, reference may be made to Article 31C. Article 31C as ratified in 1972, through the constitution (twenty-fifth) amendment act sought to give pre-eminence to Articles 39(b) and (c) over the fundamental rights contained in Articles 14, 19 and 31. The Supreme Court declared the Amendment valid in the Kesavananda case. The court stressed that there is no conflict between the directive principles and the fundamental rights as they complement each other in targeting at the same goal of bringing about a social revolution and the creation of a welfare state, which is visualized in the preamble. The courts therefore have a obligation to interpret the constitution as to guarantee implementation of the directive principles and to blend the social objectives underlying therein with individual rights. Justice Mathew went farthest in assigning to the directive principle, a substantial place in the constitutional structure. According to him, “In building up a just social order it is sometimes imperative that the fundamental rights should be subordinate to directive principles. Economic goals have an incontestable claim for priority over ideological ones on the ground that excellence comes only after existence. It is only if men exist that there can be fundamental rights.”

The courts off late have played an active role in assisting socio-economic development at a large level which requires work at the ground level. Thus, in light of the advantage of the society at large, the Directive Principles may be used to determine the scope of public interest to limit the magnitude of Fundamental Rights. However, this does not mean that the directive principles should be given preference over the fundamental rights. It is the opinion of many that directive principles were enacted to show the way in which fundamental rights should be enforced. The cases should be decided in such a manner that both these parts are put to their best use and their underlying values are highlighted. Only then, will our country succeed in achieving its goal of socio-economic development and moving towards a welfare state. In the words of Justice Krishna Iyer, “Indian

humanity, having given to itself a Constitution, has, by that act, dedicated itself to progress through law, the content and conscience of which in the contemporary context is gathered from Part IV thereof.”

CONCLUSION

Since there has been a substantive amount of discussion regarding what this situation of the tussle or rather a stand-off between the fundamental rights and directive principles, it is very much important to find a path where both of these principles whose harmonious co-existence is considered to be one of the basic features of the Indian Constitution, actually co-exist. Hence, these are the suggestions which might help the judiciary to give the country a much more clear perspective when it comes to a conflict between the two:

- It is almost impossible to develop a straitjacket formula which works as a panache in each and every case. It ultimately should come down to what the need of a particular case is. For instance, if restricting the Directive Principles to being non-enforceable in a particular case serves the cause of justice and welfare in that scenario then they should remain non-enforceable for that particular case. What actually should be prevented is developing this into a formula and applying it to every case.
- There should be a separate forum for listening to such matters. Jurists like Upendra Baxi have agreed over the years that every judge is not fit for every scenario. A special tribunal or forum should be constituted which specifically listens to matters of such nature.

• The biggest problem in this regard remains the fact that this particular issue is still viewed with the nomenclature of “Fundamental Rights v. Directive Principles” when it should actually be “Fundamental Rights and Directive Principles”. The constitution makers have kept both the provisions with the objective and the aspiration that they will serve both. The government as well as the people. Hence, it is the responsibility of the appropriate V.R. KRISHNA IYER, THE LEGAL PROCESS AND PLANNED DEVELOPMENT, 7 JCPS, 2 (1973). authorities to make sure that a harmonious co-existence amongst them is possible. As discussed earlier, in terms of liberty and equality, fundamental rights and directive principles as well are complementary to each other. They facilitate each other’s working in a manner which pushes them to their highest potential. Hence, preferring one over the other is just underutilizing a vast resource.

It is not the case that attempt to make the DPSPs justifiable hasn't been made. An amendment had been moved in the constituent assembly in regard for the same. This step although wasn't successful and was turned down, claiming that there was no use in getting carried away by "sentiments". This remains the fact that a court of law cannot strictly speaking enforce a DPSP, but this wasn't the original concept that gave strength to this provision. It was thought to be the opinion of the public that gave this provision its teeth. The basic idea was that since they are the principles of governance that more or less make sure of the welfare of the people, every government in power will follow them. Elections which would be held regularly would have made sure that if the above laid proposition lies in vain, then the culprit government be not allowed to enjoy governance for the next tenure.

Pandit Jawharlal Nehru, while pointing out on the issue of a state of conflict between the directive principles and the fundamental rights observed that:

"The Directive Principles of State Policy represent a dynamic move towards a certain objective. The Fundamental Rights represent something static to preserve certain rights which exist. Both again are rights. But somehow and sometime, it might so happen that the dynamic movement and the static standstill do not quite fit into each other."⁴³

Hence, what it means is, in case of a conflict the judiciary has to take due notice of the Directive Principles of State Policy.

Judges like Bhagawati and V.R. Krishna Iyer can be viewed as what one might refer to as the activist judges. By activist judges what is meant is that the judges who are willing to add new dimensions and be interpretative in their approach while adhering to a particular matter in question.

What becomes here of the utmost importance is these activist judges only, over the years, through their interpretations have given such a wide dimension to our Constitution.

What one might say in the end regarding this particular debate in regard to the question of delivering a preferential treatment to either of the two, i.e. the FRs or the DPSPs, is that there must have existed a rationale behind making both, Fundamental Rights and directive Principles part of the Indian Constitution. If talked in terms of a welfare state, the concept of welfare cannot be truly realized until and unless both, the citizens and the sovereign in power are assigned with their respective rights and duties. For a citizen, fundamental rights offer him a blanket and guarantee him certain inalienable rights. Directive Principles on the other hand, actually strengthen the citizen's case by ensuring that a fair government with fair policies will govern him in a fair manner. Hence, the question of liberty or

equality or rather Fundamental Rights or Directive Principles is in itself a false proposition. A body cannot function properly without the presence of all of its senses. If one is taken out, the entire body suffers. Similarly, the Constitution of India which is often referred to as a “living document” because of its ever evolving nature is served by senses like Fundamental Rights and Directive Principles. Choosing one over the other will not only be erroneous but will also be a hindrance to making a society where the Constitution works at its optimum level. Hence what is really needed to be done is finding a mid-way to this conflict which leads to a welfare state in the true sense. These provisions are of no use if the only thing that they deliver is a sense of superiority over the other. It is not a race where the powerful will be rewarded and the weak will be consoled, but is rather a joint venture that aims towards a satisfied customer of the justice delivery system. Hence, as once Frances Wright rightly once rightly said, “Equality is the soul of liberty; there is, in fact, no liberty without it.” Meaning thereby, the existence of one depends upon the uninterrupted services of the other. Let both of them complement each other, you will have a swift and satisfied society within an efficient justice delivery system.