



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.

“CONCEPT OF SOCIAL JUSTICE THROUGH DISTRIBUTION OF WEALTH BY STATE”

AUTHORED BY - SYED FARAZ MEHADI

BACKGROUND

The concept of social justice through the distribution of wealth by the state is deeply rooted in philosophical, ethical, and socio-political discourse spanning centuries. Understanding its background and context involves examining various historical, theoretical, and practical dimensions.

Philosophers like Plato and Aristotle deliberated on the ideal state structure, advocating for the fair distribution of wealth and resources to prevent societal discord. The 18th and 19th centuries witnessed socioeconomic upheavals due to industrialization, leading to movements advocating for workers' rights and fairer wealth distribution. Karl Marx's critique of capitalism emphasized the unequal distribution of wealth and called for state intervention to achieve economic equality.

Many national constitutions enshrine principles of social justice, empowering governments to create policies ensuring fair wealth distribution. Global entities like the United Nations promote social justice as a fundamental human right, urging states to work towards equitable wealth distribution.

Governments worldwide implement welfare schemes, such as education subsidies, healthcare provisions, and income redistribution initiatives, to mitigate wealth disparities. Tax systems serve as a mechanism for redistributing wealth by imposing progressive taxes aimed at funding public services and social welfare programs.

The effects of globalization on wealth distribution, including concerns about widening income gaps between different socio-economic strata. Debates persist between differing ideological stances, with some advocating for minimal state intervention in wealth distribution and others championing more robust redistributive policies.

Social justice embodies the ethical and moral principles that advocate for fair and impartial treatment of all individuals in society. It revolves around the notion of equality, aiming to rectify disparities and ensure equitable opportunities and outcomes for everyone, irrespective of their

background, identity, or socio-economic status.

The distribution of wealth plays a pivotal role in the pursuit of social justice. Wealth, encompassing resources, assets, and opportunities, significantly impacts individuals' access to education, healthcare, employment, and other essential facets of life. Disparities in wealth distribution often lead to social and economic inequalities, hindering the realization of a just and inclusive society.

The relationship between social justice and the distribution of wealth intertwines with the role of the state. Governments employ various policies and interventions to redistribute resources, aiming to bridge the gap between the affluent and the disadvantaged. The state's involvement in wealth redistribution through taxation, social welfare programs, and economic policies is a crucial aspect of fostering social justice by striving for a more equitable distribution of resources and opportunities.

Understanding and analyzing this relationship is critical in evaluating the effectiveness of policies aimed at achieving social justice through the redistribution of wealth. It involves assessing the ethical considerations, legal frameworks, and societal impacts of the state's interventions, thereby contributing to a more nuanced comprehension of how wealth distribution influences the attainment of social justice in a given society.

RESEARCH PROBLEM

This research problem aims to delve into the effectiveness and ethical considerations associated with governmental initiatives aimed at redistributing wealth to foster social justice. Key components of this research problem include:

1. **Evaluation of Effectiveness:** Investigating the extent to which state interventions in wealth redistribution policies have contributed to narrowing wealth gaps and fostering more equitable societies.
2. **Ethical Considerations:** Scrutinizing the ethical foundations and implications underlying the state's role in wealth redistribution.
3. **Comparative Analysis:** Conducting a comparative study across different nations or regions with varying approaches to wealth redistribution.
4. **Assessment of Challenges and Criticisms:** Analysing challenges, criticisms, and limitations associated with state-driven wealth redistribution initiatives.

SCOPE OF STUDY

The scope of this study entails a comparative analysis focusing on the distribution of wealth by the state as a mechanism to achieve social justice. Geographically, the study examines select countries, exploring both historical contexts and contemporary policies to comprehend the evolution of strategies. The investigation encompasses governmental wealth redistribution policies such as taxation systems, welfare programs, and economic reforms, while emphasizing the legal and ethical frameworks guiding these interventions. Furthermore, the study delves into the socioeconomic impacts on diverse societal segments, identifying challenges and criticisms that hinder the effectiveness of wealth redistribution initiatives.

Additionally, it aims to conduct a comparative analysis to highlight variations in approaches and successes or failures across different regions or nations. However, this study acknowledges limitations due to its focus on specific aspects, reliance on available data, and the exclusion of macroeconomic analyses.

HYPOTHESIS

This hypothesis posits that well-structured and ethically sound governmental interventions aimed at redistributing wealth play a constructive role in promoting societal equity. It assumes that policies guided by robust legal and ethical principles contribute to reducing disparities in wealth distribution, thereby enhancing social justice by providing fairer opportunities and outcomes for individuals from various socio-economic backgrounds.

RESEARCH QUESTIONS

1. "How do the legal frameworks guiding state-driven wealth redistribution policies impact the effectiveness of achieving social justice across diverse socio-economic groups?"
2. "What are the socio-economic impacts of state-led wealth redistribution policies on narrowing wealth disparities and fostering social justice within various communities?"

CHAPTER -1

1.1 INTRODUCTION

The evolution of social justice concepts is a complex process influenced by historical events, philosophical ideologies, legal reforms, and societal movements. It traces back to ancient civilizations with debates on fairness and the common good, while religious teachings emphasized equity and charity.

During the Enlightenment, thinkers like Locke and Rousseau introduced social contract theories, advocating for inherent rights, liberty, and equality. The Industrial Revolution spurred labor rights movements, while figures like Marx proposed ideas of economic equality.

Civil rights movements in the 19th and 20th centuries fought against discrimination, advocating for equal rights under the law. Post-World War II, international human rights instruments like the Universal Declaration of Human Rights promoted principles of equality, dignity, and non-discrimination.¹ Several countries, especially in Europe, undertook nationalizations of industries and infrastructures. The objective was to redistribute wealth and resources by placing certain sectors under state ownership to ensure equitable access and distribution of key resources.²

In the 1930s, during the Great Depression, the U.S. implemented the New Deal programs, including Social Security, to provide financial assistance to retirees and the unemployed. These programs aimed at wealth redistribution and alleviating economic hardships among vulnerable populations.

The USSR implemented collectivization policies, aiming to centralize agricultural production by seizing privately owned farms and forming collective farms. This move aimed to redistribute land and resources, placing them under state control, ostensibly to ensure equitable access and wealth distribution among the rural population.

During the early years of Communist rule, China implemented land reforms targeting redistribution of land from landlords to peasants. These reforms aimed to address historical wealth disparities by granting land to landless peasants and reducing concentrations of wealth among

¹ Featherstone, J. (1978). Rousseau and Modernity. *Daedalus*, 107(3), 167-192. Available at: <https://www.jstor.org/stable/20024570>

² Social Security Administration. (n.d.). The Retirement Test. Available at: <https://www.ssa.gov/history/ret2.html>

landlords. China later embarked on economic reforms in the late 20th century,

introducing elements of a market-oriented economy while maintaining state control over key sectors. In the Indian context, the pursuit of social justice through the distribution of wealth by the state holds immense significance, deeply rooted in the country's historical, socio-economic, and constitutional fabric. The concept intertwines philosophical ideals, constitutional mandates, and policy interventions aimed at fostering a more equitable society.

The framing of the Indian Constitution post-independence enshrined the ideals of justice, including social, economic, and political justice, within its Preamble. The Directive Principles of State Policy embedded in the Constitution underscored the state's responsibility to work towards minimizing inequalities and ensuring social and economic justice for all citizens.

India's post-independence economic policies, particularly through Five-Year Plans and subsequent developmental initiatives, aimed at reducing poverty, bridging economic disparities, and fostering inclusive growth. Various welfare schemes focusing on education, healthcare, rural development, and poverty alleviation were introduced to address socio-economic imbalances. The Indian judiciary, through its landmark judgments and interventions, has played a pivotal role in interpreting and reinforcing constitutional provisions related to social justice, particularly in matters concerning wealth distribution and equitable resource allocation.³

The impact of state-driven wealth redistribution policies on the economy is a complex and debated issue. The macroeconomic effects of redistributive policies reflect a balance between the components of the fiscal package, and it is an empirical question whether redistribution in practice is pro- or anti-growth.

While some argue that redistribution can lead to increased economic development, improved public goods, and social welfare programs, others criticize the inefficiency, poor targeting, and regressive nature of state tax systems, which can exacerbate inequality. The effectiveness of these policies in reducing inequality and promoting economic growth depends on various factors, including the design of the tax system and the specific mechanisms of wealth redistribution. Therefore, the impact of state-driven wealth redistribution policies on the economy is influenced

³ Mody, A. (2005). Quest for Inclusive Growth: Continuity and Constraints in Indian Economic Policies. *Economic and Political Weekly*, 40(37), 4052-4061.

by a combination of macroeconomic, social, and political factors, and the effectiveness of these policies should be carefully evaluated based on empirical evidence and economic analysis.

CHAPTER 2

LEGAL FRAMEWORKS AND STATE-LED WEALTH REDISTRIBUTION

2.1 Constitutional Mandates:

India's Constitution, through its Preamble and Directive Principles of State Policy (DPSP), emphasizes the state's obligation to secure social and economic justice for its citizens. The Preamble of the Indian Constitution emphasizes justice, social, economic, and political, ensuring liberty, equality, and fraternity among citizens. It sets the tone for the Constitution's overarching objectives, including the pursuit of social justice. Article 38 of the DPSP specifically directs the state to promote the welfare of the people by ensuring social order and economic justice. Article 39 directs policies towards distributing material resources to serve the common good, minimizing inequalities, and ensuring equal pay for equal work⁴. Article 14 guarantees equality before the law and equal protection of laws, while Article 15 prohibits discrimination on various grounds, fostering social inclusivity. Moreover, Article 21 extends the notion of the right to life beyond mere existence, encompassing socio-economic welfare and contributing significantly to social justice.

2.2 Legal Frameworks and Statutory Provisions:

Several statutes and legal mechanisms complement constitutional mandates to facilitate wealth redistribution and promote social justice:

- **Taxation Laws:** The Income Tax Act⁵ and other tax-related statutes serve as mechanisms for wealth redistribution by imposing progressive taxes aimed at collecting revenue for social welfare schemes and redistributive purposes. Different income brackets are taxed at increasing rates. For instance, as of 2021-22, income between ₹2.5 lakhs to ₹5 lakhs is taxed at 5%, while income above ₹10 lakhs is taxed at 30%.

Additional surcharges and cess are levied on higher income groups, further increasing their effective tax rate.

⁴ 4 Constitution of India. (n.d.). Article 39.

⁵ 5 Income Tax Act, 1961, Act No. 43 of 1961, (India).

- **Land Reforms Acts:** Various state-level land reforms acts in India are designed to address historical inequities in land distribution by facilitating more equitable access to land for landless farmers and marginalized communities. For instance, the West Bengal Land Reforms Act⁶, and the Kerala Land Reforms Act⁷, aimed to redistribute land from large landholders to landless and marginalized sections, setting upper limits on landholdings, abolishing intermediaries, and providing ownership rights to tenants. These acts intended to break the concentration of land ownership, empower marginalized communities, enhance agricultural productivity, and ensure fairer access to resources, aligning with the broader goal of social justice by promoting equitable distribution of land among disadvantaged groups in society.
- **Social Welfare Legislation:** The tax revenues collected through progressive taxation are channelled into various social welfare programs such as **Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)**: Tax revenues contribute to funding this scheme, guaranteeing employment to rural households, thereby addressing rural unemployment and enhancing livelihoods. **National Health Mission (NHM) and National Rural Health Mission (NRHM)**: Funds from tax revenues support healthcare initiatives, providing accessible and quality healthcare services, especially in rural areas. **Education Schemes:** Tax revenues finance education-related schemes like Sarva Shiksha Abhiyan (SSA), ensuring universal elementary education and reducing disparities in access to education.

2.3 Judicial Interpretations and Public Interest Litigations (PILs):

The Indian judiciary has played a proactive role in interpreting constitutional provisions to further social justice goals. Landmark judgments. Additionally, Public Interest Litigations (PILs) have been pivotal in addressing issues of social justice, prompting the judiciary to intervene in cases concerning equitable resource allocation, fair compensation, and the implementation of welfare schemes.

Several landmark cases that significantly shaped the understanding and application of social justice concept. These cases played a crucial role in defining and interpreting the concept of Social Justice-

⁶ 6 West Bengal Land Reforms Act, 1955, Act No. 10 of 1956, (India).

⁷ 7 Kerala Land Reforms Act, 1963, Act No. 1 of 1964, (India).

State of Kerala vs. NM Thomas⁸:

The case dealt with the Kerala Land Reforms Act. The Supreme Court upheld the Act, emphasizing the importance of land reforms in achieving social justice and equitable distribution of resources. The judgment validated the constitutional validity of land reforms, emphasizing the state's role in ensuring fair distribution of land for social justice.

Olga Tellis vs. Bombay Municipal Corporation⁹:

The case dealt with the right to livelihood under Article 21. The Supreme Court upheld the right to livelihood as a fundamental right and stated that eviction without providing alternative arrangements would violate Article 21. This case emphasized the importance of livelihood and shelter as essential components of socio-economic justice, contributing to protection against homelessness and destitution.

Bandhua Mukti Morcha vs. Union of India¹⁰:

This case addressed bonded labor and violation of fundamental rights. The Supreme Court highlighted the need to protect the rights of bonded laborers and ordered the release and rehabilitation of such laborers. While not directly related to taxation, this case underscores the broader canvas of social justice concerns. It reflects the intersectionality between socio-economic disparities (such as bonded labor) and the need for fair taxation to fund social welfare schemes aimed at addressing such issues.

State of Punjab v. Labh Singh¹¹:

This case dealt with land reforms and the rights of tillers of the soil. The Supreme Court upheld the constitutional validity of the Punjab Security of Land Tenures Act, 1953. This Act aimed to safeguard the rights of tenant farmers, particularly landless cultivators, by providing security of tenure and protection against arbitrary eviction. The Supreme Court's judgment supported the legislation, emphasizing the state's authority to enact land reform laws ensuring equitable access to agricultural land. By protecting tenants' rights and promoting agrarian reforms, the case indirectly contributed to socio-economic justice and equitable wealth distribution among agrarian communities in Punjab, setting a precedent for land reform measures in India.

⁸ State of Kerala & Anr. v. N. M. Thomas & Ors., 1976 AIR 490, 1976 SCR (1) 906, 1976 SCC (2) 310.

⁹ Olga Tellis & Ors. v. Bombay Municipal Corporation & Ors., 1985 SCC (3) 545.

¹⁰ 10 Bandhua Mukti Morcha v. Union of India & Ors., (1984) 3 SCC 161.

¹¹ State of Punjab V. Labh Singh., (19885) AIR 1985 SC 1380

CHAPTER 3

GOVERNMENTAL INTERVENTIONS AND SOCIOECONOMIC IMPACTS

The analysis of government schemes like MGNREGA, NFSA, PMAY, and healthcare programs provides insights into their impact on poverty alleviation, food security, housing, and healthcare access, thereby contributing to socio-economic development and promoting social justice:

1. Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA):

MGNREGA guarantees 100 days of wage employment to rural households, aiming to enhance livelihood security and reduce rural unemployment. Government reports and studies have indicated that MGNREGA generated over 76 million days of wage employment in rural areas during a specific period. However, challenges persisted, with around 50% of delayed wage payments reported in various states, impacting the livelihood security of rural households.¹²

2. National Food Security Act (NFSA):

NFSA aims to provide subsidized food grains to eligible beneficiaries, ensuring food security for vulnerable populations. REPORTS highlighted that NFSA benefited approximately 81.35 crore households by providing subsidized food grains¹³. Despite this, concerns arose regarding identification errors, with around 5-10% of ineligible beneficiaries or exclusion errors reported, affecting the intended coverage and food security outcomes.¹⁴

3. Pradhan Mantri Awas Yojana (PMAY):

PMAY focuses on providing affordable housing to economically weaker sections and aims to address housing disparities. statistics revealed that 107 lakh houses (87%) have been grounded, and 61 lakh houses have been delivered as affordable housing units for economically weaker sections¹⁵. However, challenges emerged, such as delays in completion rates, affecting the timely delivery of housing to beneficiaries and underscoring the need for more efficient project management. Despite the slow pace of delivery, PMAY-U has successfully ensured housing

¹² Narayan, S. (2022). "Fifteen Years of India's NREGA: Employer of the Last Resort?" *The Indian Journal of Labour Economics* 65(779–799).

¹³ Prime Minister Narendra Modi. "NFSA and PM's promise of free foodgrains for five years: what it means and entails." *The Indian Express*, December 9, 2023.

¹⁴ Nutrition Coalition. "NFSA in Odisha: Exclusion error could be to tune of 5-10 percent." Available at: <https://www.nutritioncoalition.org.in/blogs/nfsa-in-odisha-exclusion-error-could-be-to-tune-of-5-10-percent/>

¹⁵ Standing Committee on Housing and Urban Affairs. "Evaluation of Implementation of Pradhan Mantri Awas Yojana (Urban)." March 17, 2023. Available at: <https://prsindia.org/policy/report-summaries/evaluation-of-implementation-of-pmay-urban>

supply to over 4.8 million households since its launch in 2015.¹⁶

4. Healthcare Programs:

Various healthcare programs like Ayushman Bharat, National Health Mission (NHM), and National Rural Health Mission (NRHM) aim to provide accessible and quality healthcare services. Health program evaluations indicated improvements in healthcare access, with NHM and NRHM contributing to an increase in institutional deliveries by 34% (NHM) and 22% (NRHM) and achieving an 65% (NHM) and 50% (NRHM) rise in immunization coverage among children. However, disparities persisted, particularly in rural areas, where 45% of the population faced challenges in accessing quality healthcare due to infrastructure gaps and affordability issues.¹⁷

Despite achievements, challenges persist, including administrative inefficiencies, targeting errors, and inadequate infrastructure, hampering the effective implementation of interventions. Striking a balance between economic growth and ensuring equitable distribution of benefits remains a challenge. Greater emphasis on inclusive policies is vital to address disparities and enhance social justice. Continuous evaluation, adaptability, and reforms in policy frameworks are crucial to respond to evolving socio-economic dynamics, technological advancements, and global challenges.

In conclusion, governmental interventions exert substantial influence on shaping socio-economic conditions, alleviating poverty, fostering economic stability, and improving human development indicators. While these interventions have yielded commendable achievements, persistent challenges necessitate concerted efforts for enhanced implementation, inclusivity, and adaptive policy reforms. The pursuit of socio-economic progress demands not only effective interventions but also a commitment to addressing systemic shortcomings, fostering resilience, and ensuring equitable distribution of opportunities and benefits for all members of society. Thus, the transformative power of governmental interventions must be complemented by dynamic policy frameworks that respond adeptly to societal needs, ensuring sustained progress and inclusivity in the socio-economic landscape.

¹⁶ *ibid*

¹⁷ Sinha, D., & Patnaik, B. (2016). National Food Security Act 2013: Moving From Exclusion to Inclusion. Oxfam India. Available at: <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/608479/bn-national-food-security-act-2013-exclusion-inclusion-140416-en.pdf>

CHAPTER 4

COMPARATIVE STUDY BETWEEN INDIA AND AMERICA

India and the United States of America, as diverse and prominent nations, implement various social welfare initiatives to address socio-economic disparities and promote social justice. Their approaches to social welfare and justice reflect different priorities and strategies aimed at improving the well-being of their populations.

India's social welfare programs primarily focus on poverty alleviation, employment generation, and access to basic necessities. Key initiatives include:

- **Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)¹⁸:** Aims to provide 100 days of wage employment to rural households.
- **National Food Security Act (NFSA)¹⁹:** Focuses on ensuring subsidized food grains to eligible beneficiaries for food security.
- **Pradhan Mantri Awas Yojana (PMAY)²⁰:** Designed to provide affordable housing to economically weaker sections.

India's schemes primarily aim to address poverty, food security, and housing disparities among marginalized communities, with a focus on rural development and livelihood enhancement.

America's Social Welfare Measures:

The United States' social welfare programs emphasize healthcare, income support, and social security, aiming to provide assistance and support to citizens in need. Key initiatives include:

- **Social Security and Medicare:** Provides financial support and healthcare services for retirees and elderly citizens.
- **Medicaid:** Offers healthcare coverage to low-income individuals and families.
- **Supplemental Nutrition Assistance Program (SNAP):** Assists low-income individuals and families with food purchases.

America's initiatives focus on ensuring access to healthcare, income support, and nutritional

¹⁸ 18 Mahatma Gandhi National Rural Employment Guarantee Act, 2005, Act No. 42 of 2005, (India)

¹⁹ 19 National Food Security Act, 2013, Act No. 20 of 2013, (India).

²⁰ 20 Pradhan Mantri Awas Yojana. (2019). Government of India's Approach to Affordable Housing for the Urban Poor.

assistance, with a significant emphasis on social security benefits for retirees.

India's schemes prioritize poverty alleviation, employment, and basic necessities, while America's initiatives emphasize healthcare access, income support, and nutritional assistance. India's programs concentrate on direct welfare assistance and employment generation, whereas America's policies focus on providing comprehensive healthcare coverage and income support. India's initiatives address a broader range of socio-economic challenges, including rural development, while America's programs primarily concentrate on ensuring healthcare access and income support for vulnerable populations.

India and the United States have different approaches to social welfare and justice, catering to the specific socio-economic needs of their populations. India's programs target poverty alleviation and basic needs, while America's initiatives emphasize healthcare access and income support. Understanding these diverse strategies provides insights into the varied approaches adopted by nations to enhance social justice and improve the overall welfare of their citizens.

TAX POLICIES IN INDIA:

India's tax policies encompass a progressive income tax system aimed at redistributing wealth. The Income Tax Act levies taxes based on income slabs, with higher earners subjected to higher tax rates. Additionally, India implements corporate taxes and indirect taxes like Goods and Services Tax (GST), targeting businesses and consumption. Various exemptions and deductions aim to incentivize savings, investments, and charitable contributions. Moreover, wealth taxes have historically been levied on certain assets, although such taxes have been phased out in recent years. These tax policies aim to generate revenue for social welfare programs and infrastructure development, contributing to wealth redistribution and socio-economic equity.

TAX POLICIES IN AMERICA:

The United States employs a progressive income tax system, where higher earners face higher tax rates. Additionally, corporate taxes are imposed on business profits, and capital gains taxes apply to investment profits. Deductions and credits exist to incentivize certain behaviours, such as homeownership and charitable donations. Unlike India, the U.S. does not have a nationwide value-added tax (VAT) system, but instead utilizes a sales tax system varying by state. Estate taxes, levied on inherited wealth, contribute to wealth redistribution efforts. However, the efficacy of wealth redistribution through estate taxes has been debated, and the tax rates and exemptions have

been subject to changes over time.

In conclusion, the study of social justice between India and America highlights the importance of addressing socio-economic inequalities and promoting inclusive growth. While both countries have made significant strides in implementing policies and programs aimed at ensuring social justice, there is still much work to be done. India's focus on inclusive growth and poverty alleviation through initiatives such as the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) and the Right to Education (RTE) Act demonstrates a strong commitment to social justice and equity. On the other hand, the United States has faced challenges in implementing universal healthcare, criminal justice reform, and addressing income inequality, which remain pressing issues in the pursuit of social justice. In the context of international relations, the study of social justice between India and America underscores the importance of collaboration and shared learning. By examining the similarities and differences in their approaches to social justice, both countries can identify best practices and areas for improvement, fostering a more equitable and just world. Furthermore, the study of social justice can serve as a foundation for future research and policy development, focusing on the implementation of effective policies and programs that promote social justice and address the unique challenges faced by each country.

CHAPTER 5

CONCLUSION

In the pursuit of societal equity and fairness, the concept of social justice through the redistribution of wealth by the state emerges as a pivotal discourse within legal studies. This journey through the intricate interplay of legal frameworks, socio-economic policies, and governance mechanisms reveals the profound significance of wealth redistribution in fostering inclusive societies and addressing entrenched disparities.

Throughout this discourse, challenges such as administrative inefficiencies, targeting errors, and infrastructure limitations emerged as impediments to the effective implementation of wealth redistribution schemes. However, these challenges also presented opportunities for policy refinement, enhanced governance, and international collaboration, emphasizing the necessity for adaptive legal systems responsive to evolving socio-economic dynamics.

In the India, the pursuit of social justice through wealth redistribution by the state is underscored by a plethora of government schemes and legal precedents aimed at narrowing socio-economic disparities. Initiatives like the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), National Food Security Act (NFSA), exemplify India's commitment to addressing immediate socio-economic needs. These programs, alongside the Pradhan Mantri Awas Yojana (PMAY) focused on providing affordable housing, underscore the nation's efforts to alleviate poverty, ensure food security, and address housing disparities among marginalized communities. However, challenges persist, evidenced by cases like *Olga Tellis v. Bombay Municipal Corporation*, wherein the Supreme Court's intervention led to safeguards protecting the right to livelihood and housing for pavement dwellers, highlighting the intricate legal battles necessary to secure socio-economic rights despite existing governmental schemes.

In conclusion, the exploration of social justice through wealth distribution by the state across various global contexts, including India and America, underscores the intricate interplay between legal frameworks, socio-economic policies, and governance mechanisms. This discourse elucidates the pivotal role of legal instruments in effectuating wealth redistribution and advancing societal equity. Moving forward, the continuous evaluation and refinement of existing legal frameworks and policies stand imperative. Collaborative efforts, interdisciplinary approaches, and international cooperation should converge to foster adaptive legal systems responsive to evolving socio-economic dynamics. Moreover, an ongoing commitment to inclusivity, backed by robust legal mechanisms and proactive governance, is essential in realizing the collective aspiration for equitable wealth distribution and fostering a future marked by social justice and fairness for all.

RESEARCH METHODOLOGY

This research is basically doctrinal research. All the resources used in this research are either library based or online database. This research is mostly concerned with the concept of Social Justice, through Governmental Social Schemes, taxation policy, landmark judgements, articles etc. The research will look through the lens and examine concept of social justice through government programmes, taxation policies, etc.

BIBLIOGRAPGY

CASES

- State of Kerala V. NM Thomas
- Olga Tellis V. Bombay Municipal Corporation

- Bandhua Mukti Morcha V. Union of India
- State of Punjab V. Labh Singh Acts
- 1. Constiution of India
- 2. Income Tax Act
- 3. WB Land Reforms Acy
- 4. National Food Security Act, 2013, Act No. 20 of 2013, (India)
- 5. Mahatma Gandhi National Rural Employment Guarantee Act, 2005, Act No. 42 of 2005, (India)
- 6. Kerala Land Reforms Act Books & Articles
- 1. Sharma, S. (2023). Wealth and Income Inequality in India. *International Journal of Creative Research Thoughts*, 11(2), 2406-2413.
- 2. Nutrition Coalition. "NFSA in Odisha: Exclusion error could be to tune of 5-10 percent." Available at: <https://www.nutritioncoalition.org.in/blogs/nfsa-in-odisha-exclusion-error-could-be-to-tune-of-5-10-percent/>
- 3. Narayan, S. (2022). "Fifteen Years of India's NREGA: Employer of the Last Resort?" *The Indian Journal of Labour Economics* 65(779-799).
- 4. Prime Minister Narendra Modi. "NFSA and PM's promise of free foodgrains for five years: what it means and entails." *The Indian Express*, December 9, 2023.
- 5. Standing Committee on Housing and Urban Affairs. "Evaluation of Implementation of Pradhan Mantri Awas Yojana (Urban)." March 17, 2023. Available at: <https://prsindia.org/policy/report-summaries/evaluation-of-implementation-of-pmay-urban>
- 6. Sen, A. (2000). Social justice and the distribution of income. In A.B. Atkinson & F. Bourguignon (Eds.), *Handbook of Income Distribution* (Vol. 1, pp. 59-85).
- 7. Sinha, D., & Patnaik, B. (2016). *National Food Security Act 2013: Moving From Exclusion to Inclusion*. Oxfam India. Available at: <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/608479/bn-national-food-security-act-2013-exclusion-inclusion-140416-en.pdf>
- 8. Tagade, N., Naik, A. K., & Thorat, S. (2018). Wealth Ownership and Inequality in India: A Socio-religious Analysis. *Journal of Social and Economic Development*, 20(2), 267-292. Available at: https://www.deepdyve.com/doc-view?affiliateId=sage&docId=10.1177%2F2394481118808107&fieldName=journal_doi