



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

IJLRA

EDITORIAL TEAM

EDITORS



Megha Middha

Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar

Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and

learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS

ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

CAN EQUITY BE SERVED WITHOUT EQUALITY

AUTHORED BY - RAJ SINGH

Abstract

Equality means each individual or group of people is given the same resources or opportunities. Equity recognizes that each person has different. Equality in education is necessary for students to have the same opportunities to start off with positive educational outcomes, and equity helps to make sure those equal opportunities are adjusted to make room for students who might need extra help and attention. Equity ensures everyone has access to the same treatment, opportunities, and advancement. Equity aims to identify and eliminate barriers that prevent the full participation of some groups. Barriers can come in many forms, but a prime example can be found in this study. Equality is important because it is the foundation of any fair society. A fair society is one in which every individual has an equal opportunity to prosper and succeed. In order to have a fair and just society, we must first have equality. Without equality, there can be no fairness or justice. Equality in the workplace helps bring together workers from all different backgrounds, and puts all perspectives on the table. This promotes intra-company and intercompany networking, boosts morale, and builds cohesive teams focussed on achieving positive results for the company. If the people have equal opportunities to get education they will have a chance to develop their native talent and thus contribute to the progress of nation. Search of Talent: The principles of equality and equity confirm the entitlement of access to educational opportunities for all.

KEYWORDS – Fair and just society, Barriers, foundation, opportunities, participation & recognition.

INTRODUCTION

The concept of natural justice has evolved through this maxim. Natural justice is a concept of civil law, which means judgement which is given should be fair and reasonable. Equity and equality should be there. In India, the principle of natural justice can be traced from Article 14 and Article 21 of the Indian Constitution. Article 14 says about the equality before the law and Article 21 talks about the protection of life and personal liberty. Article 21 was defined in the

case of *Maneka Gandhi v. The Union of India*¹ In this case, it was held that law and procedure which is followed should be just, fair and reasonable kind.

Our society is continuing to make steps towards equality but being equal and fair is not always straightforward. Sometimes, people may need differing treatment to make their opportunities the same as another's. This is called equity. Does this mean we need to treat people differently in order to gain equality? If so, how can we do this without undermining equality? Equality means giving everyone the same opportunities, but how can everyone have the same opportunities if some are receiving less support than . Equality in education is necessary for students to have the same opportunities to start off with positive educational outcomes, and equity helps to make sure those equal opportunities are adjusted to make room for students who might need extra help and attention. Equality means each individual or group of people is given the same resources or opportunities. Equity recognizes that each person has different. Equity should be employed with a view to achieve equality in the end, if that is at all possible. Equity should not attempt to achieve equal . The words equality and equity are often confused because, at a glance, they appear to mean the same thing. "As long as poverty, injustice and gross inequality persist in the world, none of us can truly rest" – Nelson Mandela.

Democracy can only thrive and flourish where the individuals in the society are treated equally and without discrimination. Thus, it was felt by the framers of the Constitution to incorporate such provision to remove the hurdle of existing social and economical inequalities and enable the diverse communities of the country to enjoy the rights and liberties guaranteed under the constitution. It was believed to be essential to remove inequalities based on religion, social norms, age-old traditions practiced in parts of India, like untouchability, casteism, race discrimination, etc.

1. The Right to equality means the absence of legal discrimination only on grounds of caste, race, religion, sex, and place of birth and ensures equal rights to all citizens.
2. It is considered basic feature of the Indian Constitution.
3. The Right to equality is both a positive equality as well as a negative right. Under the Indian

Constitution, Right to equality is divided under the following subheadings:

1. Equality before law (Article 14)
2. Prohibition of discrimination on grounds of religion, caste, race, sex or place of birth (Article 15)
3. Equality of opportunity in matters of public employment (Article 16)
4. Abolition of untouchability (Article 17)
5. Abolition of titles (Article 18) Under the Right to Equality, Article 14 provides a general application whereas Art. 15, Art. 16, Art. 17 and Art. 18 have a specific application.

Meaning of Equality

The Equality and Human Rights Commission describe equality as: “Ensuring that every individual has an equal opportunity to make the most of their lives and talents.” In other words, equality means ensuring that everyone has the same opportunities and receives the same treatment and support.

Meaning of Equality

Equity is about giving people what they need, in order to make things fair. Giving more to those who need it. This is not the same as equality, nor is it the same as inequality. It is simply giving more to those who need it, which is proportionate to their own circumstances, in order to ensure that everyone has the same opportunities; for example providing more support to a disadvantaged student so they can reach their full potential.³ It is based on the principal of Audi alteram partem and principal of nature justice because Equity and Equality both moves hand in hand. Right to equality given under article 14 of Indian law. It is one of the fundamental right. It ensure the guarantees to every person the right to equality before law & equal protection of the laws .it is not only right of Indian citizens but also right of non-citizens .article 14 says “The state shall of India.” Article 14 define no one is above the law. All are equal in eye of law.

1 Equality before law

2 “The state shall not deny to any person equality before the law.

3 Meaning of right to equality This means that every person, who lives within territory of India, has the equal right before the law. The meaning of this all are equal in same line. No

discrimination based on religion ,race, caste, sex,and place of birth. Its mean that all will be treated as equality among equal .and there will be no discrimination based on lower or higher class.

Article-14 Of Constitution Of India The state not deny to any person equality before the law or the equal protection of the laws within The territory of India. Protection prohibition of discrimination on grounds of religion, race, Caste, sex, or place of birth. Prof. Dicey, explaining the concept of legal equality as it operated in England, said: “with us every official, from the prime minister down to a constable or a collector of taxes, is under the same responsibility for every act done without any legal justification as any other citizen.” The phrase “equality to the law “ find a place in all written constitutions that guarantees fundamental rights. “All citizens irrespective of birth, religion, sex, or race are equal before law ; that is to say, there Shall not be any arbitrary discrimination between one citizen or class of citizens and another.” “All citizens shall, as human persons he held equal before law.” “All inhabitants of the republic are assured equality before the laws.”

4 The phrase “ equality to the law “ find a place in all written constitutions that guarantees fundamental rights. “All citizens irrespective of birth, religion, sex, or race are equal before law ; that is to say, there Shall not be any arbitrary discrimination between one citizen or class of citizens and another.” “All citizens shall, as human persons he held equal before law.” “All inhabitants of the republic are assured equality before the laws.”

5 This maxim implies that as far as possible, equity strives to put the litigating parties on an equal level and equate their rights and responsibilities. The ordinary law may give one party advantage over the other but the court of equity, wherever possible, puts the parties on an equal footing.

6 Case – Hira Nath v Principal In this case, it was held that this principle is not restricted to the mainly formal evidence but any information regarding previous conviction on which court may rely without giving a chance to the affected party to deny it. It says equal everyone is Equal in eye of law. Whether he belongs to different race, religion, social status or wealth. As Dr. Jennings rightly said: “equality before the law means that among equals the law should be equal and should be equally administered, that like should be treated alike. The right to sue and be sued to prosecute and prosecuted for the same kind of action should be same for all citizens of full age and understanding without distinctions of race, religion, wealth, social status or political influence.”

Right to equality is a one of the most important part of our Indian constitution, which gives strengthen to all those people who belongs to Indian nationality. It is necessity of the upcoming generation to secure their right & change our developing India in to developed India.

Conclusion

The laws related to equity have evolved through precedent and the intention is to grant equitable rights and remedies to the parties. The decisions of equity have largely been based on the judge's discretion and understanding of the fair and just cause. Equity dates back to the centuries ago and is still as relevant, so is the case with law. Law and equity both are important for justice. Where the rigidities of the law threaten justice, equity prevails, and where equity has no remedy the letter of law is followed. Justice, thus, depends upon both and thus, both must be consulted in order to deliver justice

