REV-01
BLB/20/25

2025/12

SET A

BA LLB
NINTH SEMESTER
AFFIRMATIVE ACTION & DISCRIMINATIVE JUSTICE
BLB – 906 H_7 CL

[USE OMR FOR OBJECTIVE PART]

Duration: 3 hrs. **Full Marks: 70**

(Objective)

Time: 30 min. **Marks: 20**

Choose the correct answer from the following: ***1×20=20***

1. The primary objective of affirmative action in India is:
   a. Promoting Fraternity
   b. Ensuring electoral reforms
   c. Protecting individual rights
   d. Promoting Equality

2. The concept of distributive justice is most closely related to which philosophical perspective?
   a. Utilitarianism
   b. Rawlsian Theory
   c. Marxism
   d. Libertarianism

3. Which of the following highlights a core challenge in implementing affirmative action?
   a. Lack of legal basis
   b. Social controversy and backlash
   c. Absence of beneficiaries
   d. Excessive financial cost

4. Which Commission recommended 27% reservation for OBC candidates in all levels of government services?
   a. Sarkaria Commission
   b. Mandal Commission
   c. Mehta Commission
   d. Kothari Commission

5. Reservation policies in Indian higher education primarily apply to:
   a. Only OBCs
   b. Only SCs
   c. Only STs
   d. SCs, STs, OBCs

6. Which Article of the Indian Constitution allows for special provisions for women and Children?
   a. Article 14
   b. Article 15(3)
   c. Article 15(1)
   d. Article 15(2)

7. What is a key feature of government welfare schemes related to affirmative action?
   a. They target only urban population
   b. They prioritize marginalized groups
   c. They are voluntary
   d. They have no legal basis

8. Treating equals equally and unequals unequally is the core definition of who's theory of Justice?
   a. Aristotle
   b. Socrates
   c. Plato
   d. None of the Above.

9. Untouchability is abolished under which Article of the Constitution of India?
   a. Article 18
   b. Article 16
   c. Article 17
   d. Article 11

10. Which statement best defines the concept of Judicial Activism?
   a. The process by which higher courts overturn decisions made by lower courts on procedural grounds.
   b. A philosophy where judges use their power to expand rights, create new legal principles, and direct policy, often seen as stepping into the domains of the executive or legislature.
   c. The constitutional provision that gives the Supreme Court the authority to issue writs (e.g., Habeas Corpus) to enforce fundamental rights.
   d. The practice where the judiciary strictly adheres to the original intent of the lawmakers, refusing to interpret the Constitution broadly.

11. Which Supreme Court decision laid down the 50% ceiling on reservations in public services and introduced the "creamy layer" concept for OBCs in India?
   a. Kesavananda Bharati v. State of Kerala
   b. Pramati Educational and Cultural Trust v. Union of India case
   c. Minerva Mills v. Union of India
   d. Indra Sawhney v. Union of India

12. Which theory is central to understanding social justice in India?
   a. Retributive Justice
   b. Punitive Justice
   c. Distributive Justice
   d. Reparative Justice

13. Which Article of the Indian Constitution grants minorities, whether based on religion or language, the right to establish and administer educational institutions of their choice?
   a. Article 30
   b. Article 226
   c. Article 12
   d. Article 32

14. The term 'meritocracy' is best defined as a system where power and rewards are distributed based on a person's:
   a. Talent, effort, and achievement.
   b. Seniority and length of service.
   c. Family wealth and social status
   d. Popularity and charisma.

15. Intersectionality theory focuses on:
   a. Single identity marker
   b. Multiple, overlapping disadvantages
   c. Only economic factors
   d. Policy reforms

16. What is one future direction for affirmative action in India?
   a. Move towards global standards only
   b. Enhanced inclusivity for marginalized groups
   c. Focus solely on economic measures
   d. Elimination of all reservations

17. In the context of the Indian Constitution and polity, the term 'Social Justice' fundamentally means:
    a. Restricting fundamental rights of individuals to ensure the collective good prevails in all circumstances.
    b. Guaranteeing absolute economic equality for all citizens by nationalizing all private property.
    c. Providing reservation only on the basis of gender or religious minority status.
    d. Eliminating entrenched socio-economic inequalities and ensuring equal opportunities and dignity for all groups, especially the disadvantaged.

18. Transformative justice seeks to:
    a. Reinforce traditional norms
    b. Reform society for inclusion
    c. Limit social reform
    d. Exclude marginalized communities

19. In the context of affirmative action, what does a 'Rights-based approach' primarily mean?
    a. That preferential treatment is granted based on the economic rights of financially disadvantaged citizens.
    b. That affirmative action is viewed as a form of charity or welfare provided by the state to the needy.
    c. That affirmative action is implemented to remedy historical injustice and fulfill the fundamental rights of marginalized groups to equality and non-discrimination.
    d. That the right to property of the general category is curtailed to create opportunities for reserved categories.

20. Disability rights in affirmative action primarily seek to:
    a. Promote sports
    b. Focus only on education
    c. Increase access to opportunities
    d. Provide scholarships only

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Descriptive

Time : 2 hrs. 30 min. **Marks : 50**

[Answer question no.1 & any four (4) from the rest]

1. Explain the constitutional framework of affirmative action in India.Critically analyze its challenges and controversies **5+5=10**

2. Examine the legislative measures that form the basis of reservation in India. How do these measures impact education and employment? **6+4=10**

3. Discuss the role of judicial activism in the development of affirmative action. What future policy reforms are necessary for inclusive measures? **4+6=10**

4. What do you understand by the term justice? Explain Rawlsian theory of distributive justice. **5+5=10**

5. Discuss the evolution of equality jurisprudence in India from formal equality to substantive equality. Illustrate your answer with reference to important judicial pronouncements. **10**

6. Analyze the role of gender in affirmative action policies. Discuss government welfare schemes for marginalized groups. **5+5=10**

7. Discuss the concept of social justice in India. How do distributive justice theories inform affirmative action policies? **5+5=10**

8. What is intersectionality theory? Illustrate its application in identifying and addressing caste-based and gender-based discrimination. **4+6=10**

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