

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.
- 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.

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Content is weak in Pol thought. Need more content related on topics of Post Modernism. Also need to write in a more structured pointwise approach. Content in IHP is in correct direction but needs to be more detailed

1. Invigilator's Signature _____

2. Invigilator's Signature _____

Name Abhijeet Branawat

Mobile No. _____

Date _____

Signature Abhijeet

In IHP your performance is good

SECTION-A

Attempt all questions:

1. Answer the following questions in about 150 words each:

(10 * 5 = 50)

- Neo-Marxist debate on the nature of the State : Habermas, Foucault, etc.
- Empirical conception of political theory
- Relationship of mass society with legitimation crisis
- Provide a post-marxian analysis of the phenomenon of alienation
- Justice as Entitlement : Nozick

(a) Neo-Marxist debate on nature of state is related to nature of post-capitalist states or reformed capitalism which adopted welfare as its one of its policy.

Ralph Miliband believes that welfare state is not a reformed state and has control of bourgeois which prevents meaningful change. He believes that 'managerial revolution' is a myth and just a way to give an impression of neutrality.

Habermas also believes that post-capitalist state faces a legitimation crisis because of

Remarks

What argument does Miliband give against the managerial revolution?

of inherent contradictions between interests of the labour and the capitalists.

On the other hand, Nicos Poulantzas who is inspired from Marx's book '18th Brumaire of Louis Bonaparte' believes that state has become relatively autonomous due to strengthening of the worker class due to welfare measures. He suggests that managerial revolution has played a role in this. But he also believes that during crisis times, state still favours the propertied class as seen during global financial crisis.

link now on the impact of democracy has on the nature of state

5

(b) As opposed to Normative Political Theory which deals with what state ought to be, empirical conception of Political theory deals with what state is and thus prescribes accordingly.

Remarks

Aristotle is considered as the father of this approach who analysed 157 constitutions and gave theories like resubution, justice, etc.

In modern times, Machiavelli started again using the empirical approach.

Empirical approach has been used by scholars like Locke & Smith as well. This approach, though itself not-scientific, has provided the basis for Behavioral Revolution led by Easton. Empirical approach is based on observations and thus appears to common sense. This has also been used extensively in International Relations, particularly by the Realist scholars to suggest suitable measures for national interests based on what things are.

However, this approach is often seen as justifying status quo and Marxist scholars believe it to be one method of building

Remarks

3H

= 4

What on
14
working
technique?

Difference
(more in detail)
with
Normative
Approach

Critique

Significance

Western hegemony. None the less, empirical approach continues to be a dominant approach even in the age of post-modernism.

(c) Legitimation crisis is a concept given by Marxist scholar (Frankfurt school) Habermas to describe the decline in legitimacy in capitalistic states.

Habermas believes that post the emergence of welfare state, masses have got the right to vote. In a democratic system, this results in increasing representation of mass society in power structure. Mass society tries to extract as much welfare from the state as possible.

But the capacity of the state to provide welfare is limited and cannot cater to the needs of mass society. This

Remarks

leads to contradiction between interests of capitalists and mass society, and ultimately in decline of legitimacy of the state. The state then tries to divert mass society through ideology and by de-linking welfare from politics.

However, Habermas believes that this does not resolve the legitimization crisis and in fact, worsens it. He suggests 'ideal-speech situation' and 'communicative action' along with free flow of ideas in 'public spheres' which can build legitimacy of the state. Thus, involving mass society in free speech can avert legitimization crisis.

You don't have to put elaborate on Habermasian idea

Remarks

②

Also take about the role of mass society & how they play in creating a situation of legitimization crisis

(d) Alienation has been the central concern of the works of Young Marx who is a philosopher. He traces roots of alienation in capitalistic system and is concerned more with emancipation.

Post-marxist Analysis of alienation has been done by many scholars. Habermas has given the concept of 'legitimation crisis' and how 'ideal-speech situation' in 'Public spheres' can lead to true emancipation by ensuring public welfare.

Scholars like Althusser, Theodore Adorno, Horkimer, etc. have analysed the culture and how capitalism has become the culture ^{and thus, the source of alienation to permanent} now. They have analysed cultural phenomenon like music and believe that emancipation is really difficult now and the only hope is from the most marginalized, Outcasts

Remarks

(2)

Vague. None of these thinkers are lay proponents of alienation. Go through links to find views who have spoken on alienation through multiple scholars

Frankfurt school Theorist Andreas
Linklater traces roots of alienation in
 artificial state boundaries and he proposes
 civil society linkages and moral-boundaries
 which can lead to true emancipation.

Thus, post-Marxist analysis of alienation
 connects of various strands and makes our
 understanding deeper about the phenomenon.

(e) Justice as Entitlement is a
neo-liberal theory of justice given by
Robert Nozick. Nozick has given his
 theory as a criticism of Rawls' theory
 of Justice as Fairness.

Nozick believes that state has
 no role in ensuring social welfare. In fact,
 he supports state intervention but from
 the side of advantaged, on the account that

Remarks

it is they who create prosperity.

Justice as Entitlement considers progressive taxation as bonded labour as state has no right to force someone to work for others. Nozick also believes that Rawls has compromised liberty for equality.

This theory has been criticized on many fronts. Marxists believe that it aims to justify unequal distribution of wealth. Dworkin says that one cannot be held responsible for the conditions in which he makes a choice. Rawls argues for balancing equality and liberty while feminist scholars like Carole Pateman describe how women are discriminated against in the economic sphere.

Thus, ^{overall} justice as entitlement represents the perspective of the privileged and is based on liberal notions of merit and market based evaluation.

Remarks

Incomplete Content
 You need to specify his three principles / theories of entitlement.

3

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) Treaty of Westphalia (1648) marked the beginning of modern nation states based on the notion of sovereignty. Thomas Hobbes, the first scholar who dealt extensively with sovereignty considered it to be the supreme authority of the state. In his.

However, globalization has led to a dual effect on sovereignty: eroding it as well as enhancing it.

By the current wave of globalization, marked by deepening interconnectedness has on account of trade, technology and migration has enhanced global linkages. Many institutions of global governance have emerged like WTO, IMF, UN, etc.

Remarks

These institutions impinge upon sovereignty of nation states by forcing their conventions and rules. Scholars like Marshall McLuhan and Kenichi Ohmae believe that globalization has diluted state sovereignty.

On the other hand, scholars like Joseph Stiglitz believe that states are in complete control of globalization and in fact by building global linkages, state sovereignty has increased.

There is a third school as well represented by David Held who believes that globalization and sovereignty is not a zero sum game and the effect has not been even.

Thus, the effect of globalization on sovereignty remains a matter of debate.

Remarks

7
Need to include more views of scholars. In fact divide your whole content into three major schools of globalization (Skeptics, Hyperglobalists & Transformationalists)

(b) Marxist theory of state developed in response to ^{classical} liberal theory of state which considers state to be a product of contract which functions for the people.

Marxist theory begins by Marx's analysis ~~who~~ who used dialectical materialism and historical materialism to determine that economy forms the basic structure of a society and all other structures like state are intrinsically linked to the basic structure. He considered state to be the "executive committee of bourgeois" and that "state is an instrument of coercion" and believed that bourgeois democracy is false consciousness.

Gramsci added the concept of 'integral state', according to which bourgeois rules by a class-coalition ~~between~~ with intellectuals (organic and traditional). Gramsci explained how "will is manufactured".

Remarks

Includes
views of
Engel's
as well

and hegemony established which allows bourgeois to rule.

In his book 18th Brumaire of Louis Bonaparte Marx had also given the conditions under which a state becomes relatively autonomous but still it intervenes on behalf of propertied class only.

In modern times, many scholars have analyzed neo-liberal and post-colonial states. Herbert Ralph Milliband believes that managerial revolution is a myth and welfare state is false consciousness. State still remains instrument of bourgeois.

While Nicos Poulantzas believes that state has become relatively autonomous, but still it intervenes on behalf of propertied class.

Remarks

Habermas is inspired from the Neo-Marxist concept of alienation and describes how states ~~post-capitalist~~ states face legitimation ~~crisis~~ because of inherent contradiction: socialism in welfare, ~~but~~ capitalism in economics.

Kamya Kavi, using Marxist analysis has given the concept of over-developed state in which political structure is more advanced than social & economic structure in post-colonial societies. He describes how indigenous and metropolitan bourgeois exercise control.

Thus, Marxist theory of State is a vibrant analysis consisting of different strands.

Good, direct analysis
 Include view of Althusser as well
 Enumerate briefly the outcome of
 this view as well

Remarks

10

(c) Hannah Arendt is considered to be an unorthodox thinker. She describes her ideas as 'thinking without barriers'. She has used ~~phenomenological~~ phenomenological approach to give new meaning to existing ideas and to explain complex phenomenon. The broad concern throughout her writing is civic republicanism.

In her book, 'On Totalitarianism' she has analyzed ~~the~~ totalitarian states of her time: Communist USSR and Nazi Germany etc.

She describes these states to be 'rule of terror' and 'rule of ideology'. She suggests that ideology is used to create fear. Communists create fear of capitalists, Nazis create fear of Jews.

Remarks

Strong leaders exploit these fears to grab a stronghold over power, establishing totalitarian states. In these states violence became "an end in itself" and the states tried to control not only action but even thought and soul."

~~She also~~

Her analysis has given a novel understanding about these totalitarian regimes. However some scholars believe that origin of ^{totalitarian} state is not in state policy as described by Arendt, but in man's insecurity which seeks a strong leader.

Role of Modernity in rise of totalitarianism

Arendt believes that modernity forced people to engage more in economic activities at the expense of civic duties. This dominance of 'animal laborans' and

What other factors make a totalitarian regime stand out from rest of opposite regimes?

Remarks

How has bureaucracy & technocracy played a role in rise of such regimes?

'Homo faber' even zero position led to decline of social debates and accountability of government. Absence of civic engagement allowed governments a free hand and contributed in rise of ~~totalitarian~~ states.

Thus, Arendt rarely blames modernity for totalitarian states. And hence she is also a critic of modernity.

How can we act in context
reverse this?

9

Remarks

SECTION-B

Attempt all questions:

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

(a) Part XXI of the Constitution not only contains special provisions for J&K (Art-370, now deoperationalized), but has provisions for many other states:

* Art-371: contains provisions for Gujarat & Maharashtra e.g. establishment of Development Board

* Art-371A-D: deal with NE states like Mizoram, Nagaland, Manipur, Arunachal and has special provisions for preserving their culture

* Sikkim has been allowed different criteria for seats in Assembly

Remarks

Need to enumerate on more provisions state wise

→ Undivided Andhra Pradesh was allowed discriminating based on residence for public employment.

Why special provisions ^{have been} were given?

1. India's diversity demands Asymmetric Federalism → all states ~~cannot~~ be treated in same manner
2. These provisions have played a key role in combating insurgency in North East
3. Commitments to Sikkim allowed its seamless integration into the Indian Union.

What role did historical background play?

Thus, we can say that even Part XXI of the Constitution embodies India's civilizational dictum of 'unity in diversity'.

Remarks

(4)

Elaborate on how 370 & 371 are different from other provisions?

5. (b) At present, under Inter-state Riverwater Disputes Act, a separate tribunal is established whenever a dispute arises. The government brought an amendment bill in 2016 which stipulated a single Tribunal to deal with all disputes.

Utility of Single Tribunal

1. It will ensure uniformity in operation and will utilize the expertise build by adjudicating different cases.
2. It has been given a mandate of adjudication in 4-5 years, this will ensure time results.
3. The present system is very slow and its awards have been challenged on grounds like inaccurate data.

Government has also proposed a DRG to settle the dispute before it reaches

Remarks

Litigation

Challenges to single tribunal

1. SC routinely accepts appeals against tribunal orders, rendering the decreasing the legitimacy of tribunals
2. The support system is equally critical in functioning of tribunal: Debar bank, experts, etc
3. Political will & centre-state political rivalry should not hamper the implementation of award of tribunal.

However, a single tribunal, if materialised, may prove to be a great improvement, provided it is given adequate support.

Remarks

Good arguments
 Just need to add elaboration on the working procedure of DRC & tribunal both

5

(C) NHRC (amendment) Bill 2019 amends NHRC Act ~~2019~~ 1993 and allows Central government to determine:

1. salaries and service conditions of members of NHRC
2. manner of appointment of the members.

Earlier this task was done by the Parliament.

Rationale behind the amendment

Government has argued that this will ensure swift action and will improve accountability of NHRC towards people in form of an elected government.

However, critics argue that this has been done to undermine independence of the institution. Now central govt can

Remarks

2
Content missing

Need to elaborate on the specific provisions of the amendment & examine all of them

Arbitrarily appoint and change service conditions. Thus NHRC members will face greater political interference. While under Parliamentary control, NHRC is relatively free to fulfill its mandate of protection of human rights.

Thus, government needs to address the concerns raised and proceed in the spirit of Paris Principles of 1991.

(d) Kinoko Hollahan Order of 1992 was issued in context of the misuse of some provisions of Anti-Defection Law (ADL) (10th schedule) :

ADL allows disqualification of members of Parliament/ Legislative Assembly if he/she violates party whip. This was done to check frequent defections, market ^{horse} trading and political corruption.

Remarks

However, in it also resulted in party bossism in the name of discipline and killed individual conscience of MP/MLA by preventing a dissent voice, thus subduing free speech of Art 19(1)(a).

To check this, SC ruled in Kihoto Hollohan that parties should issue whips only in cases where survival of the government is in question, e.g. No-confidence motion, money bill. etc. In other cases MP/MLA ^{should} ~~must~~ be allowed to raise independent opinion.

However, in practice, political parties often violate the order, and thus centralizing tendencies have emerged in Indian polity by suppressing independent voice of MP/MLA.

Remarks

(3)

You need to elaborate the impact of this judgement on the judicial powers of the speaker along with the dissenting opinion

(c) Art 162 and Art 191 mention Office of Profit (OoP) as one of the grounds for disqualification of MPs & MLAs, however OoP has not been defined. Based on SC interpretation, it is understood to have following characteristics:

1. Govt controls functions of the office
2. Govt controls appointment
3. Govt has say in removal
4. Govt pays remuneration

In such cases, a conflict of interest arises which undermines independence of a legislator, and thus person holding OoP is disqualified.

Recently, President) disqualified around 20 MLAs in Delhi on account of OoP. This was done on recommendation of ECI which is allowed under RPA to do so.

Remarks

This incident raised many questions over the provisions of RPA which allow ECJ as judicial role and the possible political misuse of such a provision.

The need of the hour is to prepare a standard definition of OOP. As in UK, every Act which creates a new office, should specify whether it is OOP or not. This will ensure effective functioning of the system.

Does RPA wholly define OOP?

Need to discuss the relevance of
Landmark cases [2] & also
the recommendations of 2nd App R
NCRWC

3

Remarks

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. *Vidyalok -> women v. Indian* (250 Words) (20)

(a) A Parliament is representative of its people. However, in India, despite the women being 49% of the population, the ~~maximum~~ women representation in Lok Sabha has been 14% (17th LS). This calls for a debate on reservation as a strategy for ~~boost~~ women reservation representation.

Arguments for women reservation

1. Poor gender representation results in less gender sensitive legislations
2. According to Laura Keenan, reservation is needed not because women lack merit, but because social environment is not conducive for their ~~participation~~.

Remarks

3. 33% reservation in Panchayats has showed great results.

- ↳ better implementation of schemes
- ↳ women empowerment
- ↳ parents encouraged to send daughters to school

4. women issues do not form mainstream demands of political parties. Just like SC/ST

women reservation will also empower women as a group.

Even JSMI had supported equality for women as it ensured better performance by even men. However some challenges remain

Challenges in women reservation

1. Political parties are male bastions and are reluctant. This is evident in delay
↳ over women reservation bill 2008
2. Scholars like Shirin Rai oppose reservation as it makes women feel weaker & oppressed

Also platform on the positive aspects / experience gained from women reservation at Panchayat level



Remarks

What are the factual arguments against this?

3. NCRWC had recommended reformist approach rather than radical, i.e. reservation in Panchayats and ~~not in Parliament~~.
4. If Nehru had opposed the idea back in 1950s saying once introduced, it becomes difficult to hold back reservation.

However, we cannot deny the need for adequate representation of women in Parliament. Political parties can begin the change by voluntarily nominating more female candidates as seen in WB (TMC) and Odisha (BJP).

- (b) In today's & Internet age, where data is the new oil, social media platforms have emerged as important determinants of various aspects of our lives, e.g. like social, economic and political. However there are some issues in ensuring their accountability.

Remarks

Challenges in ensuring accountability

- Anonymity
- fast changing tech, e.g. AI algorithms
- cross-border jurisdictions
- lack of clear laws
- digital illiteracy in India

This has had impacted Indian politics in a number of ways:

1. Social media has emerged as direct form of communication, e.g. Twitter handles of ministers
2. It is extensively used for canvassing during election
 - ↳ even communal propaganda is sometimes spread

Thus, social media's ↳ has increased connect between leaders and masses, but has also fanned communal fires, as seen in instances like Mob lynching, Ali vs Bajrang Dal, Humour mongering, etc.

Remarks

Thus, a thorough scrutiny becomes the need of the hour.

Steps taken

1. ECI coordinated with social media for possible MCC: violations
2. Centre notified 10 agencies under IT Act.
3. Awareness campaigns for social media users

However, a still a lot more needs to be done. Enactment of data protection bill as per BN Srikrishna Committee ~~recommendations~~ can be the starting point. This will create accountability mechanisms. At the same time it must be ensured that the democratic nature of social media should not be destroyed & in the process of regulation. A balance between regulation and freedom of speech can be the way forward.

(D)

Remarks

Take more on the issue of accountability from social media grants
 Also elaborate on question / answer asked by Perthane by panel on IF

(C)

Coalition government is a form of government in which multiple parties share power. Right since independence, India has seen coalition governments in different forms.

Coalition governments in India

↳ Till 1967 → coalition with INC → opposition from within
↳ consensus with other parties

↳ 1967-79 → coalition at centre and state → market polity
→ no consensus
↳ unstable govt

↳ 79-89 → centralizing tendencies

↳ 89-2001 → unstable coalitions → frequent defections
→ non-institutionalizations

↳ 2001 onwards → institutionalized coalitions → UPA → INC
↳ NDA → BJP

How Coalition governments are good?

1. They ensure representation of diverse interests, thereby democratising the government.

Remarks

2. Decision making involves wider consultations which is the essence of democracy
3. Check authoritarian tendencies and increase accountability to people.

Particularly after 2001, India has witnessed largely stable coalitions in the form of UPA and NDA. However there are inherent challenges which make coalitions detrimental to stability:

1. According to Vedant Chakravarty, Indian coalitions are oversized with no ideological coherence and formed just to keep another party out of power. This results in frequent defections and instability.
2. When regional parties dominate, local issues dominate even over national priorities.
e.g. Teesta deal cancelled because of opposition from TMC; PM Singh had to cancel visit to St. Petersburg, etc.

Remarks

3. In a coalition government, PM often gets reduced to the role of Coalition manager. Thus, governance suffers often leading to policy paralysis.

However, as suggested by Prof. MP Singh, the important question is not how to avoid coalitions, but how to make them more effective. Considering India's diversity, Coalition governments can be better in ensuring democratization of governance. For some reforms like Pre-poll alliances, constructive use of ^{no} confidence, healthy Coalition conventions, strengthening of Anti-Defection law, etc. need to be undertaken.

10

QAD analysis
Add that there is no concrete evidence to show that coalition govt are necessarily inferior to majoritarian governments

Remarks

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)

(a) According to Dr Chatterjee, Human Rights are those conditions, without which no person, in general, can seek to be at his best. There are such rights which all humans must get simply because they are human.

Post-independence, India signed the UN Universal Declaration on Human Rights 1948 to show its commitment to the cause. Thus, the Constitution of India and the laws framed thereafter promised citizens the commitment of state towards protection of their Human Rights.

Remarks

Part 3 of the Constitution, for instance ensures equality and prohibits discrimination along with respecting diversity and individual dignity. Many laws like SC/ST (Prevention of Atrocities Act), formation of NHRC, Forest Rights Act, health and education schemes all are aimed at ensuring human rights are not violated.

Role of emergency

However, many a times these promises have been belied. Implementation of these laws has been weak due to poor state capacity. Sedition laws and laws like POTA, TADA, AFSPA have been challenged as against human rights. NHRC remains a 'toothless tiger'. Even social and economic inequality are widespread.

Attempt at chronological analysis

Thus, a powerful civil society led human rights movement has emerged in India. Before 1990s, it was a part of other

Remarks

Flourish briefly on the rise of women rights organisations in India

movements like politics asking for equality along with political rights. After 1990s there is a rise of an autonomous Human Rights Movement led by civil society groups. This has been facilitated by LPG reforms, global interconnectedness, work of NGOs, and rise in human rights consciousness. The movement has had various success like decriminalization of homosexuality (Naveen Jaiswal Case), autonomy for women (adultery case), Lokpal Act, anti-aid movement, etc.

Despite the successes, there have been some challenges too. Prof. Uphendra Baxi questions the vested interests and says that there is no HR movement but only HR industry. Even Judiciary has preferred national security over human rights (eg. AFSPA). However, with time, we are witnessing strengthening of the movement, to which the government is also now positively responding.

Remarks

(Don't now on limitations & critiques of this)

9

(b) National Registry of Citizens has been prepared for the state of Assam under the guidance of S.C and as a part of a promise made under Assam Accord signed between Govt and AIAC.

NRC aims to identify the 'true' inhabitants of Assam and aims to deport the illegal migrants from Bangladesh and Myanmar. The objective is to preserve the cultural identity of Assamese people and to ensure their welfare.

However, there have been many issues associated with the NRC.

1. With 19L people out of the final NRC, it is not clear what will happen to them. Though they have judicial remedy in form of Foreigner Tribunal, HC & then SC, meanwhile they may be forced to live in inhuman conditions in detention camps.

Remarks

Population
is not
mentioned
or
officially
opposite

2. India has no bilateral treaty with Bangladesh regarding deportation. Thus, it is not clear how the government is planning to those identified as foreigners.
3. It has been alleged that demanding documents b of before 1971 is unfair because of poor documentation in India and lack of literacy.
4. There are fears that following Assam, many states may start demanding their own NRC. This may deepen communal faultlines and disturb social harmony, along with creating separatist tendencies.
5. Even in Assam, state government has challenged the exercise and is demanding re-verification: 20% in border areas and 10% in other areas.
6. Political parties are using the exercise to reap political dividends rather than ensuring calm.

Remarks

Thus, need of the hour is sustained dialogue between all stakeholders with the government taking the lead. However, the Citizenship amendment bill has further complicated the matter which allows legal status for some migrants but this is being resisted by the locals.

Thus, a calibrated gradual approach is needed which balances interests of all the stakeholders.

8

(c) Fundamental Rights are part of Part II of the Constitution of India. Like any other democracy, India also recognizes rights of its citizens and Part III is a guarantee of the state.

Fundamental Rights are considered essential in Indian context because of the following reasons:

Remarks

1. Being ^{and constitutional} legal guarantees, they are tools of social revolution to remove evils like untouchability (Art 17)
2. FR enable states to take affirmative action for the downtrodden (Art 15(2)(c)) thus ensuring a life of dignity for citizens of a highly stratified society.
3. Part III establishes political democracy in India which is aimed at transforming India from a feudal, hierarchical society to egalitarian, democratic one
4. India's religious diversity and minority cultures also need adequate safeguards (Art 25-30)

SC has, over time, expanded the scope of various fundamental rights particularly Art 21, thus fulfilling state's promise of life of dignity and integrity as enshrined in the Preamble.

Remarks

Nature of Fundamental Rights (FR)

FR are in the form of obligations of society and state towards an individual. Since individual dignity, forms the core of a democracy, FR ensure the legal operation of the idea. Thus, FR have abolished untouchability, removed hierarchies (Art-18) prevent discrimination, etc.

FR in India have mostly been inspired from liberal school of thought ^(e.g. before law) though the idea of equality of outcome (e.g. Reservation) bears imprints of socialistic school of thought

Thus, FR in India are based on Indian context and operationalise political democracy in India.

- Content note
- Positive vs Negative Citizens (Foreigners on 16)
 - Also need to elaborate on the limitations (critiques) of FR

Remarks

7