

# **G|S SCORE**

**An Institute for Civil Services**

## **IAS TOPPER'S**

**TEST COPY**

### **VYOM BINDAL**

**RANK - 141**

#### **POLITICAL SCIENCE PAPER I, TEST - 7**



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## POLITICAL SCIENCE

Time Allowed: 3 hrs.

Max. Marks: 250

### **Instructions to Candidate**

- There are EIGHT questions. Candidate has to attempt FIVE questions in all.
- Question no. 1 and 5 are compulsory and out of the remaining, THREE are to be attempted.
- Answers must be written in the medium authorized in the Admission certificate which must be stated clearly on the cover of this Question-cum-Answer (QCA) booklet in the space provided. No marks will be given for answers written in medium other than the authorized one.
- Word limit in questions, wherever specified, should be adhered to. 121
- Attempts of questions shall be counted in chronological order. Unless struck off, attempt of a question shall be counted even if attempted partly. Any page or portion of the page left blank in the answer book must be clearly struck off.

Content in Q1 thought is weak. You are struggling with unconventional questions specially related to Post Marxism. Go through all the content provided in link. Overall good effort.  
Good performance in LHP Name VYOM BINDAL

Invigilator's Signature Arya

Mobile No. \_\_\_\_\_

Invigilator's Signature Arya

Date \_\_\_\_\_

Signature Vyom

**REMARKS -****GS SCORE**

Third year  
100%  
100%  
100%

**SECTION-A**

Attempt all questions:

1. Answer the following questions in about 150 words each: (10 × 5 = 50)

- (a) Neo-Marxist debate on the nature of the State
- (b) Empirical conception of political theory
- (c) Relationship of mass society with legitimization crisis
- (d) Provide a post-marxian analysis of the phenomenon of alienation
- (e) Justice as Entitlement

(a) Neo-Marxist theory deviates from the classical Marxist view that state is only the instrument of capitalist class.

Pierson had listed following features of Neo-Marxist state

- 1) State is not a central and unified political actor
- 2) State does not work unambiguously in favour of a single class
- 3) State is an arena of class struggle, where different classes try to influence the state decisions.

Remarks

- 1) Ralph Miliband and Nicole Poulat argue that state in capitalist society is relatively autonomous of the class interests. Due to competing forces, it assumes role of neutral arbitrator.
- (B) re debate  
is between the two of us
- 2) Milovan Djilas had given neo-Marxist perspective of socialist states. He argues that such states develop their own interest, the politicians and bureaucracy, which he referred to as "Managerial class" serves its own interest.
- (B) (S)
- 3) Hannah Arendt had criticised the modern state as institution of comprehensive domination & dominates not by logic of capital, but by ideological domination. Hence, Neo-Marxist scholars deviate from basic Marxist notion of viewing state only as element of superstructure.

Remarks

were's argument  
does nothing &  
the against the  
idea of marginal  
class

(iv) Empirical conception of Political theory can be traced to John Locke who argued that mind is Tabula Rasa, i.e. knowledge comes through observation and experience rather than speculation.

Even Hobbes used the resolute-composite method to deduce his theory. Hence he used empirical approach to establish utilitarian nature of man.

The tradition was carried forward by Vienna scholar Sugest Comte, who gave the principle of verifiability. He argued that only those things can be considered as true which can be scientifically verified.

Further, with advent of Behavioural revolution, empiricism gained much more prominence. Scholars like David Easton, called for rigorous analysis,

## Remarks

Don't focus too much on its evolution  
Talk about its features  
method, advantages & disadvantages  
Opposes normative conception  
Critique

use of probability, interview, archives to make Political theory a "pure science".

They argued that a scientific technique and transdisciplinary approach must be utilised to frame Political theory.

### Criticisms:

Scholars like Dant Geemono and Leo Strauss held that neglect of values in Political theory make it irrelevant. Over-emphasis on technique has relegated Political theory to margins.

This led to emergence of trans-empiricism which ended the fact-value dichotomy by emphasising both on empirical technique as well as relevance.

- (1) Habermass had argued that modern capitalist states suffer from cisis tendencies, which stems due to following reasons:
- 1) Welfare state to draw legitimacy: State initiates

Remarks

welfare programme to gain legitimacy of people. It also interacts public opinion through regular elections.

y Welfare state constrains capitalist logic: This welfare spending forces govt. to increase taxation, but this taxation is against capitalist logic of accumulation.

Hence state faces a crisis of legitimacy. State recourse to system steering or decoupling of economic and political sphere. It projects that exploitative capitalist-wage relationship is no longer part of political sphere. This leads to alienation of people as they feel powerless to influence the state. This is a formation of mass society, which then leads to starting of social movements to get justice.

Remarks

You don't have to elaborate on what civil regeneration can do if it gets to emerge of mass societies & growing of alienation. Indeed now of schools

(d) Alienation refers to the feeling of estrangement from the state and society. Post-Marxist scholars had viewed alienation from perspectives such as:

1) Habermas: He argues that capitalism had led to emergence of one-dimensional man, as he is over-absorbed in materialistic sphere, neglecting other dimensions of life.

2) Malvin Seemon: He defined alienation as feeling of powerlessness, normlessness. Due to vast nature of state, individual feels he is weakly powerless to bring any change. His existence or non-existence have no relevance for the state. *Noel is elaborate a lot more*

3) Robert Nisbet: He defined alienation as lack of social communication and rise of para-social interactions. This leads to

Remarks

*Also include view of Marvin P. Oleson  
P.S. make short notes*

emergence of mass societies, which feel detached from political realm.

1) Habermas in theory of communicative action has suggested ideal speech situation to end alienation. He argues when different viewpoints are allowed to deliberate and discuss, it leads to instrumental rationality. This helps in reducing the alienation in modern societies by developing a sense of belongingness.

(e) Justice as entitlement theory is given by the Neo-liberal scholar Robert Nozick in his book "Anarchy, State and Utopia". His theory of Justice is based on following three principles:

1) Principle of Just acquisition: Property which is rightfully, legitimately acquired by mixing one's labour.

Remarks

belong to the individual. An individual has absolute right to property.

2) Principle of Just transfer: Every individual has right to voluntary transfer of his property. Hence theft, dupe, fraud and even taxation becomes unjust as it is involuntary.

3) Principle of Just rectification: Only that property can be redistributed which is left behind by repeated application of other two principles.

Hence his theory establishes formal and procedural aspect of Justice. This has been criticised by socialists who believe wealth is a social creation. They argue for equality of outcomes.

Communitarians also believe society has role in individual success. Egalitarians like John Rawls has given difference principle, which says unequal distribution is justified if it benefits the least advantaged.

Remarks

2. Answer the following questions:

- (a) Assess the role of Sir Syed Ahmed Khan as a reformer with examples.  
(200 Words) (15)
- (b) Elaborate on Gandhian views on the importance of communal harmony.  
(200 Words) (15)
- (c) Ambedkar turned upside-down the marxian concept of base-superstructure. Explain.  
(250 Words) (20)

good analysis  
Just analysis now ms  
principles of enlightenment, one basically  
a critique of Rawlsian ~~justice~~  
principles of redistribution

Remarks  
⑥

### *Remarks*

*Remarks*

*Remarks*

*Remarks*

*Remarks*

*Remarks*

### *Remarks*

3. Answer the following questions:

- (a) What are the exclusive features of a liberal state that differentiate it from an authoritarian state? (200 Words) (15)
- (b) Democracy is essentially associated with idea of pluralism, do you agree? How does contentious pluralism help democracy to re-evolve itself? (200 Words) (15)
- (c) Discuss the inter-relation of identity and multiculturalism. Examine the critique of Multiculturalism with special emphasis on the view of Amy Guttmann. (250 Words) (20)

A liberal state is one which is based upon basic ideals of liberty, rationality and equal moral worth. It is distinguished from an authoritarian state in following manner:

<u>Liberal State</u>	<u>Authoritarian State</u>
<ul style="list-style-type: none"> <li>1) Rulers are chosen by people from amongst themselves in a <u>competitive electoral system</u>.</li> </ul> <p>Ex. USA, India, UK</p>	<ul style="list-style-type: none"> <li>1) Rulers are imposed on the people. <u>Elections if happens are non-competitive</u></li> </ul> <p>Ex. North Korea</p>
2) Free state gives liberty	2) In an authoritarian

Remarks

and right to resist  
against state ex. right  
to protest

state people have  
no right to resist  
against the state.

3) State necessarily derives  
its authority from the  
consent of people e.g. the  
social contract tradition of  
John Locke

3) State derives its  
authority from divine  
rights, charismatic  
personality but not the  
people e.g. Nazi Italy.

4) Liberal state is a limited  
state as it believes citizens  
are rational and can take  
best decisions for themselves

4) Authoritarian state  
works on principle of  
paternalism, it restricts  
even the private activities  
of people e.g. Saudi Arabia

5) Liberal state believes  
in legal equality and  
equality before law of all  
the citizens ex. In UK  
even Royal Prince was subjected  
to same legal procedure for  
accident as an ordinary citizen

5) Authoritarian states  
believed that the  
autocratic rule is  
above law e.g. N. Korea,  
UAE, Facist Italy

#### Remarks

Has liberal approach towards  
rights of citizens  
Pluralist nature of  
state  
separation of powers

i) Liberal states gives extensive rights to its citizens e.g. Bill of Rights in US, Fundamental Rights in India

ii) Authoritarian states do not give much rights to its people, it demands unquestioned obedience from the subjects

Hence both system of states fundamentally differ from each other on several aspects. ⑨

~~good analysis & structure has no point for lib~~

iii) Democracy is related with idea of pluralism and diversity as can be seen from following segments:

i) scholars like T.S. Mill hold that freedom of speech and expression, respect for multiple views is lifebreath of democracy.

Remarks

- 2) Deliberative democracy theorists emphasise on methods like consensus conferences, citizens jury to filter out the plural viewpoints of citizens.
- 3) Democracy by recognising legal equality of every citizen promotes respect for pluralism.
- 4) Democracies like India, also entail special rights for minorities from preventing democracy from becoming tyranny of the majority.
- 5) Functioning of various pressure groups, which is referred to as Polyarchy by Robert Dahl, help in inculcating pluralism in democracy.

Remarks



6) With advent of internet and e-governance, citizen-govt. relation in a democracy had become two way street.

### Contentious pluralism:

It involves questioning and constructive criticism of the government. It helps in re-think of govt. policies, check authoritarian tendencies to make democracy inclusive and participatory.

why is political exclusion against the idea of democracy?

② Need to elaborate on what it means by "Democracy needs to Vincent"

This is about <sup>contrary</sup> sphere of democracy expanding to include people  
intends excluded

Remarks

(e) Multiculturalism refers to recognition and celebration of different identities and argues in favour of special rights based on different identities.

Multiculturalism came in contrast of opposing the American liberal concept of melting pot which believes in assimilation of cultural identities.

### Basic tenets of multi-culturalism:

- 1) Multiculturalists believe that every individual is culturally situated. Neglect of identity kills innovation and creates human beings into efficient machines.
- 2) Will Kymlicka had argued in favour of extending poly-ethnic rights to minorities which include:

Remarks

what role does Identity play in sustenance & the development of the individual

- 2.1) Right to self governance is confined to a territory.
- 2.2) Special representation in Parliament.
- 2.3) Freedom to practise cultural activities.
- 3) Bhikhu Parekh argues in favour of extending special rights even to immigrants. He propose dialogue among civilizations.
- 4) Conservative multiculturalists like Robert E. Goodwin, Sara Song believe that culture is static, and should not be disturbed.
- 5) However, Bhikhu Parekh, David Bellinger argues that every culture is internally plural and represents dialogue among its various strands and with other cultures.
- Criticism of Multiculturalism
- 1) Amy Gutman criticised multiculturalism

Remarks

You need to elaborate on how do we have a deliberative universal

as it does not allow the emergence of an universal ethical principle due to different standards of culture on ethics.

- 4) Feminists criticise as all cultures promote subordination of women.
- 5) Marxists like Mary Bernstein criticise it as by recognising cultural identities, it subjugates class identities.
- 6) Nationalists rejected multiculturalism as it neglects the human rights.  
*write more or less of*
- 7) Liberals like Brian Berry argue that illegal cultures need not be tolerated.
- 8) Nationalists like Arthur Tennyson criticise it for developing particularistic tendencies.

however, in present world of globalization and hyper mobility, multiculturalism is way forward to manage diversities

Remarks

(Q) Or what grounds do universal & national/int'l multiculturalism

4. Answer the following questions:

- (a) There is a two-way change in Westphalia sovereignty of a nation-state. Do you agree that it has been eroded as well as enhanced by globalization? Comment. (200 Words) (15)
- (b) Discuss marxian theory of state. (200 Words) (15)
- (c) Comment on Hannah Arendt's understanding of totalitarianism. How far is modernity responsible for the rise of totalitarianism. (250 Words) (20)

(a) Sovereignty in words of Austin refers to the ultimate authority of the state over its citizens. Treaty of Westphalia, 1648 recognised that sovereignty of state is inviolable. State is regarded as having absolute authority in the ~~the~~ internal sphere and autonomy in the external sphere.

But the process of globalization, which facilitated free flow of people, goods, ideas across the national boundaries has transformed the nature of sovereignty in a two way relationship.

globalization eroding sovereignty

i) hyperglobalists like Marshall McLuhan argue that

Remarks

state is losing its power to regulate its own economy e.g. WTO agreements constrain economic autonomy of state.

2) Globalization had strengthened the Human Rights apparatus, as argued by Robert Morais. This had raised individual from a citizen of a state to a member of global community. e.g. Responsibility to protect doctrine of UN empowers UNSC to intervene in domestic affairs of state.

3) Growth of transnational actors like MNCs, global NGOs like Amnesty, Greenpeace significantly impact the policies of government, showcasing erosion of sovereignty.

### Globalization enhancing sovereignty

1) Skeptics like Robert Gilpin argue state sovereignty had enhanced. Legal arrangements like INTERPOL, extradition treaty, enhanced state's police Power beyond its borders.

### Remarks

- (a) good arguments to include more from views of scholars like Stephen Krasner and John Hart - super globalists & transnationalists.

- 2) Rise of supranational actors like European Union, had extended the power of state to influence life of citizens beyond the borders.
- 3) Due to absence of a world government, sovereign states have lost ~~world~~ word in international affairs e.g. China rejecting UN tribunal award on South China Sea.

Stephen Krasner has therefore rightly argued that there is transformation of sovereignty in era of globalisation. In some spheres it eroded, in others it strengthened

(iv) Marxist theory of state is not uniform and had undergone changes from ideas of Marx himself to the Neo-Marxists. Different viewpoints can be explained below:

i) Marxian perspective: Marx believes state is an exploitative instrument independent of the class. It is used by bourgeois to suppress the proletariat.

Remarks

state is executive committee of bourgeois. With Marxist revolution, state will wither away.

However, in his "18<sup>th</sup> Brumaire of Louis Bonaparte", Marx argues that state gains relative autonomy just after proletarian revolution, although ultimately a stateless society will be established.

2) [Lenin's perspective]: Lenin was practically applying Marxian ideas. For him role of state is not just to stop counter-revolution as envisaged by Marx. Rather state can be used to promote welfare of proletariat. It also helps in exporting communism to other states.

3) [Gramscian perspective]: Gramsci believes that state is an "instrument of coercion", those who are not ideologically subjugated by the capitalists and brought in line by the use of force by state like Police, Military.

Remarks

4) Neo-Marxist perspective: Classical Marxist view consider state merely as part of superstructure, they believe economic structure is basic structure and state is merely its shadow. However, Neo-Marxists deviate from this basic assumption.

Milovan Djilas argues that state develops its own interest. The managerial class leading the state serves itself rather than being instrument of any class.

Neo-Marxists believe that state is autonomous and it is not an instrument to be captured. State cannot be captured, there can only be gradual transformation of state in favour of proletariat. Therefore, different Marxist scholars have divergent interpretation of state.

Remarks

good structure  
in the end include  
the views of  
Poul <sup>and</sup> Althusser

10

(c) Hannah Arendt had distinguished the modern idea of totalitarianism from that of the earlier versions of totalitarian regimes.

In earlier totalitarianisms, violence was a means to capture power. It involved killing of political opponents to gain control over the political power.

But in modern totalitarian regimes like Fascist Italy or Nazi Germany, state is regulating the thinking capacity of people.

state is indulging in ideological indoctrination of the people. Here violence is an end in itself rather than a means to capture power.

She has given the concept of banality of evil to make her

Remarks

point. In modern totalitarian regimes violence was internalized by the society.

Persecution of Jews by an elaborate bureaucratic machinery was taken as an ordinary and acceptable activity. People were so much deprived of their critical thinking that these totalitarian regimes ended by external forces rather than a revolution by the people.

### Role of Modernity in rise of totalitarianism

Hannah Arendt had highlighted the role of modernity in leading to totalitarianism. This happens because modernity focuses only on private and individual aspect of human needs.

By encouraging materialism and individualism, it had led to shirkage

Remarks

of public space

Also over-absorption in economic sphere had led to neglect of duties of political participation. This had enabled totalitarian leaders to capture power due to lack of resistance.

She also argued that modernity promoted the activity of Animal Laboran i.e. people only concerned with fulfilling biological desires of food, sex and sleep.

Hence they do not indulge in Homo Faber or "action" which involves plurality, thinking for the collective in public space.

Hence in order to avoid rise of totalitarian tendencies, Hannah Arendt argues that it is the duty of every citizen to participate in public affairs.

Remarks

(13) *v g o & understanding  
elaborate more on how in correct  
how idea of acting can serve as a check  
against such tendencies.*

## SECTION-B

Attempt all questions:

5. Answer the following questions in about 150 words each: (10 × 5 = 50)
- J&K is not the only state to have special provisions in the Constitution. Discuss.
  - Examine the proposition of having one tribunal for all river-water disputes.
  - Critically examine the Protection of Human Rights (Amendment) Bill 2019, which aims to empower the NHRC.
  - What was the significance of SC's Kihoto Hollohan order of 1992?
  - Office of profit and RPA.

(a) Recently govt. did away with article 370 which provided a special status to state of J&K. It established J&K as Union Territory with legislature, with all powers except public order and Police. Ladakh has been made as a separate Union Territory.

This step was favoured on following grounds

1) Article 370 was accused of fomenting separation by generating different sense of identity by use of separate flag, separate constitution etc.

2) It will facilitate investment in the state by removing prohibitive property laws.

Remarks

It will help to abolish the gender discriminatory practices such as one which forbades property right to women, if she marries outside J&K.

However, withdrawal of special status is being criticised on following grounds:

- 1) There are special provisions for more than eleven states in article 371 to 371 T of the constitution to meet the regional aspirations.
- 2) Fifth and sixth schedule of constitution envisages considerable autonomy for the tribal states.
- 3) Property rights are restricted also in states like Himachal Pradesh, Uttarakhand.

Hence, unilateral abrogation of article 370 without consulting public opinion is debatable. Moreover, state was under President's rule

(3) Remarks

wrong context  
you singl'ly have to facts  
provide for other states  
elaborate on other states  
Special rules for other states

hence even the consent of Government of J&K cannot be construed as popular public opinion.

Therefore, Union govt. must ensure that after abrogation of article 370, govt. fulfills its promise of development and prevent assimilation of distinct identity of J&K.

~~Q. either "is" not correct  
or J&K~~

(ii) The proposed River Water Disputes Act amendment establishes a single tribunal for all river water disputes rather than the current practise of having multiple ad-hoc tribunals for resolution of inter-state river water disputes.

Benefits of single tribunal:

- 1) It will help in consolidating the current fragmented regime of inter-state water dispute mechanism.
- 2) It will be easier to make amendments in

Remarks

Tribunal awards, given the dynamic nature of water disputes e.g. climate change, separation of states etc.

### Challenges in single tribunal

- 1) It does not resolve the fundamental problems of non-enforcement of tribunal awards.
- 2) States may still approach Supreme Court under article 136, as per Special Leave Petition against tribunals Award.
- 3) Central govt. had failed to create even a single River Board to oversee the implementation of the tribunal award.

### Way forward

- 1) As suggested by Ponmudi Commission, there should be collection of water data and technical expertise in the water tribunals.

Remarks

*Need to elaborate on the mechanism of PWT working mainly DRC & briefly*

(6)

- 2) Pre-litigation dispute resolution committee to resolve disputes before litigation [This is here!]
- 3) use of forums like Inter-state Council for mutually acceptable resolution of the inter-state river water disputes.

~~Govt~~~~(constitutional)~~

(a) In the Kihoto Hollohan vs. State of Zachilla case, Supreme Court held that decision of Speaker of legislature is subject to judicial review.

This is significant due to the following reasons:

- 1) Separation of power: Constitution envisaged separation of power among legislature, executive and judiciary. This decision had opened the scope of judicial intervention in legislature.

Remarks

2) Doctrine of checks and balances: Some scholars argue that it strengthens the system of checks and balances by empowering SC to check unconstitutional activities of Speaker.

3) Judicial over-reach: Some experts view it as judicial overreach as constitution explicitly envisaged independence of Speaker in the legislative sphere.

4) Judiciary as super legislature: This may lead to establishing judiciary as body above legislature despite being least representative.

### Suggestive Measures

1) Power to ~~not~~ review Speaker's decision must be used as last resort, to preserve sanctity of separation of power.

2) Instances like misuse of power under anti-defection law, certification of Money Bill demand that

#### Remarks

Actually the judge <sup>has to</sup> ~~not~~ release <sup>to intervene in</sup> Speaker's domain only in <sup>exceptional</sup> cases of abuse of power was <sup>it was</sup> allowed

this power be retained as safety valve.

3) As suggested by NCRWC, power to adjudicate disqualification under anti-defection should be transferred to Election Commission of India

(e) Article 102 of the Constitution declares office of Profit as one of the grounds for disqualifications for Parliamentarians, similar provision exists for state legislatures.

Rationale behind this provision is to ensure separation of power. It is to ensure that legislators are able to hold the executive accountable.

If they hold office of profit they will not be able to act independently of the govt., hence hence cannot hold it accountable.

Remarks

However, neither the constitution nor RPA clearly defines what constitutes office of profit. <sup>Also include  
Joyc Battacharjee case</sup> In Prat�t Bordoloi case, Supreme Court laid following norms for office of profit:

- 1) if the appointment and removal is in the hands of executive
- 2) if the office entails pecuniary gains.
- 3) if the office involves executive functions on part of the holder of office.

Second ARC had suggested that apart from purely advisory offices all other positions should be considered office of profit. Hence, there is need for suitable amendment of RPA to incorporate these principles, to avoid misuse and circumvention of limitation of office of profit.

Remarks

What new recommendations  
the recommendations  
of NCRB's report?

(6)

6. Answer the following questions:

- (a) Discuss the issue of women reservation in the Parliament. (200 Words) (15)
- (b) "Social Media and Accountability" has a crucial impact on Indian politics, and therefore a thorough scrutiny of social media platforms is the need of the hour. Comment. (200 Words) (15)
- (c) The concept of coalition government is good, however, its success depends on the manner in which the coalitions are forged and how governance percolates down. Examine. (250 Words) (20)

*Remarks*

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### *Remarks*

*Remarks*

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*Remarks*

*Remarks*

*Remarks*

*Remarks*

### *Remarks*

7. Answer the following questions:

- (a) Cultural and national backgrounds greatly influence women movements. Discuss the above statement with reference to the differences between Western and non-western women movements. (200 Words) (15)
- (b) Secularism can be seen as communalism. Analyse the statement in light of the Indian version of secularism. (200 Words) (15)
- (c) Cultural rights are required in a diverse country like India, however, at the same time, there shall be a semblance of similar legal yardstick for each citizen. Critically analyse the need for a uniform civil code as enshrined in the DPSP of India and its feasibility? (250 Words) (20)

(a) Women Movements in general are concerned with the emancipation of women. However, their objective, methodology, leadership widely vary in Western and Non-Western societies. This is discussed below:

<u>Non-western Women Movements</u>	<u>Western Women Movements</u>
<ul style="list-style-type: none"> <li>1) They are based upon the ideology of old Social Movements <sup>(Now)</sup></li> <li>2) They are generally the part of other social</li> </ul>	<ul style="list-style-type: none"> <li>1) They are based upon the ideology of <u>New Social Movement</u></li> <li>2) In the West women movements are <u>autonomous</u></li> </ul>
Remarks	give examples for each of your points

movements e.g. Caste and tribal movements raising the women issues.

in nature and concerned only with women issues e.g. Abortion law movement in Ireland.

2) Leadership for these movements generally come from lower caste and class of society

3) Leadership comes from elite middle class professionals like Lawyer, journalists etc.

4) They are concerned with basic right issues like equal pay, end of violence, right to family planning

4) They focus on quality of life issues such as control over reproductive rights, presentation in Parliament

5) Methodology used is of direct confrontation in form of Dharna, strike, lock-outs e.g. Chittagong movement

5) They adopt the methods of writing newspaper articles, Seminars, conferences, judicial route

6) They are localised in character and geographical reach

6) They develop transnational linkages such as the #MeToo movement

Remarks

difference more or less in terms of effective approach & type of demands raised & nature of state response

Q

However, Western style New Social Movement is also emerging in Non-Western world as can be seen from Naked sat walk movement, Pink Party movement. These movements develop autonomously and are based on ideology of radical feminism. Hence nature of women movement in western world is undergoing a change.

(ii) Secularism originated in the West where it is envisaged as strict separation of state and religion. Indian preamble also envisions India as secular state. Also the articles 25-28 of Indian constitution explicate the secular nature of Indian state. However, Indian version of secularism

is based not on idea of strict separation, but on idea of equal treatment of all religions.

This had led scholars like D. E. Smith to question India's ~~as~~ credentials as secular state, as it lacks strongest feature of secularism i.e. strict separation.

But Indian Version is Aliagenic and contentual as argued by Rajeev Bhargava, it follows principled distance from religion rather than equidistant.

Indian secularism has two features :

- 1) On one hand there is strict separation of state and religion e.g. article 14, 15, 16
- 2) On other hand it envisions principled intervention e.g. article 17 to abolish practise of untouchability.

Remarks

Also, Indian secularism embraces the multicultural ideology by promoting special rights for the religious minorities e.g. article 29, article 30

### Challenges to Indian Secularism:

- 1) Communalism and communal riots e.g. the Muzaffarnagar riots, 1994 anti-Sikh riots.
- 2) Sudipta Kaviraj argue that Indian bourgeoisie had failed to create the conditions of capitalist modernity.
- 3) Rajni Kothari argued that although state adopted secularism, but political class and society was sceptical of secularism.

Nevertheless, despite

challenges India has been able to maintain 8 spirit of communal harmony. Even Supreme Court in S.R. Bommai case recognised secularism as basic feature of Indian Constitution, which

Remarks

good content  
Analyse more on the implementation of the  
secularization itself  
at times leads to  
more of communal policies

cannot be amended even by means of a constitutional amendment.

(c) Recently Law Commission of India circulated a draft paper to illicit opinion of various sections of society on the issue of formulating a Uniform Civil Code. (UCC)

Arguments in favour of UCC:

1) Constitutional directive: Constitution in directive principles under article 44 directs that state shall endeavour to secure for its citizens a Uniform Civil Code.

2) Gender equality: The cases from Shah Bano case to Sayara Bano case, highlight the discriminatory nature of Personal Laws. UCC will help in cause of gender justice.

Remarks

- 1) Facilitates Codification of Personal laws: currently personal laws of different religions are not codified. This creates scope for subjective interpretation and difficulties in enforcement.
- 2) Presence of extra-constitutional bodies: Bodies like Panchayats, issuance of fatwa by Maulvis goes against rule of law. UCC will help end these practices.

### Arguments against UCC

- 1) It is only a directive: Even the constitution makers were aware of forging consensus and difficulties, hence it was put in Part - IV rather than part - III.
- 2) Fear of assimilation of minorities: Minorities fear that UCC will lead to assimilation of their distinct religious identity, this goes against principle of diversity.

Remarks

1) codification of Muslim Personal law can proceed even without putting in place UCC.

2) Multicultural perspective: Multiculturalists like Will Kymlicka argue that minorities need "holistic security". UCC creates a psychological fear among minorities, if not material fear.

3) Already the judgements of Supreme Court such as Sarla Mudgal case, Daniel Latifi had established gender justice over the personal laws.

4) Legislative measures like banning triple talaq, also help in securing gender justice. Hence, there is need for caution while proceeding forward with UCC. There needs to be a widest possible consensus to ensure it is acceptable to all.

**For Remarks**

(1) Govt arguments specifically elaborate or why Law commission advised against UCC & what did suggest in its place

8. Answer the following questions:

- (a) The functional narrative of human rights movement in post-independent times presents a story of belied promises on the one hand, and the emergence of a powerful civil society initiative to keep the flames of human rights movement alight despite all odds, on the other. Discuss. (250 Words) (20)
- (b) Discuss the major issues associated with the National Register of Citizens. (200 Words) (15)
- (c) Why are fundamental rights considered essential in the Indian context? Discuss the nature of fundamental rights. (200 Words) (15)

*Remarks*

### **Remarks**

*Remarks*

*Remarks*

*Remarks*

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*Remarks*