



## IMPAIRED AND IMPUGNED ROLE OF CJEU TOWARDS 'EQUALITY'

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### ABSTRACT

*The institutional regimentation, and an exclusive commitment of the European Union (EU) towards the parochial economic integration across Europe, in these days, has been transcended with its subsequent contributions to dealing with many rights-based concerns. One of the major legal challenges of the EU seems its institutional competence and the legal regime within which they perform. In its continuous mode of modulation, the EU perhaps relied on the Court of Justice of the European Union (CJEU) mostly due to its scope of judicial activism. Departing from a lego-centric pattern, the CJEU started to concentrate on a wide range of sources of human rights and kept the activism up to realize and uphold 'equality' in developing socio-economic human rights. Nonetheless, the CJEU has to chase and transcend the questions of competence dilemma, the plea of vitiating state sovereignty even in universalising the norms of human rights, an inherent teleological approach of the EU institutions including CJEU in deciding the legal questions recounting an imbalance between the market-making policies and socio-economic rights, the trend of intergovernmentalism deploying to supersede the merit of CJEU's verdict, the disproportionate consideration to sexual orientation, and the non-recognition of hypothetical comparators in some member states. Apart from them, considering the internal factors, the absence of dissenting opinions, and time and resource constraints of this court accounted for the insufficient growth of equality norms across the socio-economic rights in the EU regime have been analysed in this research to get the understanding of the challenges located inside the CJEU.*

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