

UNIT - V

Debates in Political Theory II

I.(VSTA) Questions.

1. Who has termed justice as fairness?

Ans- John Rawls.

2. In which year was the Mandal Commission appointed?

Ans- 1979.

3. Who does speak of the family as 'the first society'?

Ans- Aristotle.

4. Which Declaration describes the family as "the natural and fundamental group unit of society"?

Ans- The Universal Declaration of Human Rights (Article 16).

5. Which US President claimed that "there is no finer feeling of individual character than the family"?

Ans- Theodore Roosevelt.

6. When was the Domestic Violence Act passed in India?

Ans-2005.

7. When was the Dowry Prohibition Act passed in India?

Ans- 1961.

8. Mention one principle of fairness.

Ans -The principle of equal liberty: Everyone has an equal right to basic liberties.

9. In which book did John Rawls discuss the principles of fairness?

Ans- A Theory of Justice.

10. What is the basic primary unit of society?

Ans- The family.

11. Name one area where state intervention is necessary.

Ans- To ensure public health and safety.

12. Give two reasons in favor of quotas in jobs.

Ans- To ensure representation of marginalized groups.

To reduce social and economic inequalities.

13. Give two examples of state intervention in the institution of family.

Ans- Implementation of child welfare laws.

Enforcement of domestic violence laws.

14. Mention two reasons any radical feminists are against the institution of family.

Ans- It perpetuates patriarchy.

It enforces traditional gender roles.

15. Discuss the relationship between protective discrimination and social justice.

Ans- Protective discrimination involves measures like reservations and affirmative action to address historical injustices and social inequality, ensuring equal opportunities and promoting social justice.

II.(STA) Questions:

1. What is Protective Discrimination?

Ans- Protective discrimination refers to policies or measures like reservations and affirmative action implemented to uplift socially and economically disadvantaged groups, ensuring their equal participation in society.

2. What is meant by the principle of fairness?

Ans- The principle of fairness emphasizes equal access to opportunities, resources, and rights while ensuring that social and economic inequalities are addressed in a just manner.

3. Mention John Rawls's two principles of 'fairness' or 'justice.'

Equal Liberty Principle: Everyone has an equal right to basic liberties.

Difference Principle: Social and economic inequalities are permissible only if they benefit the least advantaged members of society.

3. What is Family?

Ans- Family is the basic social unit comprising individuals related by blood, marriage, or adoption, and it is fundamental to the social, cultural, and emotional development of individuals.

5. Write any two provisions of the Indian Constitution relating to the protection of the SCs, STs, and OBCs.

Ans- Article 15(4): Allows the state to make special provisions for the advancement of socially and educationally backward classes, SCs, and STs.

Article 16(4): Provides reservations in public employment for backward classes that are not adequately represented in the services.

6. Give two arguments to show that protective discrimination does not violate the principles of fairness.

Ans - It ensures equal opportunities for marginalized groups by compensating for historical and systemic disadvantages.

It promotes social justice by addressing existing inequalities and leveling the playing field.

7. Give two arguments against protective discrimination.

Ans -It can lead to reverse discrimination, creating resentment among other groups.

It may promote dependency and reduce incentives for self-improvement among the beneficiaries.

8. Mention any two areas where the state cannot intervene in the family.

Ans- Privacy of marital relations: The state typically does not interfere in the personal dynamics of marital relationships unless there is evidence of abuse or crime.

Religious upbringing of children: Families generally have the autonomy to decide the religious upbringing of their children without state intervention.

9. Give two arguments in support of protective discrimination.

Ans- Promotes equality: Protective discrimination, such as reservations or affirmative action, helps bridge the gap between marginalized and privileged groups, ensuring equal opportunities.

Corrects historical injustice: It provides compensation for systemic discrimination faced by certain groups over generations, giving them a chance to achieve socioeconomic parity.

Debate in politics Theory -II

III .Broad type question answer:

1. What is protective discrimination? Does protective discrimination violate the principle of fairness?

Ans-Protective discrimination refers to policies or measures that provide special treatment, advantages, or reservations to historically marginalized, underprivileged, or disadvantaged groups. The primary aim is to address social, economic, or educational inequalities and ensure equal opportunities. Common examples include affirmative action, quotas in education and employment, or reserved seats in legislatures.

Examples of Protective Discrimination:

Affirmative action: Providing preferential access to education or jobs for minorities or disadvantaged groups.

Caste-based reservations: Reserved seats for Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs) in India.

Gender-based measures: Policies promoting women's representation in leadership roles or education.

This depends on how one defines fairness:

1. Fairness as Equality

If fairness means treating everyone identically regardless of background, then protective discrimination might seem unfair because it gives special privileges to certain groups.

2. Fairness as Equity

If fairness means ensuring everyone has equal opportunities and compensating for systemic disadvantages, then protective discrimination can be seen as fair. It acknowledges historical and structural barriers that prevent marginalized groups from competing on equal footing.

Balancing Fairness

Protective discrimination is often seen as a temporary corrective measure rather than a permanent entitlement. Critics argue that:

It may lead to reverse discrimination against non-beneficiary groups.

Over time, it can perpetuate dependency rather than empowerment if not periodically reviewed.

Proponents argue that fairness requires leveling the playing field, and protective discrimination is essential until systemic inequalities are eradicated.

In conclusion, whether protective discrimination violates fairness depends on one's perspective on justice—whether prioritizing strict equality or addressing historical inequities.

2.What is family? Should state intervenes in family affairs give reason in support of your answer?

Ans -Family is a social institution and a fundamental unit of society that typically consists of individuals related by blood, marriage, or adoption. It serves as a space for emotional, social, and economic support, nurturing relationships, and fulfilling basic human needs such as care, love, and security. Families vary in structure and form, including nuclear families, extended families, single-parent families, and chosen families.

The question of state intervention in family affairs is nuanced. The state should intervene under certain circumstances, but such intervention must balance respect for family autonomy with the need to uphold justice, protect individuals, and promote societal welfare. Below are reasons supporting state intervention:

1. Protection of Individual Rights

The state must intervene when individual rights are violated within the family, such as in cases of:

Domestic violence: To protect victims from harm and ensure justice.

Child abuse or neglect : To safeguard the welfare of children who are unable to protect themselves.

Forced marriages or honor-based violence : To protect individuals from coercion or harm.

2. Ensuring Welfare

The state can provide support through social programs, financial aid, or counseling to help families in crisis. This includes:

Ensuring children have access to education, healthcare, and nutrition.

Assisting families affected by unemployment, poverty, or disability.

3.Promoting Gender Equality

State intervention can challenge patriarchal norms that perpetuate gender inequality, such as ensuring women's property rights or legal measures against dowry practices.

4. Legal and Economic Functions

Regulating divorce, child custody, or inheritance disputes to ensure fairness.

Protecting individuals in cases of economic exploitation within family relationships.

Risks of State Intervention

Excessive interference can undermine family autonomy and cultural values. It may lead to:

Overreach into private matters that families can resolve independently.

Distrust or resistance from communities who see it as infringing on traditional norms.

State intervention in family affairs should be limited and justifiable, focusing on protecting vulnerable individuals, upholding human rights, and ensuring societal welfare. While respecting family autonomy, the state has a duty to intervene when harm, injustice, or systemic inequality occurs within the family structure.

3. "State intervention is necessary to end domestic violence against women." Explain.

Ans-Domestic violence against women is a pervasive issue rooted in societal norms, gender inequality, and power imbalances within families. Left unaddressed, it has severe physical, emotional, and psychological consequences. State intervention is crucial to effectively combat domestic violence for the following reasons:

1. Protecting Fundamental Rights

Domestic violence violates women's basic human rights, including the right to live with dignity, personal security, and freedom from torture or inhuman treatment. The state has a constitutional and moral obligation to safeguard these rights by intervening in cases of violence.

2. Challenging Patriarchal Norms

Domestic violence often stems from entrenched patriarchal attitudes that view women as subordinate. Without state intervention through laws, education, and awareness campaigns, these norms remain unchallenged, perpetuating abuse.

3. Providing Legal Frameworks

State intervention is essential for:

Criminalizing domestic violence: Laws like the Protection of Women from Domestic Violence Act (2005) in India, or the Violence Against Women Act (1994) in the US, establish domestic violence as a punishable offense.

Ensuring justice : Providing mechanisms for women to report abuse and seek legal recourse.

4. Supporting Victims

Victims of domestic violence often face significant barriers, such as fear of retaliation, economic dependence, or societal stigma. State intervention provides:

Shelters and safe houses for women to escape abusive environments.

Counselling and rehabilitation programs to help victims recover emotionally and financially.

Financial aid or employment opportunities to reduce dependence on abusive partners.

5.Preventing Future Violence

Awareness campaigns: Educating the public on the illegality and immorality of domestic violence.

Police training: Ensuring law enforcement officers respond sensitively and effectively to domestic violence complaints.

Community engagement: Encouraging neighbors and community members to report abuse and support victims.

6. Reducing Intergenerational Trauma

Domestic violence not only affects women but also harms children who witness the abuse. Exposure to violence increases the likelihood of perpetuating or experiencing violence in adulthood. State intervention helps break this cycle through child protection measures and education.

Challenges to State Intervention

Resistance from cultural or religious groups defending family privacy or patriarchal practices.

Victims' fear of social ostracism or lack of trust in state mechanisms.

Inadequate implementation of laws due to corruption, insensitivity, or resource constraint .

State intervention is indispensable in addressing domestic violence against women. While legal, social, and economic measures are necessary, their effectiveness depends on consistent implementation, societal support, and empowering women. By intervening, the state not only protects individual women but also promotes a more just and equitable society.

4. Give arguments for and against state intervention in the institution of family.

Ans- 1. Protection of Individual Rights

The state has a duty to protect individuals, especially vulnerable members of a family, such as women, children, and the elderly, from abuse, neglect, or exploitation.

Cases of domestic violence, child abuse, or forced marriages require legal intervention to uphold justice.

2. Ensuring Welfare and Security

State programs such as financial assistance, healthcare, and education support families during crises (e.g., poverty, unemployment, or disasters).

Child protection services ensure children's well-being when families fail to provide adequate care.

3. Promoting Gender Equality

- The state can challenge patriarchal norms within families by ensuring women's rights to property, education, and decision-making, thereby fostering equality.

4. Legal Dispute Resolution

Family disputes over inheritance, divorce, custody, or alimony require state mediation to ensure fair and lawful outcomes.

Laws like the Protection of Women from Domestic Violence Act (2005) empower victims to seek justice.

5. Public Health and Social Stability

Intervention in cases like child marriage or polygamy helps prevent public health issues and promotes a stable, just society.

Addressing family violence reduces crime rates and the intergenerational transmission of abuse.

1. Threat to Family Autonomy

Families are private institutions, and excessive state interference can undermine their autonomy and the natural bond among members.

Interventions may create mistrust between the state and citizens, particularly in cultures that prioritize family over individualism.

2. Cultural Sensitivity

The state may impose policies that conflict with cultural or religious values, leading to resistance or unrest.

Uniform laws may not account for diverse family structures and traditions.

3. Risk of Overreach

Excessive intervention can lead to an overreliance on state mechanisms, weakening the family's role in caregiving and moral upbringing.

State bureaucracy may mishandle sensitive family matters, causing more harm than good.

4. Resource and Implementation Challenges

The state may lack the resources or capacity to intervene effectively, leading to partial or biased outcomes.

Corruption and inefficiency in state mechanisms can result in delays or injustice.

5. Potential Misuse of Laws

State intervention laws can be misused, such as false accusations in domestic disputes or alimony claims.

Misuse can harm innocent family members and erode trust in the justice systems.

5.What is Protective Discrimination? Give arguments against Protective Discrimination.

Ans- Protective discrimination refers to measures taken by governments or institutions to provide preferential treatment to historically marginalized or disadvantaged groups. These measures aim to address inequalities resulting from past discrimination and ensure equal opportunities in areas like education, employment, and politics. Examples include affirmative action, reservation policies, and quotas for underrepresented groups.

1. Violation of Meritocracy

Protective discrimination may prioritize group identity over individual merit.

Critics argue that it undermines the principle of rewarding hard work, talent, and competence.

2. Reverse Discrimination

Preferential treatment for certain groups can result in the exclusion or disadvantage of others, leading to resentment among non-beneficiary groups.

For example, individuals from economically weaker sections of non-reserved categories may feel unfairly overlooked.

3. Perpetuation of Stereotypes

Protective discrimination can reinforce stereotypes that marginalized groups are incapable of succeeding without special assistance.

This can stigmatize beneficiaries and reduce their self-confidence.

4. Undermining Social Cohesion

Policies of preferential treatment may deepen divisions between communities rather than promote harmony.

Non-beneficiary groups may perceive such policies as unfair, leading to hostility or conflict.

5. Economic Inefficiency

Protective discrimination can lead to inefficiencies by placing less qualified individuals in positions of responsibility or opportunity.

Critics argue that this could harm productivity in sectors like education, business, or governance.

6. Lack of Focus on Economic Inequality

Protective discrimination often uses broad identity markers (e.g., caste, race, gender) rather than focusing on individual economic conditions.

As a result, it might benefit relatively well-off members of marginalized groups while ignoring economically disadvantaged individuals in other groups.

7. Risk of Dependency

Long-term reliance on protective discrimination can create a dependency mindset among beneficiaries, reducing their incentive to compete on equal terms.

8. Potential for Misuse

Protective discrimination policies can be exploited by individuals or groups who do not genuinely need them.

For example, affluent families in reserved categories may take advantage of quotas, depriving poorer individuals of the same benefits.

9. Difficulty in Defining Eligibility

Determining who qualifies for protective discrimination can be complex and contentious.

Policies based on caste, ethnicity, or race may fail to capture the diverse realities of disadvantage within and across groups.

10. Temporary Measures Becoming Permanent

Protective discrimination is often introduced as a temporary corrective measure, but in many cases, it becomes institutionalized over time, creating dependency and resistance to change.

6. Define Principle of Fairness Does Protective Discrimination violate the Principle of Fairness?

Ans- The Principle of Fairness is a moral and philosophical concept emphasizing impartiality, justice, and equality in treatment and opportunity. It requires that:

1. Equal treatment : Individuals should be treated equally unless there is a morally relevant difference.
2. Proportionality : Benefits and burdens should be distributed in a way that is just and reasonable, considering individual needs and contributions.
3. Equity over equality: In some cases, fairness may require addressing historical disadvantages to ensure a level playing field.

Fairness can be interpreted in different ways:

Formal fairness: Treating everyone the same under identical rules.

Substantive fairness : Addressing inequalities to ensure outcomes are just and equitable.

Arguments That Protective Discrimination Violates Fairness

1. Violation of Equal Treatment

Protective discrimination provides advantages to certain groups based on identity (e.g., caste, race, gender), which may violate the idea of treating all individuals equally.

Critics argue that fairness should focus on merit and effort, not group membership.

2. Reverse Discrimination

Preferential treatment for some can result in discrimination against others, leading to feelings of injustice among non-beneficiary groups.

3. Uneven Burdens

Protective discrimination imposes a disproportionate burden on individuals who may not have contributed to historical injustices, such as younger generations.

4. Stigmatization

Beneficiaries of protective discrimination may face stereotypes that they are less capable or only succeeded due to special treatment, undermining their achievements.

5. Economic Inefficiency

Policies based on identity, rather than economic need or individual merit, may result in unfair allocation of resources and opportunities.

7. Give view against merit in the context of positive discrimination.

Ans- Positive discrimination, or affirmative action, challenges the traditional idea of meritocracy by prioritizing the inclusion of historically disadvantaged groups. Here are arguments against strict adherence to merit in this context:

1. Merit is Not Absolute

- Merit is often determined by standardized measures (e.g., grades, test scores, or experience), which may not fully capture an individual's potential or contextual challenges.

- Socioeconomic and systemic barriers (e.g., access to quality education) create unequal starting points, making merit an unfair criterion for assessing individuals from marginalized groups.

2. Merit Reflects Privilege

What is considered “merit” often reflects access to resources, opportunities, and support systems that disadvantaged groups may lack due to historical and structural inequalities.

For example, students from privileged backgrounds often have access to better schools, tutors, and extracurricular activities, skewing outcomes in their favor.

3. Merit Alone Perpetuates Inequality

Strict adherence to meritocracy without addressing systemic barriers perpetuates existing inequalities, as marginalized groups are excluded from opportunities they could excel in with proper support.

Positive discrimination helps break the cycle of disadvantage by creating pathways for underrepresented groups.

4. Merit Ignores Context

Individual achievements are often shaped by environmental factors such as family background, community resources, and societal biases.

Positive discrimination recognizes the need to account for these contextual disadvantages rather than treating everyone as though they started from the same position.

5. Diversity Benefits Society

Positive discrimination emphasizes the societal benefits of diversity in workplaces, education, and governance.

Diversity fosters innovation, cultural understanding, and social cohesion, goals that strict meritocracy does not necessarily achieve.

6. Meritocracy Can Be Subjective

Definitions of “merit” can vary and often reflect institutional biases, favoring qualities or experiences aligned with dominant groups.

Positive discrimination challenges these biases by valuing alternative forms of merit, such as resilience, adaptability, and lived experience.

7. Correcting Historical Injustices

Marginalized groups have faced systemic exclusion from opportunities for generations. A strict merit-based system ignores these historical injustices and their continuing impact.

Positive discrimination seeks to rectify these inequities, ensuring fair representation and participation.

8. Social Justice Takes Precedence

Positive discrimination prioritizes social justice and equity over meritocracy by ensuring that historically excluded groups have access to opportunities.

This approach aligns with the moral imperative of creating a more inclusive and equitable society .

8. Discuss different grounds on which state can intervene in the institution of family.

Ans- The family is often considered a private institution, but the state has a legitimate role in intervening under certain circumstances to ensure the protection of individual rights, societal welfare, and justice. Below are the key grounds for state intervention:

1. Protection of Individual Rights

The state intervenes to safeguard the rights and dignity of individuals within the family, particularly those who are vulnerable.

Domestic Violence: Protecting victims (often women) from physical, emotional, or psychological abuse under laws like the Protection of Women from Domestic Violence Act.

Child Abuse or Neglect: Ensuring the safety and welfare of children through child protection laws and social services.

Forced Marriages and Honor-Based Violence: Preventing coercion and harm to individuals in the name of family honor.

2. Promotion of Gender Equality

The state can challenge patriarchal norms and practices that discriminate against women, ensuring equal rights in:

Property and Inheritance: Enforcing laws that give women equal access to family property.

Marriage and Divorce :Ensuring fairness in legal procedures related to marriage, alimony, and child custody.

Reproductive Rights: Protecting women's autonomy in decisions related to childbirth and family planning.

3. Welfare and Economic Security

The state provides support to families in crisis to ensure their well-being:

Social Welfare Programs: Financial aid, healthcare, and housing support for low-income or single-parent families.

Child Support Enforcement: Ensuring that non-custodial parents fulfill financial obligations.

Care for the Elderly: Regulating the care of senior citizens to prevent neglect or exploitation.

4. Protecting Children's Welfare

Children are often unable to advocate for themselves, necessitating state intervention in:

Education and Health : Enforcing compulsory education and access to healthcare.

Prevention of Child Labor: Prohibiting exploitative practices that harm children's development.

Child Marriage Prevention: Enforcing legal age limits for marriage to protect minors.

5. Prevention of Abuse and Exploitation

The state intervenes to prevent harmful practices within families:

Dowry and Bride Price: Prohibiting economic exploitation of women through laws like the Dowry Prohibition Act.

Trafficking: Addressing cases where family members exploit others for labor or trafficking purposes.

Discrimination: Protecting individuals from caste, gender, or disability-based discrimination within the family.

6. Public Health Concerns

The state regulates family practices that impact public health:

Polygamy and Bigamy: Prohibiting such practices in certain legal systems to ensure societal stability.

Reproductive Policies :Encouraging family planning to manage population growth.

Harmful Traditions : Intervening against practices like female genital mutilation (FGM) or forced sterilization.

7.. Legal and Social Order

Ensuring that families comply with the rule of law:

Inheritance and Property Disputes : Resolving conflicts to ensure fairness and legal clarity.

Divorce and Custody Cases: Mediating disputes to protect the rights of spouses and children.

Criminal Activities: Addressing cases where family members are complicit in illegal activities, such as honor killings.

8. Addressing Social Inequalities

The state can promote equitable opportunities within families:

Reservations and Affirmative Action: Ensuring that disadvantaged family members, such as women or marginalized castes, receive equal access to resources and opportunities.

Access to Education:Enforcing policies that prioritize education for girls and marginalized children.

9. Balancing Traditional Practices with Modern Law.

The state often intervenes to balance cultural traditions with human rights and legal frameworks:

Religious Personal Laws :Regulating personal laws (e.g., marriage, divorce) to align with constitutional principles of equality and justice.

Cultural Sensitivity: Engaging in dialogue to prevent harmful cultural practices while respecting traditions.

9.Is there any differences between Protective Discrimination and Reservation of Backward Sections of Society? Write briefly about the provision of the Constitution of India regarding Protective Discrimination .

Ans-While both protective discrimination and reservation for backward sections aim to address historical injustices and promote equality, they differ in their focus, scope, and application:

1. Protective Discrimination :

Protective discrimination refers to the special measures or laws that are designed to protect disadvantaged or marginalized groups from discrimination, exploitation, or harm. These measures aim to improve the status and conditions of these groups by offering them specific legal protections.

Purpose: It focuses on ensuring that disadvantaged groups, such as women, children, and marginalized communities, are protected from violence, abuse, or discrimination.

Examples: Laws against domestic violence, child labor, forced labor, and protections for women in the workplace.

2. Reservation for Backward Sections of Society:

Definition : Reservation refers to the allocation of a certain percentage of seats in educational institutions, government jobs, and legislative bodies for the benefit of socially and economically backward communities.

Purpose: It aims to provide equal opportunities to historically marginalized groups, particularly Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs), by ensuring their representation in education, employment, and politics.

Examples: Quotas for SCs, STs, and OBCs in universities, government jobs, and in the legislature.

Constitution of India and Protective Discrimination

The Constitution of India provides for measures that fall under both protective discrimination and reservation, particularly for the Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). These provisions are aimed at ensuring social and economic justice and equality.

1. Article 15(3) :

This allows the state to make special provisions for the protection of women and children (e.g., laws on maternity leave, child welfare, and anti-trafficking measures).

This is an example of protective discrimination aimed at ensuring the welfare and safety of vulnerable groups.

2. Article 16 :

Provides for equal opportunity in matters of employment under the state, but allows for reservation in appointments or posts for backward classes (SCs, STs, OBCs) to ensure they have fair representation in public services.

3. Article 46:

This article promotes the welfare of the weaker sections, particularly SCs, STs, and other backward classes, by ensuring that the state works to protect them from social injustice and all forms of exploitation.

4. Article 330, 332, 334:

Provides for reservation of seats for SCs and STs in the Lok Sabha (House of the People) and Rajya Sabha (Council of States) to ensure their political representation.

5. Article 15(4) and Article 16(4):

These articles allow the state to make special provisions (like reservations) for backward classes in the field of education and employment to promote their social and economic integration.