

CHRONOLOGICAL OUTLOOK OF THE ROLE OF LAW TO ACCOMPANY SOCIAL EQUITY

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ABSTRACT

The rule of law and the role (function) of law can speak about Social justice and equality in the society. The result of rule of law is equality before the law. The constitution orders liberty, equality justice and fraternity as supreme values to join with the unlimited social economic as well as in the political democracy. The corner stone of social democracy of a person is social justice, equality and dignity. Equity is a complex subject with multiple faces, which has a genuine junction of struggle. The mental picture of equality and social justice of the society differs in different context. Rule of law is a powerful tool of social equity to bring equality in the society. The notion of social justice which the democracy of India engrafted consists of diverse principles essential for the orderly growth and development of personality of every citizen. Supreme Court held that, Social justice is one of the sub-divisions of the concept of justice. It is concerned with the distribution of benefits and burdens throughout a society as it results from social institutions, property system, public organization etc. The concept of social justice is not, limited only to directive principles. There can be no justice without equality. This paper focuses on the chronology of law from the ancient, medieval and modern period and how it has been amalgamated with the society which had evolved to the present day.

KEYWORDS: Law. Social equality, justice, liberty.

INTRODUCTION:

The term Equity is a multi-faceted topic, which is a mix of centre of attention, which can be included in almost all laws like the philosophy of law, general law, theory of justice, the history of law, legal system of belief, etc. Equity can be seen in a three - dimensional method, which smoothen the progress of a stratified meeting point in union with three levels: facts, rules, and principles. By equalling the development of economic growth as express financial development of under development countries these less developed countries can now been collectively termed as third world countries. The involvement of the government by preparing socio cost-effective business and the essential tool of economic development was the efficient demand management which was considered as an important aspect and the other sect considered the worldwide trade as a great channel to economic growth trade and the important field which can increase the extent of the market.

REVIEW OF LITERATURE:

Review of Past Studies

The following studies have thrown ample light on the Equity aspect towards the society's attitude coming out of the traditional clutches and emerging as earning hand of the family as well as their decisional roles.

Suleiman (2014) in his paper on 'Leading for Equity and Social Justice: From Rhetoric to Reality' suggests measures to enhance democratic values through the understanding and true empathy of what cultural pluralism and democracy are, we can accomplish the goals of multicultural education that is key to combating inequity and social injustice.

Sherman and Poirier (2007) conducted a study on 'Educational Equity and Public Policy: This study commissioned by 'The UNESCO Institute for statistics' (UIS), presents a framework for measuring educational equity which was applied to 16 of the world's populous countries: Argentina, Bangladesh, Brazil, Canada, China, Ecuador, Egypt, India, Indonesia, Mexico, Nigeria, Pakistan, Peru, the Russian Federation, South Africa and the United States.

Vinze Medha Dubhashi (1987) expressed her views in the book entitled "Women Entrepreneurs in India: A Socio-economic Study of Delhi". In this book author was able to bring out the changes imposed by women entrepreneurs on the movement towards better living standards and also consecutive claim on equality. However the parameters chosen might be more refined.

Sahay Sushama (1998) in her book entitled "Women and Empowerment: Approaches and Strategies". In this book the author explained approaches and strategies of empowerment of women by their increased participation in all aspects of political, social and economic life has become one of the major goals of democratic and participatory movements, as well as women's organizations throughout the world.

Leela P. (2000) in her book entitled "Women and the changing development scenario" argues that development of women is crucial for the social and economic transformation of a country in view of their complex and multidimensional roles. Women have been marginal players in the rapidly changing economic scenario. They have to be brought into the mainstream of the development process as equal partners by giving due recognition to the place, role, aspirations and achievements, which have undergone phenomenal changes in recent decades. She suggests for strengthening the implementation machinery for achieving women development.

SIGNIFICANCE OF THE RESEARCH:

Equity in the society is very important in a democratic country like India which decides the destiny of a country. Social equity is needed for its overall development and growth to compete with the global scenario. This social equity can be discussed in various angles like social equity for women, for trade and commerce, banking, employment opportunities in education of which a few are discussed here.

OBJECTIVE: The aim of the research is to find out

1. The Role of law in different periods
2. Whether the law is neutral to all
3. If the present law in the constitution helps a common man

RESEARCH HYPOTHESES

H1: The rule of law and the role of law had played an important role in the society.

RESEARCH METHODOLOGY:

The research is exploratory and descriptive in nature. Different books, journals, newspapers and relevant websites have been consulted so as to make the study an effective one.

LAW IN ANCIENT INDIA:

The society in ancient India had to experience a normal changeover from truth to dharma or law, for the ancient Hindus always meant Dharma which was the essence of Hindu legal theory. Dharma holds the main beliefs and rules leading the whole life of man. A person's Dharma consists of his good and social responsibility, both as an individual member and as a member of the society in which he resides. The main aim of Dharma is to normalize human performance in its outer space and human circumstances. Great communal inequality was the outcome from treating sections of Hindu community as untouchables. There was no technical procedure followed by the courts of ancient India to do justice but the basic consideration was maintenance of dharma.

LAW IN MEDIEVAL INDIA:

The Muslim Kings began to attack India since the starting of the twelfth century, based upon the **Holy Quran** the Muslim Kings and emperors of medieval India recognized the legal argument decision scheme according to their Islamic Law. The beginning of social equity or 'justice' in Islam was that the management of justice is a heavenly nature. The ruler appointed the judges and usually *Quajis* were chosen to settle on

the difference of opinion among people. The laws were read according to the principles of Quran, during the trial of all the substantive and practical matters whether the party was rich or poor for The God is the most capable to deal with them both. Justice was almost free because social equity was prevalent among them.

LAW IN MODERN INDIA:

The modern wellbeing condition cannot work properly without the implementation of flexible power. The preamble of our constitution clearly sets out the code of rules of law. It puts down the purpose of communal, financial and political honesty. The fundamentals rights should be guaranteed to every citizen of the country. No discrimination should be there from one person to another.

The constitutional governance and progress towards the rule of law has been unfair by men's desire that has fullest development and can be possible only when socio-political order is appointed by equality and liberty. Equal law should be applied to all in the same situation,

TYPES OF EQUALITY

Equality can be categorized and placed under two subtopics;

The first one is **official equality** which means the law which treats each and every individual including the common man as equal and does not support anyone because he belongs to the advantageous section of the society or disadvantage section of the society.

The second one is the theory of **comparative equality** which expects the situation to take positive action in favour of weaker section of the society within the structural work of moderate social equality. Every flexible power is not necessarily influenced. Equality is not dishonoured by simple conferment of unrestricted power. It is violated by ignorant implementation of whom it gives power. Every people must work by the law equally and it must apply equally on all people under like situations.

The first can also be understood as useful concept and the second as protective principles of social justice. In other words equality and liberty in all its facts constitute the foundation stone of human development. Human development signifies expansion of human freedoms and dignity and also creating necessary social arrangements for supporting these freedoms and dignity.

From the developmental point of view, equality and liberty would cooperate for the Human personality development, the empowerment of each individual who belong to the weaker sections of the society, freedom from inequity, misuse and unfairness, make easy opportunities and creating social activities favourable to each individual.

Various concepts of equality before the law considers to minimize the inequalities in income and status, not only amongst individuals but also amongst groups of people who secure means of source of revenue to its citizens and to promote with special care the educational and economic interests of the weaker section of the people, especially the scheduled castes and scheduled tribes and to protect them from social injustice and all forms of misuse.

The history of various civilizations has been an onward march towards securing human dignity, best expressed in the struggle for justice, freedom and equality.

The constitution has inspired to make each men equal before the law and to give them equal protection of laws which has been the supreme task. The result of rule of law is Equality before the law and the term rule of law means the main of authority which refers to a government based on principal of law.

CONCLUSION

We need great changes which are necessary to bring social equality in our communal surroundings and our social organization and the response of social equality should be carefully and wisely developed. If this is practiced it is sure to make a significant change totalling to the understanding of social justice. When social justice is deprived of to certain section of the people, laws are passed to bring stability in the society. These laws are called social legislation, and this social legislation should remove inequalities among the people on the benefit of the whole community. Laws should be made firmer where the social equity should lead to rule of law and vice verse.

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