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MAINS TEST SERIES 2024

SOCIOPOLITICAL PHILOSOPHY

TEST V

Question Paper Specific Instructions

1. There are **FIVE** Questions printed in **ENGLISH**.
2. All Questions are **Compulsory**.
3. The number of marks carried by a question/part is indicated against it.
4. Word limit in questions, wherever specified, should be adhered to.
5. Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.

Q No.	Marks Obtained	Q No.	Marks Obtained	Q No.	Marks Obtained	Q No.	Marks Obtained
1(a)	4	2(d)	5	5(a)	—		
1(b)	4	2(e)	5	5(b)	5		
1(c)	52	3(a)	12	5(c)	9		
1(d)	7	3(b)	9				
1(e)	72	3(c)	10				
2(a)	6	4(a)	10				
2(b)	5	4(b)	10				
2(c)	52	4(c)	—				
Signature				TOTAL			

Name

GOPIKA B

Roll no

Subject

Date

13/08/2024

Module

SOCIO POLITICAL PHILOSOPHY

checked



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1(a)) Discuss the nature of relationship between inequality and justice (10 Marks)

Inequality and justice are deeply intertwined. In many ways, they are two sides of the same coin.

(Don't write anything in this area)

Inequality - as a barrier to justice

bridging inequalities → justice

① In an unequal society - poor economic justice - as resources are not equally distributed.

[egokharia 11/12]

② An unequal society results in matsya nyaya where the strong realises their justice at the cost of the weaker.

five liberty

③ Poor political justice - no representation for the weaker sections.

④ Amartya Sen - explains complex relationship between different inequalities - social and political equality meaningless without economic equality - thus resulting in an unjust world.

justification of inequality



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capitalist

Justice - to reduce inequality

Rawls
Aristotle
ex

(Don't write anything in this area)

① Procedural justice of Rawls
(transcendentalist approach) - creation of just procedure to create a just outcome.

② Amartya Sen's - capability approach
(compassionist approach) - selecting the most practical solution and increasing capabilities of individuals by providing them with basic needs - reducing inequalities.

③ The goal of socio-economic justice itself is to bring substantive equality in the society.

Thus, inequality and justice are related to ~~each~~ each other.



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1(b) In what ways do the present-day democracies prevent themselves from getting degenerated to "mobocracies" ? (10 Marks)

Democracy is rule of the people, by the people and for the people. It is characterised as the rule of majority which can degenerate into mobocracy.

(Don't write anything in this area)

Democracies' degeneration into mobocracy

- ① Plato criticises democracy as a mobocracy as decisions are often taken based on emotions of majority rather than logic.
- ② Analogy of ship given by Plato - where ship captain should be an able & efficient person. Leaders elected by democracy may represent interests of a particular group.
- ③ In pluralist democracy, powerful groups dominate decision making, similar to elite groups in elitist democracy eg. Kennedy family, Bush family in US.
- ④ Extensive negotiations and ~~decisions~~ discussions

Make it concise



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often takes a lot of time which results in delay.

⑤ Feminist critic - democracy does not bring equality in the private sphere, therefore in the public sphere also it is dominated by powerful men.

mechanisms to prevent

Democracy - not mobocracy

① Ensures liberty, equality, fundamental rights to the citizen.

② It often has a welfarist approach - thus ensuring protection of poor and marginalised

③ checks and balances exist within the system - eg: independence of judiciary, supremacy of constitution

④ periodic elections - to ensure accountability and avoid domination.

⑤ freedom of press, protection of minorities are also important facets of democracy.

Even if democracy has its challenges, it is the best available form of govt.

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Can give more focus here



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1(c) Can the problem of caste discrimination be eliminated by following the principles of libertarianism? (10 Marks)

(Don't write anything in this area)

Libertarianism is a political philosophy that emphasizes individual liberty and limited govt. Proponents are Adam Smith, Isaiah Berlin, Hayek, Nozick.

Libertarianism - to eliminate caste discrimination

- ① Liberty is given primary - since liberty of all individuals are guaranteed - they are free to choose their occupation.
(thus breaking occupational rigidity of the caste system)
- ② Each and everyone is considered equal - $\therefore$ discriminatory practices like untouchability wouldn't exist.
- ③ Free market economy - ensures everyone has opportunity to grow & compete in the economy.
- ④ Libertarians strongly believe in freedom of speech, press etc - thus ensuring abilities for everyone to assert their rights in society.

dignity

pol. +
Capitalism

Burping of Shastras



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Steps
few

Libertarianism - cannot solve caste discrimination

① Proponents like Isaiah Berlin fail to distinguish between freedom and conditions of freedom.

eg. a lower caste person may be free to leave his mental job but he may have to starve to death.

② It results in matasya nyaya - the upper caste will dominate the free economy

③ Positive liberalists critic - only formal equality is established - no substantive equality.

④ No scope for affirmative actions therefore ~~these~~ steps like reservation in education, jobs etc cannot be ensured.

⑤ It will widen inequality - as a class-caste nexus will emerge.

Thus, Amartya Sen's capability approach and Gandhi's attitudinal change are together required to eliminate caste discrimination.

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class vs caste



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1(d) Analyse the relationship between secularism and religiosity in the Indian context

(10 Marks)

Indian secularism is based on the principle of 'sarva dharma samabhava' equal protection of all religions.

(Don't write anything in this area)

Positive relationship b/w secularism + religiosity

① Allows freedom of religion in both public and private sphere.

eg: Indian secularism → can wear religious symbols in public — tilak, coors etc

French secularism → complete ban of religion in public sphere

② Religious festivals are celebrated publicly and holidays given by state.

eg: Suga puja, celebrations.

③ State enables citizens to exercise their freedom of religion

eg: Hajj subsidy

④ State can interfere and bring positive reforms and abolish discriminatory practices.



eg: ban on triple talaq.

⑤ State has no official religion but can protect religious minorities.

eg: minority educational institutions can be set up.

Conflict between secularism & religiosity

① State's interference to bring reform seen ~~as~~ negatively by religious groups.

eg: protests against women entry to Sabarimala.

② Doctrine of essential practice is often criticised - how can judges determine essentiality of a religious practice?

③ Religion is related to personal liberty of an individual - state's interference curbs this liberty.

④ Indian model of secularism can lead to exploitation of religiosity & for vote bank politics.

Indian model of secularism has ensured that diversity of Indian society is preserved at the same time establishing a religious-neutral State.



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1(e) Can mass violence ever be justified?

(10 Marks)

Mass violence is defined as an intentional violent criminal act that results in physical emotional or psychological injury to a large number of people. eg: terrorism, mass riots

(Don't write anything in this area)

It can be justified

- ① States ~~can~~ engage in wars to protect sovereignty and integrity of nation.
eg: Kargil war
- ② Violence as last resort - to gain freedom from authoritarian rule
eg: 1971 Bangladesh liberation
- ③ Gandhi said that if he had to choose between violence and cowardice, he would choose violence.
- ④ Marxian philosophy supports violence to bring about revolution and establish a communist society
- ⑤ In Bhagavad Gita, war is justified in order to restore dharma.

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It cannot be justified

- ① Violence is against Kantian deontological ethics - where every human being is an end & not a means.
- ② Gandhi propounded satyagraha - as he believed "violent movement can only bring violent freedom"
eg: many African nations even after independence undergoing riots & coups
- ③ Mass violencees like terrorist attacks, aircraft hijacks can never be justified - where these attacks are carried out for purely selfish motives.
- ④ As a modern evolutionary society, many other options can be pursued instead of violence.
eg: dialogue & diplomacy

Turning principles like 'Vasudhaiva Kutumbakam' can promote peace in the world and avoiding incidents of mass violence.



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2(a) Is there any relevance for Platonian concept of justice in the contemporary world? (10 Marks)

Plato's theory of justice is centered on dutifulness. He assigns virtues to each social class

Relevance in the contemporary world

class	virtue
Philosophers	Wisdom
Soldiers	Courage
Traders	Temperance
Social order	justice

(Don't write anything in this area)

- 1) Division of labour - based on natural abilities - can promote harmony in society
- 2) Philosopher king advocates for a capable and knowledgeable ruler.
- 3) Justice is seen as harmony by Plato - even in contemporary world, peace & justice are 2 sides of the same coin.

(Merit)

Relevance

- 1) Division of labour propounded by Plato creates a caste system.
∴ no social mobility & occupational rigidity



① Karl Popper criticises philosopher
King - as it leads to a totalitarian
rule.

③ His theory of justice is heavily
dependent on metaphysics → based on
soul. Therefore, cannot be justified
on rational grounds.

④ ~~The~~ The most accepted form of govt to
ensure justice in today's world is
democracy - which is criticised by
Plato.

⑤ Contemporary world deals with
challenges like gender inequality,
social redistribution - which are not
~~not~~ considered by Plato.
dumb (red)

Even though justice is seen as a virtue
befitting the social order, Plato's concept
of justice has less relevance in today's
world.



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2(b) How far can the contemporary environmentalist movements be justified?

(10 Marks)

Environmental movements are initiated to protect the nature from exploitation of man.

eg: Naamada Bachao Andola.

(Don't write anything in this area)

Can be justified

- ① From the perspective of deep ecology
 - maintaining nature in its pristine form
 - nature belongs not just to man but all species
- ② To protect the rights of future generations
 - as envt'l exploitation can jeopardize their future
 - eg: #Fridays for future campaign, Greta Thunberg's campaign
- ③ From a utilitarian perspective - protecting nature in order to protect humans
 - ⇒ to avoid adverse effects of climate change
 - eg: promoting sustainable development



④ From a minimalist perspective - to avoid exploitation

Gandhi - "There is enough on earth for everyone's need not for greed"

⑤ Environmental movements are also associated with the protection of rights of vulnerable groups like women, tribals etc.

eg: Chipko movement - eco feminist movement

Narmada Bachao Andolan - protest against displacement of tribals.

Cannot be justified

vt to life can be compromise

① Environmental terrorism becoming more common.

eg: Just stop oil campaigns of destroying famous paintings.

② Use of natural resources essential to ensure economic growth.

As climate change is an imminent threat today, environmental movements are essential to protect nature and future of earth.



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2(c) Explain what do you understand by multiculturalism in the Indian context

(10 Marks)

Indian multi-culturalism is based on the 'salad bowl model' - where cultures coexist while maintaining their individual identity.

Multiculturalism in Indian context

- ① "Saevadhauma samathava" - equal protection to all religions - ensuring state neutrality
- ② 'sense of good living created' - as rights of minorities are also protected.
eg: public holidays on important festivals of all religions
- ③ Promoting tolerance and awareness of different cultures
eg: Kashi-Tamil Sangam
- ④ Multiculturalism allows identification of concerns of different groups.

(Don't write anything in this area)

not a simulation
not a salad bowl

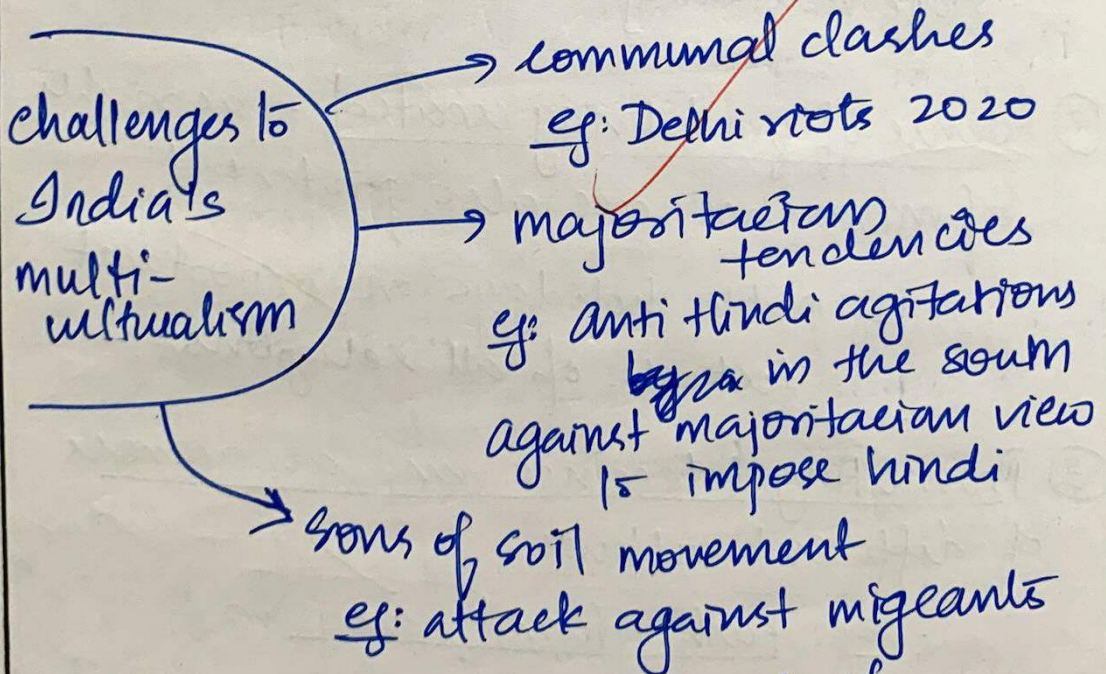


eg: when representation of different groups are ensured in decision making. (minorities mean reservation of seats for SCs & STs in parliament.)

(Don't write anything in this area)

⑤ Bhikkhu Parekh's view that cultures can interact with each other and get enriched can be observed in Indian context

eg: Bhakti and Sufi movements have influenced each other.



India believes in the principle of 'vasudhaiva kutumbakam' which promotes multi-culturalism and harmony.



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2(d) Is the idea of radical feminism workable in the Indian society?

(10 Marks)

(Don't write anything in this area)

~~Feminism~~

Radical Feminism is a perspective within feminism that society is fundamentally a patriarchy where men oppress women.

It is workable

- ① It can reorder society to bring gender equality.
- ② It can help to break traditional gender roles - ensure equal participation of men & women in economic sphere.

It is not workable

- ① A radical reordering would require a violent revolution which would disturb the peace.
- ② They are against family as an institution which forms an integral part of Indian society.
- ③ They have a narrow view on inequality considering gender as root of



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every inequality, while caste and racial inequalities exist irrespective of gender.

④ It can alienate men from the women empowerment process.

⑤ It can interfere with religious and cultural traditions.

⑥ True equality can come only through an attitudinal change - which may not be guaranteed by radical movement.

Even if the piecemeal strategy of bringing gender equality is slow, radical feminism seems impractical and utopian.

⑥

Like few houses
egs etc

(Don't write anything in this area)



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2(e) "The only purpose for which power can be rightfully exercised over any member of a civilised community against his will, is to prevent harm to others" Examine this view of JS Mill (10 Marks)

JS Mill is a proponent of positive liberty where liberty ensures that there is adequate opportunity for development of personality for everyone.

He emphasizes on Individual liberty and autonomy. He is against the unnecessary interference of the state to curb liberty.

Individuals are free to exercise liberty as long as it does not harm others.

Law and liberty are complementary according to positive liberals. Laws that ensure citizens cannot harm each other does not curb liberty.

Unrestrained liberty can degenerate into licence. eg: A thief's liberty is a

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(Don't write anything in this area)

(Don't write anything in this area)



threat to everyone else's liberty
Positive liberty ensures that matsya
nyaya does not occur - where the
weaker sections also get the ability
to fulfil their rights.

Mill does not consider taxation, limitation
on inheritance as harmful ~~to~~ or
prioritizing one group over another.

Criticism of negative liberals

- ① Law and liberty are ~~completely~~ contradictory.
Law interferes in life of individual.
- ② equality of opportunity can only be
created - equality of outcome creation
leads to disregard of merit.
- ③ Nozick considers taxation as forced
labour on the rich.

Thus JS Mill envisaged a positive liberalist
State where the weak are not subjugated
by the strong.



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3(a) "The logical culmination of the concept of sovereignty is totalitarianism"
Critically examine (20 Marks)

(Don't write anything in this area)

Sovereignty is the supreme power to govern a territory or a group of people. It implies independence from external control & right to self-determination.

Culminates to totalitarianism

① In Jean Bodin's theory of sovereignty considered the power of the state should be unrestrained.

Unrestrained power leads to totalitarianism
His theory results in the absolute rule of a monarch - which creates a hereditary structure.

② John Austin puts forward monistic theory of sovereignty defines 6 characteristics of sovereignty as universal, absolute, non-transferable, exclusive, indivisible and permanent.

These characteristics lead to a totalitarian



State.

- ③ Concept of just monarch is utopian as monarchy often leads to tyranny
eg: Louis XIV in France
- ④ In pluralistic theory of sovereignty (Laski) even though power is divided, 'state monster' is replaced by 'group monster'
- ⑤ Marxists criticise sovereign states as state is a class instrument and advocate for stateless society.
- ⑥ Anarchists believe that there is no concept of 'legitimate authority' and sovereign states often impose violence to establish order.
- ⑦ Gandhi believed in Rama rajya - where people lived in harmony without a sovereign - he saw state as a symbol of violence.



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Sovereignty does not culminate to totalitarianism

- ① Pluralistic theory of state divides power - avoiding concentration of power in one hand.
- ② In democracies, sovereign is elected and can be removed by popular will
eg: elections in India, USA.
- ③ Montesquieu's separation of powers ensures state is ~~not~~ not tyrannical
- ④ Existence of checks and balances within the system to limit the power of sovereign
eg: Independence of judiciary
- ⑤ Democratic states recognise the fundamental rights - which act as limitation on the power of govt
- ⑥ John Locke - sovereign cannot neglect natural rights - like right to life, right to liberty etc.

(Don't write anything in this area)



- ⑦ Kautilya even though was a proponent a stable & imperialist state - stressed on importance of [paternal & benedict] state.
- ⑧ Modern states believe in expanding rights of citizens and limiting itself
eg: right to privacy recognised through expansion of Art 21.

In the modern world, majority of nations are democracies and the sovereigns are held accountable to the people and hence reducing chances of totalitarianism.

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3(b) Anarchism is the absence of law; not the absence of order" Do you agree?

(15 Marks)

Anarchists believe that state is an unnecessary evil, where citizens are forced to obey its authority.

(Don't write anything in this area)

It is not absence of order

- ① Philosophical anarchists like William Godwin rejects coercive authority of law, but accepts rational authority of experts
eg: they accept a doctor's expertise and enforcement of contracts.
- ② Gandhi believed in Ram rajya where people lived in cooperation and performed duties towards one another - thus natural order exists without any law.
- ③ Socialist Anarchists also believe in social solidarity - solidarity creates



order.

- ④ Pacific Anarchists like Leo Tolstoy ~~believe~~ believes in abolition of state in a peaceful manner and establish anarchism on moral grounds.

Anarchism can lead to absence of order

- ① Revolutionary anarchism leads to violent overthrow of the state - destroying order in society.
- ② Anarchism ~~ignores~~ emphasizes on the good nature of humans - Hobbs criticizes this and says that humans are inherently selfish - state is necessary for harmonious coexistence.
- ③ Absence of state ~~of~~ or order often leads to chaos and atrocities ~~in the~~ against citizens in the country
eg: Iraq after fall of Saddam Hussein



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④ state is necessary to enforce justice
in case of violation of rights.
eg: punishments given by state.

⑤ Anarchists fail to identify positive
role of state in enforcing order

↳ fighting terrorism, radicalism

↳ order through law enforcement
eg: police, military, courts

↳ state itself accountable to
the people.

eg: conviction of US President
Nixon in watergate scandal.

Anarchism is a utopian concept. In
today's world state is necessary to
enforce order in the society.

(Don't
write
anything
in this
area)

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3(c) To what extent can the idea of meritocracy be ethically justified? (15 Marks)

Negative liberals propound liberty without any restraints ~~but~~ therefore creating a society based on merit.

Justification for meritocracy.

① It creates a society based on efficiency and competence.

ef: Most meritorious person becoming ruler.

② If equal opportunity is provided for everyone, then meritocracy is beneficial.

③ ~~ef~~ If equality of opportunity exists, then fulfilment of one's desires is dependent on one's own capacity.
(Isaiah Berlin)

ef: one cannot fly like an eagle or swim like a whale is not absence of liberty

④ Meritocracy ensures proper incentivization in society leading to economic growth.



eg: economic growth of USA
⑤ Inequality reduces with time - Kuznets curve
cannot be fully justified

(Don't write anything in this area)

① Ability to choose must be accompanied by capacity to choose - Amartya Sen's capability approach - state must interfere to provide basic necessities

② It leads to matrya shayya - where the powerful corner all the benefits

③ Inequality widens in a meritocracy, making the rich richer and poor poorer.

④ Marxists criticise capitalist systems based on meritocracy where surplus value is fully taken by industrialists

⑤ Political ~~activity~~ ^{equality} is meaningless without social and economic equality

⑥ Higher inequality in the society



can lead to class conflict and social unrest.

⑦ Negative liberals fail to distinguish between moral + material freedom.

Moral freedom — dependent on individual
material freedom — conditioned by various factors in society

⑧ It does not account for historical injustices — like caste inequalities, racial discrimination — thus does ~~provide~~ not provide scope for any affirmative actions like reservation.

Merit must be balanced with capability approach of Amartya Sen in order to establish substantive equality in the society.

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4(a) How far can Rawlsian principles ensure social justice in the Indian context?

(20 Marks)

(Don't write anything in this area)

Rawls envisages a justice system within the capitalist system itself to ensure substantive justice.

Rawlsian principles to ensure social justice in Indian context

① It ensures the creation of just procedure to ensure a just outcome

eg: just taxation system to redistribute wealth.

② It is distributive since it concerns with redistribution of various resources

eg: taxing rich individuals to provide food subsidy through public distribution system (ration shops).

③ It is also liberal since it is within a capitalist system.

eg: India is promoting setting up of more industries to create more jobs in



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the economy at the same time promoting healthy competition and growth in the economy. (liberty & justice can co-exist)

④ Rawls principle promotes a welfare state - ~~an~~ India is a welfare state ~~not~~ ensuring upliftment of poor and marginalised through govt schemes like PM Garib Kalyan Yojana, PM Awas Yojana etc.

⑤ Rawls envisages a chain principle - ~~where~~ "the chain is ^{as} strong as its weakest link" - this is in conjunction with the Gandhian idea of Sarvodaya (good of individual is contained in the good of all) followed by India.

⑥ Social contract of Rawls envisages rational negotiators under ~~the~~ veil of ignorance to create a just procedure for distribution.

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(Don't write anything in this area)

fair competition
Political
liberty



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The constitution of India can be considered as formulated by rational negotiators to create a just society.

eg: reservation to SC and ST in parliament as fair procedure to ensure representation.

(Don't write anything in this area)

Cannot ensure social justice

- ① Amaeyya Sen criticises Rawls approach as transcendentalist - just procedure cannot ensure just outcome

He gives an example of one flute and 3 children who have different claims on it, to explain complex nature of justice and how one procedure cannot ensure just outcome.

- ② Marxist critic - justice cannot be ensured within a capitalist system, as labour class will always be exploited by capitalist class.

- ③ Feminist critic - ignores inequality in private sphere.

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eg: India is ranked 121st in Gender Gap index depicting high gender equality which cannot be addressed through Rawlsian principles.

(Don't write anything in this area)

④ original position under veil of ignorance is hypothetical, as one cannot be divorced from one's own socio-economic condition.

Amartya Sen's idea of justice (Nyaya) completes ~~Rawls~~ and moves forward Rawls' concept of justice (Nih) which can ensure true justice in Indian society.

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4(b) Is democratic socialism a self-contradictory concept?

(15 Marks)

Democratic socialism is a political & economic philosophy that advocates for a democratic political system ~~and~~ alongside a socially owned economy
eg. Scandinavian nations, India

(Don't write anything in this area)

It is ~~not~~ self-contradictory

- ① Socialism calls for revolution to reorder society — democratic socialism opposes a revolution.
- ② Socialist states (Marxist) are ruled by the proletariat — but democratic socialism is based on periodic elections & universal adult franchise.
- ③ Milton Friedman — freedom can only be found in a capitalist system not in a socialist system.
- ④ In socialism all means of production are under the state but democratic socialism, there is scope for private



players to exist.

⑤ Marxists believes that capitalism cannot be reformed through democratic means.

It is not self-contradictory

① It aims to fulfil socialist goals - like substantive equality, reduction of class conflict - through democratic means.

② It aims for establishing equality and justice - successful models seen in Scandinavian nations like Finland, Denmark which has low economic inequality, ~~low~~ high gender equality and high human development

③ Essential means of production and distribution ~~also~~ is kept under state ownership.



- ④ Ensures need-based distribution – thus helping to alleviate poverty
- ⑤ It has a communitarian approach prioritises community values over individual values – similar to socialism.
- ⑥ Democratic socialism has a strong progressive taxation system which helps in redistribution of wealth which aligns with socialism.

Democratic socialism finds a balance between individual liberty and economic equality. Thus negative effects of socialism as seen in USSR can be overcome, making democratic socialism more beneficial for a society.

10

(Don't write anything in this area)



5(b) Is there any significance for Marxian theory of alienation in the present day world? (15 Marks)

Marx believed that the capitalist system deformed the productive activity of man and caused alienation in several ways

- 1) Alienation from oneself
- 2) Alienation from others
- 3) Alienation from nature
- 4) Alienation from one's product.

Significance of alienation in present world

Alienation from oneself

→ Today's consumerist world can alienate man from his true values by fulfilling material needs and creating a need for more material things.

→ Most people around the world have poor work-life balance, where work takes up all their time, reducing their ability to concentrate on oneself.

(Don't write anything in this area)



→ Social media has created notions of what a perfect life should ~~be~~ look like thus while copying such notions, individuals forget their true desires.

(Don't write anything in this area)

Alienation from others

- Fall of joint families and rise of nuclear families can create more isolation.
- Studies show that ~~so~~ spending too much time on social media reduces one's willingness & ability to interact physically - increasing isolation.
- highly individual oriented values are given more importance in countries like USA. This reduces role of community thus ~~reduces~~ causes isolation.

Alienation from nature

- ~~is~~ exploitation of nature to meet one's materialistic needs - reduces mankind's connection & concern for nature.

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→ Lack of environmental education and shift from a rural to ~~urban~~ life - also alienates ~~from~~ one from nature.

Alienation from one's product

→ Labour ~~is~~ ^{is} still exploited by capitalist class - thus reducing their due share

eg: Amazon truck drivers are poorly paid in US and forbidden from unionisation.

→ In corporate sector also, majority of the profit of a product is cornered by the company and a minuscule portion given to employees.

Irrelevance in today's world

→ Stronger envtl movements are rising to protect nature

eg: #Fridaysforfuture

→ Social media is also an avenue for friendship and wider networking.

→ post covid-workers have demanded better work life balance to focus on themselves.

Alienation theory of Marx still holds some value in today's world.

(Don't write anything in this area)

can have more points



5(c) How far can capital punishment be ethically justified?

(15 Marks)

Capital punishment is the death penalty awarded under due process of law. Many countries have abolished it and abolition of capital punishment is a condition for membership ^{to} the European Union.

It can be justified

① Rights of the victim upheld.

② In countries like India, capital punishment is reserved for heinous crimes and used in rarest of rare cases.

eg: capital punishment for terrorists of Mumbai attack (26/11)

③ Social solidarity theory - to restore society's faith in the justice system
eg: death penalty to Nishhaya rape case convicts

④ Kautliya - "Justice must not be only done, but must also seem to be done"



⑤ Kant's deontological approach - punishment is an end in itself - severity of punishment proportionate to crime
eg: capital punishment for murder.

⑥ It can act as a deterrent and set an example for the community.

It cannot be justified

① State cannot give ~~any~~ life to a person therefore no right to take life (inhumane)

② It ignores socio-economic conditions of the offender.
eg: offenders who get sentenced are mostly from poor backgrounds. Rich can afford best legal support and avoid the punishment.

③ It does not necessarily act as deterrent.

eg: Abolition does not increase crimes
neither ^{the} reintroduction reduces crime rates

(Don't write anything in this area)



④ If an alleged criminal is executed and later evidence exonerating him is found - the punishment cannot be undone.

⑤ It does not suit modern democratic societies and does not focus on rehabilitation and reformation

⑥ ~~Every state~~ Some states carry out capital punishment in an inhuman manner - violation of human rights of offender
eg, stoning to death in Gulf countries.

Capital punishment should be awarded only in the rarest of rare cases. Recently CJI DY Chandrachud asked to conduct studies to find a humane ~~new~~ form of execution to uphold human rights.

(Don't write anything in this area)