



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal

– The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK
LEGAL

EDITORIAL **TEAM**

Raju Narayana Swamy (IAS) Indian Administrative Service **officer**



Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru

and a professional diploma in Public Procurement from the World Bank.

Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.



Senior Editor

Dr. Neha Mishra



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.



Dr. Rinu Saraswat

Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.

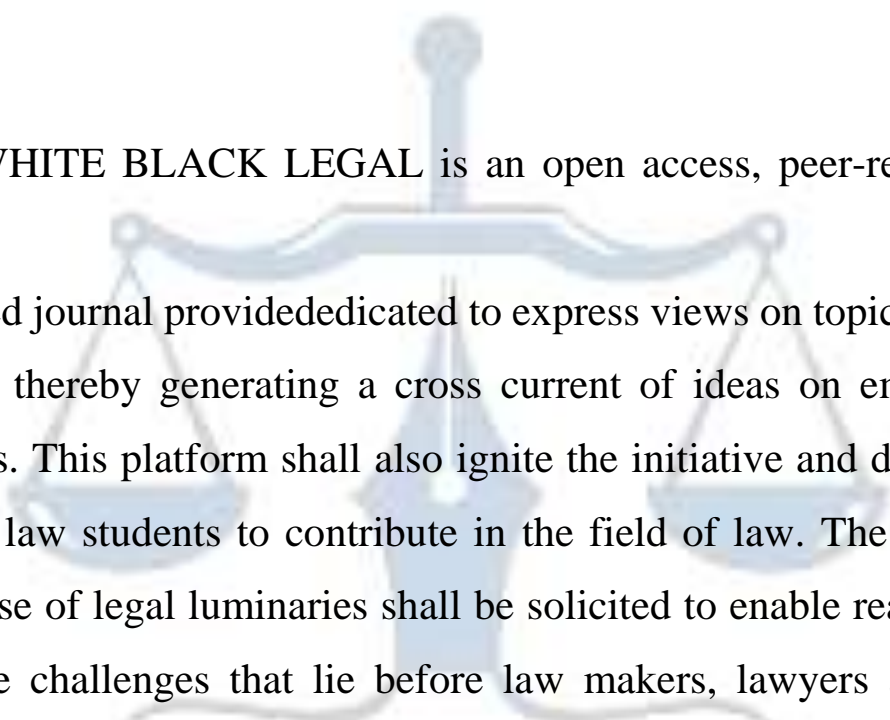


Subhrajit Chanda

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US



WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

REDUCING INEQUALITY IN A WORLD THAT IS RAPIDLY BECOMING UNEQUAL.

AUTHORED BY - ANIKET SHIVAJI SHINDE

Abstract-

Despite exceptional economic expansion and technical advancements, the twenty-first century has seen an unprecedented increase in inequality. The article takes a critical look at the legal systems and judicial decisions that are supposed to help reduce inequality in an increasingly unequal world. We aimed to investigate the complex relationships that exist between inequality and its legal, social, and economic dimensions, as well as the historical causes and shifts that contribute to these discrepancies. We highlight the importance of the court in drafting such legislation that will ensure justice and fairness, focusing on recent Supreme Court decisions.

In order to understand how other jurisdictions address inequality and what can be learned from their experiences, the research also looks at comparative legal frameworks and international views. It also examines how grassroots movements and civil society contribute to the cause of social and legal change. This article seeks to further the continuing discussion on creating a society that is more just and equitable by offering best practices and creative legal tactics.

The paper reviews current legal and policy solutions and their pros and cons. It thus illustrates the dire need for one overarching plan embracing rigorous judicial scrutiny, legislative amendments, and strong policy measures if systemic causes of inequality are to be identified and addressed. On a close reading of case law and legal precedent, the paper shows how the judiciary has stepped up to these challenges.

(Keywords – Economic Inequality, Legal System Social justice, Fairness, Judicial Scrutiny)

Introduction

Despite the tremendous advancements in science and the economy, it is evident and concerning that worldwide inequality has increased this century. Regarding the distribution of rights, opportunities, and resources in modern society, this raises a few simple questions. The concepts of just development are linked with challenges to legal, social, and economic inequalities. To

start addressing this complicated issue, one must comprehend how it started, how it progressed, and how the present defence work.

Legal frameworks and court decisions greatly influence policies that have the power to either increase or decrease inequality. The judiciary is essential to leveraging the legal system to enhance justice and equity, as demonstrated by recent rulings from the Supreme Court and other international courts. These court actions are crucial to eliminating systemic injustices and guaranteeing excluded groups' access to opportunities and rights. This article examines how well existing legal and legislative initiatives are working to address inequality. Through an analysis of case laws and legal precedents, it provides a thorough assessment of the benefits and drawbacks of current strategies.

The role that grassroots movements and civil society play in effecting change is also explored. In most cases, such movements serve as the catalysts to legislative and social improvements aimed at ending injustice, underscoring community involvement in the struggle. Overall, it is expected that this paper will set itself to contribute to the existing discourse in building a more just and equitable society through its analysis and recommendations that propose workable legal and policy remedies.

Objectives-

To examine the legal systems that deal with inequality.

Investigating the legal, social, and economic aspects of inequality.

The following will compare the international approaches towards inequality.

Research methodology:

Doctrinal Research: In the present research, existing legal frameworks, case laws, and judicial precedents—especially Supreme Court decisions that shaped the legal landscape concerning inequality—will be carefully examined. Case laws of importance and constitutional provisions in different jurisdictions will be delineated in their bearing on inequality.

Comparative Legal Analysis: For this research, legal regimes in countries such as India, the United States, the United Kingdom, and South Africa will be compared. This approach is going to be of immense use in elaborating effective legal strategies and policies that have worked in these contexts toward addressing inequality.

FRAMEWORK THEORETICAL

CHAPTER 1. CONCEPTUALIZING INEQUALITY.

DIFFERENT DIMENSION OF INEQUALITY.

To have a more comprehensive grasp of the problem, it is necessary to investigate the many aspects of inequality. Income inequality, wealth disparity, and inequality in access to justice are covered in the section that follows.

The definition of income inequality is the difference in incomes between members of a group or between individuals. quantified using common instruments; the Gini coefficient is one such instrument. This makes it possible to use a statistical measuring tool to determine how well or poorly the population's income is divided or distributed. A situation where a small minority has extremely high income while the rest is significantly poorer is known as high income inequality. These might also include differences in labour market dynamics, educational attainment, and skill sets of the workforce.

Wealth Inequality

When we talk about an unequal distribution of assets, we mean savings, investments, and real estate. In contrast to income, which is typically generated and spent in a limited amount of time, frequently within a single generation, wealth creation typically takes place over several generations. Large wealth disparity has a significant role in both social and economic inequality. Wealthy individuals will be able to afford opportunities, healthcare, and high-quality education, which will perpetuate privilege down the line.

Access to Justice

Legal equality essentially necessitates that every member of society be equally able to seek and obtain remedies from the system. This is why access to justice is a component of legal equality. Financial hurdles, such as the price of legal services, geographic barriers, such as the lack of legal services in rural areas, and systemic barriers, such as prejudice against people based on their race, gender, or socioeconomic status, can all be signs of inequality in access to justice. Accordingly, the only ways to ensure that everyone has equal access to justice are to offer full legal aid services, fair representation in court, and impartiality in decision-making.

1.1 Theories and Philosophies Underpinning Equality and Justice

The Theories and Philosophies That Advance Equality and Justice Legislation and policies aimed at reducing inequality are more easily formulated if some of the theoretical underpinnings of justice and equality are known. Presented in the next section will be some of the more influential theories, which will include John Rawls' Theory of Justice and that of Amartya Sen, referred to as the Capability Approach.

- John Rawls' Theory of Justice

In his celebrated work "A Theory of Justice," John Rawls ¹presents a means through which a society based on equality and fairness can be constructed. Individuals are to put themselves in what Rawls termed a "veil of ignorance" in the sense that, in this society, they do not know what their position will be. Rawls proposed an initial position he termed as the "original position," which is a form of thought experiment. Thus, they can work out the principles to guide choice with objectivity and justice.

Rawls presents two principles of justice, namely The Equal Liberty Principle states that every individual has an equal right to the broadest possible set of fundamental liberties that is compatible with an equally comprehensive set of rights for every other individual. The Difference Principle states that social and economic disparities should be distributed to maximize the well-being of the least fortunate. connected to offices and posts that are open to everybody with suitable equality of opportunity stipulations'.

Based on Rawls, society must protect fundamental freedoms and rights as much as it should remedy socio-economic inequality through assistance for the less fortunate to be just.

- Amartya Sen's Capability Approach

Amartya Sen's Capability Approach offers a unique perspective on equality by emphasizing people's capacity to reach their full potential and lead happy lives. Sen contends that money and income—the main measures of success and well-being that are typically prioritized—are insufficient. Instead, focus should be placed on the true potential of individuals. Among the Capability Approach's essential components are:

¹ John Rawls, *A Theory of Justice* (Harvard Univ. Press 1971),

Functioning: A person's value-laden pursuits include community involvement, education, and good health. Capabilities: These are people's actual chances or degrees of freedom to carry out these functions. Sen's strategy therefore focuses mostly on eliminating obstacles that limit potential, such as prejudice, a lack of education, and ill health.

- Martha Nussbaum's Human Development and Capability Approach²

Drawing upon Sen's work, Martha Nussbaum has constructed a detailed list of human capabilities with which she argues societies ought to be empowered and developed. They are Life: Being able to live a long and healthy life. being in good physical health, including a healthy reproductive life. Bodily Integrity: Being free from sexual assault and having options for reproductive and sexual life. Sensations, Imagination, and Reasoning: Having the ability to do so in the terms the individual has set, which in turn is a product of having attained adequate education. being physically healthy, including healthy reproductive health. Bodily Integrity: Not being in situations of sexual abuse and having access to reproductive and sexual opportunities. Sensations, imagination, and reasoning refer to the ability to use one's senses, to imagine, reason, and think in a way made possible by adequate education

1.2 Legal Definitions and Frameworks

Some constitutions even have special clauses that enforce equality and prohibit discrimination. These clauses, in many instances, form the very base of many laws and regulations. Some of the important examples are *Article 14* of the United States Constitution³, the Equal Protection Clause: This Article declares that all persons within the jurisdiction of a state shall be equally protected under the law. This has been the basis for many other landmark decisions of the Supreme Court relating to racial discrimination, gender equality, and other inequities. *Articles 14–18 in the Indian Constitution* have declared inequality based on caste, religion, sex, race, and place of birth as unconstitutional and ensure equality before the law.

Right to Equality (Indian Constitution, Articles 14-18)⁴

1. 'Article 14: Equality Before: "The State shall not deny to any person equality before the law or equal protection of the laws within the territory of India." This article ensures

² Martha C. Nussbaum, *Creating Capabilities: The Human Development Approach* (Harvard Univ. Press 2011), <https://www.hup.harvard.edu/catalog.php?isbn=9780674061200>.

³ U.S. Const. amend. XIV, available at https://www.archives.gov/exhibits/american_originals/amend14.html.

⁴ <https://indiankanon.org/doc/1021661/>.

that a person is treated equally in the eyes of the law and, therefore, lays the foundation of the equality concept. Case Laws: The Supreme Court held in the case of E.P. as recently as 1974 that. Royappa vs. Tamil Nadu official ⁵Example: Art. 14 endeavours to keep away arbitrariness in official conduct and guarantees equality and justice in governmental choices. Non-arbitrariness as an aspect of equality has been propounded by the court.

2. Article 15: 'Prohibition of Discrimination on Grounds of Religion, Race, Caste, Sex, or Place of Birth'

Article 15 forbids the state from treating any citizen differently based merely on their place of birth, gender, race, or religion. Additionally, it permits special provisions for women, children, Scheduled Castes (SCs) and Scheduled Tribes (STs), as well as socially and educationally disadvantaged classes.

State of Madras v. Champakam Dorairajan (1951)⁶-This early case addressed the issue of reservations in educational institutions, leading to the First Amendment of the Constitution, which added Clause (4) to Article 15, permitting affirmative action for backward classes.

3. Article 16: 'Equality of Opportunity in Matters of Public Employment'

Provision: Article 16 grants equal opportunity to all citizens regarding matters subject to public employment. Except for some exceptions in the form of reservations for backward classes, it forbids discrimination on grounds of race, religion, caste, sex, descent, place of birth, or residence. Important Case Laws T. Devadasan v. Union of India (1964)⁷: The case was related to the validity of carry-forward provisions under reservations. Affirmative action and equality of opportunity were balanced.

4. Article 17: 'Abolition of Untouchability'

Provision: Article 17 forbids "untouchability" and forbids the enforcement of the disabling arrangements in any manner whatsoever. It is unlawful to enforce any type of disability brought on by untouchability. Case Laws: The Supreme Court reiterated that untouchability in all its forms is illegal and any custom which savors it, should be eradicated, in *State of*

⁵ 1974 AIR 555 1974 SCR (2) 348 1974 SCC (4) 3

⁶ State of Madras v. Champakam Dorairajan, A.I.R. 1951 S.C. 226 (India).

⁷ T. Devadasan v. Union of India, A.I.R. 1964 S.C. 179 (India).'

*Karnataka v. Appa Balu Ingale, 1993*⁸.

5. Article 18:

Abolition of Titles 18 prohibits the state from conferring any titles except academic and military distinctions. It further prohibits a citizen from accepting any title from any foreign state. The Supreme Court in *Balaji Raghavan v. Union of India, 1996*⁹, held that national awards like Bharat Ratna and Padma awards do not violate Article 18, provided they are not used as titles and do not carry any special privileges.

Section 9 of the 'South African Constitution's Equality Clause ¹⁰This section prohibits discrimination against any person on any grounds including race, gender, sex, pregnancy, marital status, ethnic or social origin, sexual orientation, colour, age, disability, religion, conscience, belief, culture, language, and birth. This section further ensures that everybody is equal before the law.'

Legislative Measures

Legislatures enact statutes and these are specific pieces of law that are enacted to reduce inequality in diverse fields. Among others: Under the seminal Civil Rights Act of 1964, discrimination on the basis of race, colour, religion, sex, or national origin became illegal in places of public accommodation, the workplace, and in the schools.

The Supreme Court's 1997 decision in *Vishaka v. State of Rajasthan* ¹¹is a noteworthy ruling that highlights the Act's dedication to gender equality. This decision established the groundwork for women's rights by upholding the constitutional provision of gender equality under Articles 14, 15, and 21, despite its primary focus on workplace harassment. The Supreme Court emphasized the state's obligation to defend women's equality and dignity while offering instructions to stop sexual harassment in the workplace.

Administrative Regulations and Policies

Governments often implement administrative regulations and policies to enforce equality laws

⁸ State of Karnataka v. Appa Balu Ingale, (1993) 6 SCC 394.

⁹ Balaji Raghavan v. Union of India, (1996) 4 SCC 537.

¹⁰ S. Afr. Const. 1996, § 9, available at <https://www.gov.za/documents/constitution/chapter-2-bill-rights>.

¹¹ Vishaka v. State of Rajasthan, (1997) 6 SCC 241.

and provide practical measures for promoting equality. Examples include:

Affirmative Action Policies:

United States

The United States' Affirmative Action Policies Affirmative action legislation in the United States is intended to provide advantages to underrepresented groups, such as women, African Americans, and Hispanics. These rules are implemented in a variety of contexts, such as higher education and the workplace. Details Minorities enrolled in American colleges and institutions increased dramatically in 2020. In particular, the proportion of African Americans enrolled in 2020 increased from 1976 to 13%. In the same time frame, the percentage of Hispanics increased from 4% to 20%. Affirmative action companies claim that greater diversity rates have been recorded. According to a 2021 survey, there were 14% more minorities employed by companies with active diversity programs than by companies without such policies.

For instance, in the 1978 ruling in *Regents of the University of California v. Bakke*, the Supreme Court created affirmative action, holding that race may be taken into consideration when selecting potential admissions to a particular university. United Kingdom Diversity has been welcomed by British patrons because there are no quotas in the UK. After all, the focus is on "positive action" instead of affirmative action. The Equality Act of 2010 permits policies that will provide disadvantaged groups with the support they need for equal opportunities.

India

It is the case that Scheduled Castes, Scheduled Tribes, and Other Backward Classes in India enjoy quota advantages in legislatures, jobs, and education through reservation policies. Indeed, such laws attempt to bring an end to discrimination against people based on their caste, practiced for centuries. Starting in 2021, SCs, STs, and OBCs will corner 49.5% of the seats in public higher education institutions in India. According to employment data from the year 2019, reservation policies have ensured that SCs and STs hold 22% of all government jobs. *Union of India v. Ashoka Kumar Thakur* (2008): The Supreme Court retained the validity of the OBC reservations in educational institutions. The affirmative action legislation in Africa, in general, and in South Africa, in particular, are designed to counteract the imbalances of apartheid and foster the professional progress of women, people with disabilities, and Black South Africans.

South Africa

South Africa's affirmative action legislations are to address the deficiencies of apartheid and to advance women, people with disabilities, and Black South Africans in their profession. *Palmer v. Minister of Finance*¹², *Van Heerden v. Minister of Finance*¹³: Therein, the Constitutional Court pointed out that whenever the question of affirmative action crops up, not only is substantive equality between people required, but restitution for previous discrimination must also be made.

International Law Reliabilities United Nations Tools UDHR' The Universal Declaration of Human Rights (UDHR) was adopted in 1948 by the UN General Assembly, which states that everyone must be able to enjoy the minimum human rights safeguards. Exclusion is not lawful based on race, colour, sex, language, religion, political opinion, national or social origin, birth or property or any other status. According to' Article 1: All human beings are born free and equal in dignity.'

Chapter 2: Legal Challenges in Reducing Inequality

There are many challenges in the way of dealing with inequality as far as legal systems go. These are the issues of putting laws into practice and addressing hidden social problems which give assurance that legal actions will result in observable benefits. The next section discusses legal challenges in the process of mitigating inequality, focusing on disparities in the economy, society, and culture. 2.1 Ineffective Enforcement and Implementation Despite sound legislative frameworks, there remains a chasm between the letter and the spirit of equality laws in how they are operationalized and, as relevant, updated.

Limitations on Resources for Enforcing Equality Laws Reducing inequality requires efficient enforcement of equality laws, but in many nations, especially developing ones, this process is impeded by significant administrative and financial constraints. These restrictions may seriously impair regulatory bodies' capacity to enforce the law, provide necessary training for personnel, and help those who are most in need of it get justice. Inadequate Resources for Regulating Authorities The financial resources available to regulatory agencies charged with upholding equality legislation are frequently inadequate, which hinders their capacity to do

¹² *Palmer v. Minister of Finance*, [1954] A.C. 491 (P.C.).

¹³ *Van Heerden v. Minister of Finance*, 2017 (1) SA 253 (CC).

their jobs well. Limitations in Operation The functioning of regulatory organizations can be hampered by inadequate funding, which can lead to understaffed, subpar infrastructure, and limited technology resources. They find it more challenging to investigate complaints, monitor compliance, and take enforcement action as a result.

Program Implementation:

Having less money also makes it more challenging to conduct campaigns for equality and awareness. If, for example, there is little money or little effort to explain these rules, the anti-discrimination laws will not be that effective for the public and businesses. Insufficient Training of Police and Other Law Enforcement Authorities For equality laws to be effectively enforced, the officials handling them must be properly trained in identifying and handling situations of discrimination and inequality. Sensitivity and Awareness Training The police and other enforcement officials who deal directly with people and require substantial sensitization to appreciate the rationale of equality laws and the irrationality of non-discerning acts include the police, labour inspectors, and judges. They may not be able to recognize subtle forms of discrimination or know how to tactfully resolve situations if they have not been trained to do so.

- Inadequate Legal Support and Representation

Under equality laws, it is usually hard for underprivileged groups to access legal aid and advice in the pursuit of their rights. Legal Aid Services In most poor countries, legal aid services are few; this makes it hard for those from poor backgrounds to get legal remedies. Since the programs on legal aid are poorly funded, many people are denied justice in the absence of private legal representation due to financial constraints.

Community Outreach: The funding for regulatory agencies and NGOs to conduct large-scale community outreach and education is probably not available. This, in turn, weakens further the possibility of poor populations' self-advocacy by being less informed about their legal rights and the redress available.

Ineffective Implementation and Enforcement

Although extensive legislative frameworks aimed at advancing equality have been established, there are still many obstacles in the way of these laws' actual application and enforcement. There exists a notable discrepancy between the existence of laws pertaining to equality and

their actual implementation in society, which can be attributed to multiple factors.

Resource Constraints

- **Financial Constraints:**

Insufficient Resources: Generally, in most developing countries, agencies responsible for enforcing laws on equality are not well-financed. A possible source of finance adversely impacts different operations of the agencies. An example may include a lack of finances to maintain some infrastructures, and personnel, or even developing and implementing some technologies. **Operations:** Inadequate financing will reduce the scope and geographical coverage of regulation activities. Inadequate financing of labour departments means that they cannot hire adequate inspectors who will ensure that workplaces comply with the laws concerning equal pay and anti-discrimination. Accordingly, a lot of violations go unreported and unnoticed.

Administrative Constraints: Inadequate Staff Equality laws are generally enforced by understaffed regulatory agencies that cannot effectively handle their workload of complaints and enforcement. Another impact of a lack of staff is the inability to investigate, and to effectively investigate, allegations of violations. Most enforcement officials do not have training on how to recognize and deal with the problems of discrimination. This is especially true in areas of operation that require expertise, like dealing sensitively with domestic abuse cases or recognizing the more nuanced types of workplace discrimination. Poorly trained authorities, those who misunderstand the law, or those who do not enforce it properly could undermine the enforcement system as a whole.

Inefficiency of Judiciary Judicial Process Delays: Case backlogs: This inefficiency of the judiciary is one of the most prominent impediments to the proper enforcement of the law. If there is a high level of backlog in courts, then delays in case disposal are common phenomena for most nations. This is all the more harmful when there is prejudicial discretion and where justice needs to be dispensed promptly. Delay will elongate the agony of the victim and reduce the deterrence of the legal sanction on the offenders. **Effect on the Offenders:** The stretched court process will eventually make the victims of divorce shy away from seeking justice. Given that most people usually give up on seeking justice for fear of a protracted legal fight that might prove emotionally and financially draining, such infractions will rarely be held accountable in

a culture of impunity.

- Addressing the Challenges

Care for the Gaps To close this gap between law and reality, coordinated steps at several different levels must be taken: Increased funding and resources: There is a need for governments to provide appropriate funding and administrative support to regulatory bodies given the mandate to enforce equality-related laws. In terms of resources, this includes adequate staffing, training, and operational capacity. Judiciary Reforms in Judiciary: Reforms concerning solving the problem of backlogs and making the judiciary effective should be adopted. This could assume the form of use of technology to hasten the case management process, establish courts to hear cases concerning discrimination, and increase the number of judges in the judiciary.

- Differences within the Economy Economic inequality can therefore cripple the implementation of legislation that works towards equality. Use of the Law: Disadvantaged groups find it difficult to cost-effectively use their rights under the law because of the lack of availability of legal information and services. Legal aid services do not exist, or if they do, they are merger in poor or rural areas. 3.4 Political and Institutional Opposition There are chances that political and institutional opposition might place a hurdle in the implementation and application of laws on equality. Application Addressing the will of the political class at the application of the equality legislation can be trying or dead. Why? The government of the day may direct sustained political will elsewhere. Again, a government may find itself pressured by a few interest groups in the community who will be against the enforcement of the law on equality ground.

- Globalization and Economic Policies

Global economic policies have the potential to cause labour market disparities, such as the mistreatment of migrant laborers or the outsourcing of jobs to low-wage nations, which can undermine efforts to guarantee equitable treatment and opportunity.

Labor Market Inequality: International economic policies have the potential to exacerbate labour market disparities, such as the mistreatment of migrant laborers or the outsourcing of jobs to low-wage nations, so undermining efforts to guarantee equitable treatment and opportunities for all. Corporate Power: Large multinational companies have the potential to exert tremendous influence over national laws by lobbying against laws that advance

equality or by taking use of legal loopholes to evade accountability.

Chapter 3: The Role of the Judiciary

Landmark Supreme Court Judgments

Critical analysis of recent judgments pronounced by the Supreme Court which affected the landscape of inequality.

How these judgments have contributed towards either mitigating or perpetuating inequality.

They also legislate, to a great extent, for reducing inequities and give meaningful content to them. A court can alter the legal landscape in a very basic manner and move toward social justice and systemic redressal of injustices through historic judgments, judicial activism, and PIL.

3.1 Landmark Supreme Court Judgments

Analysis of Recent Supreme Court Cases:

Significant changes have been made to the inequality landscape by recent Supreme Court rulings. These rulings influence society norms and legal standards through interpreting and upholding equality legislation.

India: (2018) *Navtej Singh Johar v. Union of India*¹⁴: A major step toward LGBTQ+ rights and the reduction of discrimination based on sexual orientation was taken when the Supreme Court decriminalized consenting same-sex relationships. 1992's *Indra Sawhney v. Union of India*¹⁵: Affirmative action programs designed to lessen caste-based inequality have been strengthened by this historic ruling, which maintained the validity of the 27% reservation for Other Backward Classes (OBCs) in public sector jobs and education. The 2020 case *Vineeta Sharma v. Rakesh*¹⁶ Sharma saw the court declare that daughters are entitled to inherit ancestral property equally, regardless of the father's status at the time of the Hindu Succession Act change in 2005. This decision promotes gender equality in inheritance laws.

USA: The Supreme Court upheld same-sex marriage nationwide in *Obergefell v. Hodges* (2015),¹⁷ advancing equality and civil rights for LGBTQ+ people. The landmark 1954 decision

¹⁴ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 (India).

¹⁵ *Indra Sawhney v. Union of India*, (1992) 1 SCC 649 (India).

¹⁶ *Vineeta Sharma v. Rakesh Sharma*, (2020) 9 SCC 1 (India).

¹⁷ *Obergefell v. Hodges*, 576 U.S. 644 (2015).

*Brown v. Board of Education*¹⁸ ruled racial segregation in public schools to be illegal, setting the stage for later civil rights victories. In *Bostock v. Clayton County (2020)*,¹⁹ the court determined that *Title VII of the Civil Rights Act of 1964*²⁰ shields workers from prejudice regardless of their sexual orientation

Great Britain: In *R (on the application of UNISON) v. Lord Chancellor (2017)*,²¹ the supreme Court upheld workers' right to seek redress without financial barriers by ruling that employment tribunal costs were illegal since they impeded access to justice. *Secretary of State for the Home Department v. Elan-Cane (2021)*: This case brought up very important issues over the acceptance of non-binary identities and the necessity of inclusive policies, even though the claimant's position was not upheld.

South Africa: *The Minister of Finance v. Van Heerden, 2004*, ruling ensured that affirmative action measures were upheld by entrenching that positive discrimination is necessary in the attainment of substantive equality. *Government of the Republic of South Africa v. Grootboom, 2000*²²: The court declared socio-economic rights as part and parcel of inequality annihilation and underscored adequate housing as a duty incumbent upon the state.

Chapter 4: Good Practices and Legal Reforms

Inequality can only be fought with a multi-modal approach of stringent legislations, comprehensive regulations, and proactive model of community participation. This chapter collates ideas and proposals that have come for legislative and judicial reforms and effective legal frameworks and policies adopted by various countries. It identifies best practices in these areas and comparatively analyses them. It brings out the importance of advocacy, education, and community participation in furthering equality.

4.1 Comparative Analysis

Examples of Successful Legal Frameworks and Policies from Various Jurisdictions: United

¹⁸ *Brown v. Board of Education*, 347 U.S. 483 (1954).’

¹⁹ *Bostock v. Clayton County*, 590 U.S. 652 (2020).

²⁰ Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e (2018) <https://www.law.cornell.edu/uscode/text/42/2000e>.

²¹ ‘*R (on the application of UNISON) v. Lord Chancellor*, [2017] UKSC 51, [2017] 3 WLR 409’- <https://www.bailii.org/uk/cases/UKSC/2017/51.html>

²² *Government of the Republic of South Africa v. Grootboom*, 2000 (11) BCLR 1169 (CC) (S. Afr.)- <https://www.saflii.org/za/cases/ZACC/2000/19.html>.

States

‘Civil Rights Act of 1964’²³

This was a landmark legislation that prohibited discrimination based on race, color, religion, sex, or national origin and was quite instrumental in promoting and advancing civil rights. Its enforcement through the Equal Employment Opportunity Commission has been quite vital in addressing cases of discrimination in the workplace.

‘Americans with Disabilities Act of 1990’²⁴

It is the comprehensive, all-embracing law that forbids discrimination against a person with a disability in all areas open to the public: places of work, schools, transportation, and privately-owned establishments.

Britain:

The Equality Act 2010²⁵—

is indeed a wide-ranging statutory framework designed to protect individuals from direct and indirect discriminations, promoting equality on such grounds as age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation. This consolidates and streamlines the earlier anti-discrimination laws that are in place. The Equal pay compensation Act of 1970²⁶ looks at the gender-based wage imbalances and aims at establishing gender equality in the workplace by forcing the employer to compensate employees with equal wages for equal labor.

INDIA-

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989²⁷

To prevent and penalize the offences of atrocities committed on the members of the Scheduled Castes and Scheduled Tribes, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been enacted. The Act attempts to bring about justice to these hitherto deprived communities who continue to face exploitation and social injustices at large.

²³ <https://www.govinfo.gov/content/pkg/STATUTE-78/pdf/STATUTE-78-Pg241.pdf>.

²⁴ Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 327 (1990), <https://www.govinfo.gov/content/pkg/STATUTE-104/pdf/STATUTE-104-Pg327.pdf>.

²⁵ Equality Act 2010, c. 15-- <https://www.legislation.gov.uk/ukpga/2010/15/contents/enacted>

²⁶ The Equal pay compensation Act of 1970 <https://www.legislation.gov.uk/ukpga/1970/41/contents/enacted>.

²⁷ ‘Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, No. 33 of 1989’- <https://legislative.gov.in/sites/default/files/A1989-33.pdf>.

State of Karnataka v. Ingale (1992):

The instant case brought out the importance of the Act to address the threat of violence by the caste and insisted that harsh provisions are a must to curb criminal activities on SCs and STs.

Subhash Kashinath Mahajan v. State of Maharashtra (2018²⁸):

This case dealt with the misuse of the Act that went right up to the Supreme Court and ended in a highly controversial decision putting some checks against the alleged misuse of the Act. However, a subsequent amendment to the Act made the rights of SCs and STs more robust and nullified the judgment.

Right to Education Act, 2009²⁹

It provides for free and compulsory education to all children between 6 to 14 years of age and furthers equality in education and access thereto.

Society for Unaided Private Schools of Rajasthan v. Union of India (2012³⁰): The Supreme Court upheld the mandatory requirement in the RTE Act of reserving 25% of its seats in private schools for children from underprivileged communities, thereby enforcing the mainstreaming commitment under the Act.

South Africa:

South Africa:

Employment Equity Act of 1998³¹

The rationale of affirmative action policies is to correct disadvantages that certain groups are facing, and as such, the abolition of unfair discrimination by the act would promote equal opportunity and fair treatment in the workplace.

B-BBEE Act, 2003: The act pursues and promotes the macro-economic transformation of the South African economy and enhances the economic participation of black people.

Good Practice in Legislative and Judicial Strategies for Reducing Inequalities

Legislative Approaches

Complete Anti-Discrimination Laws: The codification of a complete anti-discrimination legal regime, which encompasses a wide array of topics, like race, gender, sexual orientation, and

²⁸ *Subhash Kashinath Mahajan v. State of Maharashtra*, (2018) 6 SCC 454 (India)

²⁹ Right of Children to Free and Compulsory Education Act, No. 35 of 2009 ‘

<https://legislative.gov.in/sites/default/files/A2009-35.pdf>.

³⁰ *Society for Unaided Private Schools of Rajasthan v. Union of India*, (2012) 6 SCC 1 (India).

³¹ ‘Employment Equity Act 55 of 1998’ - <https://www.gov.za/documents/employment-equity-act>.

disability-related discrimination, is another way to achieve legal development into a harmonious and hospitable law. Affirmative Action and Positive Discrimination: A policy that encourages these two practices—along the lines of South Africa's B-BBEE program and India's reservation policies—goes a long way in rectifying historical wrongs and providing opportunities to the marginalized groups.

Judicial Approaches:

Equality legislations should be interpreted as widely as possible to extend their reach and by active judicial interpretation. For example, the U.S. Supreme Court interpreted the anti-discrimination provisions of the Civil Rights Act pertaining to sexual orientation and gender identity. PILs allow any person and the civil society organizations to challenge the discriminatory practices and policies and are, therefore, encouraged. PILs advance social justice through judicial involvement.

Specialised Equality Courts: Such specialized courts, as was the case in South Africa in dealing with discrimination matters, can ensure speedy and focused adjudication.

Conclusion:

The increasing dilemma of inequality in the 21st century demands multi-dimension treatment, along with legal, social, and economic intervention strategies. Its accountability to the rule of law and judicial decisions bears a very crucial element of ensuring justice and fairness, which would only accentuate or alleviate existing disparities. A comparative analysis of international legal regimes and an examination of the dynamics of grassroots movements and the role of civil society unambiguously established that systemic change is within reach where legal and policy tools are aligned with the principles of equality.

Recent rulings in the Supreme Court and provisions in a number of countries' constitutions reiterate that courts have the power to defend the rights of the most disadvantaged and protect them from structural injustices. It underscores the need for policies to be comprehensive and strong, based on a deep understanding of the underlying causes of inequality and supported by firm judicial scrutiny.

In general, the conversation about how to best create a more just and equitable society has been

ever-changing because of past nuances where both historical context and innovations in legal strategies are based. Best practices and creative legal interventions have to be employed in society's struggle toward real equality and justice for all.

Bibiilography -

The problem has indeed been thoroughly studied in a wide range of academic disciplines, with each study highlighting the problem's complexity, diversity, and difficulty in solving. This review of the literature aims to provide a broad overview of the main ideas and findings related to current research, with a particular emphasis on the legal, social, and economic aspects of inequality. It also includes some discussions on the role of the judiciary and policy interventions in reducing inequality.

Economic Inequality:

This demonstrates the difficulty of coming up with answers and the complexity of the global inequality problem, which has been thoroughly studied by numerous academic disciplines across all conceivable study avenues. The assessment of the literature highlights key themes and conclusions in the body of the present investigation, demonstrating the economic, social, and legal aspects of inequality as well as the function of judicial and policy interventions in lessening its effects. In "Global Inequality: A New Approach for the Age of Globalization" (2016), ³²Branko Milanović examines the worldwide income and wealth distribution, attempting to highlight the ways in which globalization widens the divide between the rich and the poor.

Social Inequality:

Pierre Bourdieu and Arlie Hochschild are two prominent sociologists who have studied the social aspects of inequality. Their research has mostly concentrated on how social structures and cultural capital sustain inequality. Bourdieu's theory of social reproduction explains how educational systems and cultural norms perpetuate preexisting disparities, and Hochschild's work on emotional labour and the care economy highlights the gendered aspects of social inequality.

³² Branko Milanović, *Global Inequality: A New Approach for the Age of Globalization* (Harvard Univ. Press 2016).

<https://www.hup.harvard.edu/catalog.php?isbn=9780674737136>

Legal Inequality:

Legal theorists have studied how the law can increase inequality as well as decrease it. The focus of Kimberlé Crenshaw's work has been on the intricate interweaving of racial, gender, and class identities into webs of disadvantage and discrimination. The way that Crenshaw constructed the complex structure of inequality had an impact on those who opposed discrimination through legislation and regulations.

Policy Interventions:

Research with a policy focus evaluates the efficacy of various strategies aimed at mitigating inequality. The 2012 book "The Price of Inequality" by Joseph Stiglitz³³ expresses the opinion that in order to address economic disparities, progressive taxation should be implemented in conjunction with other social welfare programs and regulatory changes. Amartya Sen (1999) presents his approach to capability in "Development as Freedom"³⁴, emphasizing the need for policies that expand people's possibilities and capacities so they can work more productively toward a just society.

Reference

1. Milanović, B. (2016). *Global Inequality: A New Approach for the Age of Globalization*. Harvard University Press. <http://www.hup.harvard.edu/catalog.php?isbn=9780674737136>
2. Stiglitz, J. E. (2012). *The Price of Inequality: How Today's Divided Society Endangers Our Future*. W.W. Norton & Company. <http://books.wwnorton.com/books/The-Price-of-Inequality/>
3. Sen, A. (1999). *Development as Freedom*. Oxford University Press. Retrieved from
4. <https://global.oup.com/academic/product/development-as-freedom-9780192893307>
5. Rawls, J. (1971). *A Theory of Justice*. Harvard University Press. Retrieved from
6. <http://www.hup.harvard.edu/catalog.php?isbn=9780674017726>
7. Piketty, T. (2014). *Capital in the Twenty-First Century*. Harvard University Press.
8. <http://www.hup.harvard.edu/catalog.php?isbn=9780674430006>
9. Dworkin, R. (2000). *Sovereign Virtue: The Theory and Practice of Equality*.
10. <http://www.hup.harvard.edu/catalog.php?isbn=9780674008106>

³³ Joseph E. Stiglitz, *The Price of Inequality: How Today's Divided Society Endangers Our Future* (W.W. Norton & Co. 2012), <https://wnorton.com/books/9780393345063>

³⁴ Amartya Sen, *Development as Freedom* (Oxford Univ. Press 1999),

11. Deaton, A. (2013). *The Great Escape: Health, Wealth, and the Origins of Inequality*. Princeton University Press.
12. <https://press.princeton.edu/books/paperback/9780691165622/the-great-escape>
13. Sen, A. (2009). *The Idea of Justice*. Harvard University Press.
14. <http://www.hup.harvard.edu/catalog.php?isbn=9780674036130>

