
INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

IS EQUALITY A MYTH?- Suryansh Chawla¹**ABSTRACT**

EQUALITY!! What is Equality? If we talk in a layman language, Equality means all the citizens are treated equally without being any biased. Whether any rich or poor, everyone should be equal in the eyes of law.

“Equality Before The Law In A True Democracy Is A Matter Of Right. It Cannot Be A Matter of Charity or Of Favor or of Grace or of Discretion.”

If we talk about this article, the author has beautifully explained the concept of Equality. The author took all the sources as a help for drafting this article. The author has explained the concept of Equality through religious aspect, constitutional aspect. The author has used all the landmark judgments related to this concept, so as to clarify this concept more clearly. We all discuss or raise voice for equality but we don't know how to implement this, everyone wants a good position or image in the society and this results in downgrading of the lower section of the society which are not so financially, mentally, emotionally good. In today's world, everyone wants supremacy, power to highlight in the society. The meaning of equality differs according to the people living in the society i.e., getting equal opportunity in every field of life, example: job employment, caste, race, equality in division of people on the basis of religion. Government also plays an important role in promoting equality in country by set-up primary and secondary schools for the low-class people who can't afford to send their children in expensive private schools.

The author has tried his best to explain the concept of Equality and I hope all the readers will read this article with full interest and dedication.

Keywords: Equality; Religious; Constitution; Law; Transgender

¹ Student at Jims Engineering Management Technical Campus School of Law, Greater Noida

1.Introduction:

“All people are equal, it is not birth, it is virtue alone that makes the difference”

-Voltaire

Basically, the meaning of the word equality is “treating equal”. Many philosophers have given different definition of equality. When women, children, men or any adult citizen are treated equally on the basis of the caste, religion, education, race is known as equality. There are many areas of societies where still people are not treated equal because they are lower class people. We all discuss or raise voice for equality but we don't know how to implement this, everyone wants a good position or image in the society and this results in downgrading of the lower section of the society which are not so financially, mentally, emotionally good.

In today's world, everyone wants supremacy, power to highlight in the society. The meaning of equality differs according to the people living in the society i.e., getting equal opportunity in every field of life, example: job employment, caste, race, equality in division of people on the basis of religion. Government also play an important role in promoting equality in country by set-up primary and secondary schools for the low class people who can't afford to send their children in expensive private schools.

2.History:

In the past scenario of societies, the inequality was still prevailing. there was four varnas (classes) of the society based on their occupation and living style:

- . Brahmins
- . kshatriyas
- . Vaishyas
- . Shudras

The brahmins was considered as most superior among all of them. This class was at the top of the varna hierarchy. The occupation of brahmins was to teach people norms, rules and to give education to children. These have their own rules i.e., women have to marry a brahmin (inter caste marriage is prevailing at that time), they are pure vegetarian. they live their life by following their strict rules. Kshatriyas was the second highest of the four varnas of society. Their main occupation was warriors and they are rulers. This varna is the one which fights within society. They are responsible for guarding the brahmin class. Kshatriyas are rich people

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>

than Vaishyas and Shudras. They enjoy privileges, good quality meat to eat, alcoholic drinks etc.

Vaishyas was the third highest of the four varnas, they are not so much financially rich as compared to brahmans and kshatriyas. Their main occupation was agriculture, they earn their livelihood through agriculture. Vaishyas are still considered as lower caste and they work for brahmans and kshatriyas, they gave their money as tax to them, provide food from agriculture and give gifts to them. Shudras is the lowest caste of the society and considered to come from the feet of purusha. This class was the poorer class among all. Shudras serve brahmans, kshatriyas and Vaishyas to earn their livelihood. As we know that brahmans are the superior ones and richest ones, they don't treat other people equally. They discriminate lower section of society i.e., shudras and Vaishyas are not allowed to sit together with brahmans and they are not allowed to follow the rules and rituals, and not allowed to enter their temples. Shudras and Vaishyas have very awful image in the society. According to the brahman the shudras and Vaishyas are the sign of negativity.

3. Laws in Indian constitution:

India is a diverse country, there are so many people of different religion, caste, race etc. residing there. The main issue that citizens face is inequality, every people talk /concern about equality but no one knows how to solve this problem. The corruption level is increasing day by day, poor people are the people who suffered the most from this. Big political leaders, ministers take out the illegal work from poor people and not give enough money to them, so they can easily live their livelihood properly. Many lower-class people, women, children are discriminated by higher class people. So, to solve all these problems different laws are made. In the **INDIAN CONSTITUTION**, Article 14 states that's "**The State Shall Not Deny To Any Person Equality Before The Law Or The Equal Protection Of The Laws Within The Territory Of India**". India is a democratic country where every people have right to express their feeling and citizen can choose their own representative as their leader. To ensure that the people are equally treated in the society this law was made at the time of commencement of the constitution.

The "right to equality" right is borrowed from the French constitution and it is the fundamental right of the citizen of India. The right to equality stated that there should be equality before the law which means to treat people equal whether they are poor, rich, women, male, lesbian, gay, trans-gender etc., any special privilege should be not given to any citizen of the country. In 2019

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>

a bill was passed by the Lok Sabha named “**Transgender Protection Act**”. This Act ensures the protection of the rights of transgender and treat them equal as normal citizens for their welfare. Similarly, articles 15,16,17 and 21 contribute to equality for a country. In article 15 “The state shall not discriminate against any citizen on the grounds of religion, race, caste, sex, place of birth or any of them”. In article 16, “there should be equal opportunity for all citizen of the country for public employment under the state”. There should not be any discrimination between people on any basis for jobs because the people who belong to lower section of society or the people whose financial status is low are not able to get public employment because of their condition, for this type of situation the different laws are enforced in our constitution to aware people and to demolish the unfair practices which is done with the citizens.

4.Laws in other countries:

The problem of inequality is prevailing across the world. In other countries of the world the laws are made for solving disputes, discrimination and inequalities. In Canada there is **Canadian human right act**, this act states that “all Canadians have the right to equality, equal opportunity, fair treatment, an environment free of discrimination on the basis of sex, sexual orientation, marital status and family status”.

In 1982, **the Canadian charter of rights and freedom** was established, in this charter there is two sections which is used for protecting the human rights and from preventing from discrimination. There should not be any discrimination on the ground of religion, caste, race, sex etc. similarly, Australia also has different rules or norms for the welfare of the people of country. Australia is the one of the developed country in the world which has mixed system of government which include democracy, monarchy and federal system. Australian government is also known as “commonwealth government”

The Australian Acts are as follows:

- “Sex discrimination Act 1984”
- “Age Discrimination Act 2004”
- “Disability Discrimination Act 1992”
- “Australian Human Right Act 1986”
- “Workplace Gender Equality Act 2012”
- “Privacy Act 1998”

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>

Likewise, the law/rule regulation is must for maintaining peace and welfare of the citizens.

5. Disparity on ground of sex, gender, religion:

(I) As we live in the society, we saw different people following different rituals, different culture, different religion. But the main problem that still prevails in the society is “**INEQUALITY**”. In the male dominating society, the men were dominating the women, women not able to live their life freely. Women were not allowed to do job to earn only men were allowed to go outside and earn money. Women were there for only to do household work. Even women are not allowed to eat food before her husband. This is the example of **sex inequality**.

(II) **Gender inequality** prevails in ancient India but, it still prevails in undeveloped areas of country. Women, children, lesbian, gay, transgender are not treated equal as compared to normal ordinary person. Women were not allowed to express their feeling, now a days so many brutal rape cases are coming and there is not perfect solution for protecting rapes. Government makes laws to put a break on rape. Cases are in progress for several years but the women didn't get justice. Similarly, lesbian, gay, transgender are not treated equally in the society. People of the society sideline this community and these gay, lesbian, transgender have to face molestation. There are several laws for protecting right of these people but that laws are not implemented in society. At present the sexual harassment of any person is illegal, if any caught while doing this, strict action will be taken against him/her.

(III) The one of the important inequalities is **religion inequality**. In our country every citizen has right to follow or practice any religion. No one will be discriminated on the basis of religion, as mentioned in the ***article 15*** of the **Indian Constitution** “no citizen shall be discriminated on the ground of religion, caste, race etc.” but in India still religion inequality prevails from long period of time. Example: Like if a person is Jewish, he is not allowed to enter restaurant because of his religion, Bank refuses to give loan to you because you are Muslim. When the society is treating someone differently because of his/her religion leads to gender inequality.

6. Ways to promote equality:

(I) The first way to promote equality is to treat your maid (who does household work in your house), factory workers, peons, sweepers equally as you. There should not be any discrimination

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>

against them.

(II) Education: The main important way to eliminate or to decrease the inequality from the society is education, education should be provided to every single person of the country for development. By this the people get educated and understand that everyone in the universe is equal and the line of inequality is made by the people themselves. Thinking power of the people also increases through education and they can analyze, what is right or what is wrong for the society/community.

(III) There should be equal opportunity for all citizens in every sector.

(IV) The government should take strict action against the person who violates article 14,15,16,21 of the Indian constitution to promote equality among citizens.

(V) There should be control on corruption because it causes harm to whole country therefore, the gap between rich people and poor people increases day by day which contribute to inequality.

(VI) We can form an association, NGO's or the government should execute the campaign to aware people or to teach people their rights so that they do not face any discrimination problem in the society, if someone discriminate then they can file an FIR against them for violating right.

(VII) There should be positive and educated people in society to make environment positive where all citizen's religion, caste, culture, race, sex will be respected.

(VIII) Another important way to promote equality is, parents should give basic knowledge/ethics to children (age 5-10) for their better upbringing, these children should have respect for women, gay, lesbian etc. so that they treat them equally in the society and become as an example in society.

(IX) The seats in the electoral constituency should be reserved for the women, gay, lesbian, transgender or the people who belong to the lower section of the society.

7. Conclusion:

Now a days, everyone is talking about equality and raise the objection on government or any social institution for not implementing rules and regulation for building equality between people but they don't see themselves that they are also not at the right place in the society. There should be a vast change in the society for welfare of whole country and that change will come when ordinary citizen of country help, cooperate and support the government or social institution. "In

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>

closing with, I want to say that “**equality is a myth**”because in presenttime people who belong to backward section of society don’t get chance to compete with upper section of the society.”Therefore, it is a humble request to the rest of people to treat every single person equally. Due to the inequalitythe gap between poor and rich people in society increases. All the sections of society should be treated equallybefore the law. Afterall, they are also human creatures like us. At the end I would end up by a quote “**Race, Gender, Religion, sexuality, we are all people and that’s it.**”



For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>