

ISC Class 12 Political Science Specimen Paper 2

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Maximum Marks: 80 | Time Allowed: Three hours | Reading Time: 15 minutes

Section A is compulsory. From Section B attempt any five questions. This paper carries 80 marks, the remaining 20 being for the project work.

General Instructions

Write your answers on the separate answer paper provided. The first 15 minutes are for reading the paper and you may not write during that time. Section A is compulsory and must be attempted in full. From Section B you must attempt any five of the eight questions, and no credit is given for a sixth. Marks for each question, or part of a question, are shown in brackets. Answers should be in your own words and of a length suited to the marks offered, a one-mark part needing no more than a sentence and a four-mark part needing a short developed argument. Where a question asks you to examine arguments on both sides, credit is given for presenting each side fairly, not for the side you prefer. No diagrams, maps or printed extracts are used in this paper. This paper carries 80 of the 100 marks for the subject, the remaining 20 being for the project work.

SECTION A (30 Marks)

Attempt all parts of Question 1 and all parts of Question 2.

Question 1 [20]

Each part carries 1 mark. For the parts that offer four choices, write only the option you choose. For the rest, answer in a single sentence or give the single word, name or date asked for.

- (i) The right to constitutional remedies, by which a citizen may move the Supreme Court directly for the enforcement of a Fundamental Right, is contained in:
 - (a) Article 19 (b) Article 21
 - (c) Article 32 (d) Article 44
- (ii) State in one sentence what is meant by positive liberty.
- (iii) The Fundamental Duties were added to the Constitution on the recommendation of:
 - (a) the Sarkaria Commission (b) the Swaran Singh Committee
 - (c) the Ashok Mehta Committee (d) the Balwant Rai Mehta Committee
- (iv) Name the part of the Constitution in which the Fundamental Duties are placed.
- (v) The Chairman of the Drafting Committee of the Constituent Assembly was:
 - (a) Rajendra Prasad (b) B. N. Rau
 - (c) Sardar Vallabhbhai Patel (d) B. R. Ambedkar
- (vi) Explain in one sentence what is meant by the rule of law.
- (vii) The maximum interval allowed between two sessions of Parliament is:
 - (a) six months (b) three months
 - (c) nine months (d) one year
- (viii) Name the writ by which a court may require a public authority to perform a duty that the law places upon it.
- (ix) In a state, the head of the government is:
 - (a) the Governor (b) the Chief Minister
 - (c) the Chief Secretary (d) the Speaker
- (x) Give one function of a zila parishad.

- (xi) The division of legislative subjects between the Union and the states is set out in:
 (a) the Fourth Schedule (b) the Sixth Schedule
 (c) the Seventh Schedule (d) the Eighth Schedule
- (xii) State the ground on which a state government may be superseded by the Union under Article 356.
- (xiii) The alliance formed in 1949 by the United States, Canada and ten states of western Europe was:
 (a) the Warsaw Pact (b) the Comecon
 (c) the South East Asia Treaty Organisation (d) the North Atlantic Treaty Organisation
- (xiv) Name the organ of the United Nations in which every member state has one vote.
- (xv) The specialised agency of the United Nations concerned with education, science and culture is:
 (a) UNESCO (b) UNICEF
 (c) WHO (d) ILO
- (xvi) Name the regional organisation of South Asian states established in 1985.
- (xvii) The two International Covenants that gave treaty form to the rights declared in 1948 were adopted in:
 (a) 1950 (b) 1959
 (c) 1966 (d) 1979
- (xviii) State in one sentence what is meant by a transnational corporation.
- (xix) The Nuclear Non-Proliferation Treaty was opened for signature in:
 (a) 1963 (b) 1968
 (c) 1974 (d) 1996
- (xx) Name the sociologist's term, now in common use, for the growing consciousness of the world as a single place.

Question 2 [10]

Each part carries 2 marks. Answer each part in two or three sentences.

- (i) Distinguish between procedural and substantive justice. [2]
- (ii) State two differences between a civil liberty and a social or economic right. [2]
- (iii) Give two reasons why the Constituent Assembly chose a parliamentary rather than a presidential executive. [2]
- (iv) State two measures commonly proposed as electoral reforms in India. [2]
- (v) Mention two criticisms made of the working of the International Monetary Fund and the World Bank. [2]

SECTION B (50 Marks)

Attempt any five questions from this Section. Each question carries 10 marks.

Question 3 [10]

- (a) Explain three features of democracy as a form of government. [3]
- (b) Explain what is meant by nationalism, and distinguish it from patriotism. [3]
- (c) Explain the arguments made for and against the view that the nation and the state should as far as possible coincide, and state the difficulty this poses in a country of many languages and religions. [4]

Question 4 [10]

- (a) Explain how the Constituent Assembly was constituted and state the period over which it worked. [3]
- (b) Explain three of the sources from which the framers drew in writing the Constitution, naming in each case what was taken. [3]
- (c) Explain the procedure for amending the Constitution, distinguishing the different majorities required, and explain why the framers chose neither a wholly rigid nor a wholly flexible method. [4]

Question 5 [10]

- (a) Explain the right to equality as guaranteed by the Constitution. [3]
- (b) Explain three of the freedoms guaranteed under Article 19 and state why reasonable restrictions are permitted on them. [3]
- (c) Explain what is meant by judicial review and by public interest litigation, and examine the criticisms made of judicial activism and the replies given to them. [4]

Question 6 [10]

- (a) Explain the position and the powers of the Governor of a state. [3]
- (b) Explain the relation between the Governor and the Council of Ministers in a state. [3]
- (c) Explain the composition and the functions of a municipal corporation, and explain the main difficulties faced by urban local bodies in India. [4]

Question 7 [10]

- (a) Explain three recommendations commonly made for improving relations between the Union and the states. [3]
- (b) Explain how revenues are shared between the Union and the states and state the part played by the Finance Commission. [3]
- (c) Explain the arguments made for and against the creation of smaller states in India, and state what the demand usually rests upon. [4]

Question 8 [10]

- (a) Explain what is meant by a one-party dominant system and state the period in which India is said to have had one. [3]
- (b) Explain three consequences for government of the shift to coalition politics in India. [3]
- (c) Explain the problem of money in elections, the measures taken to control it, and the arguments made on both sides about state funding of elections. [4]

Question 9 [10]

- (a) Explain what is meant by deterrence and by the balance of terror. [3]
- (b) Explain three ways in which the end of the Cold War altered world politics. [3]
- (c) Explain India's position on the Nuclear Non-Proliferation Treaty and the Comprehensive Nuclear Test Ban Treaty, setting out the arguments India has made and the arguments made against its position. [4]

Question 10 [10]

- (a) Explain three ways in which human rights are protected at the international level. [3]
- (b) Explain what is meant by the right to development, and state one objection raised to treating it as a right. [3]
- (c) Explain the arguments made for and against humanitarian intervention in the internal affairs of a state, and state the difficulty of reconciling it with sovereignty. [4]

ANSWER KEY AND MARKING SCHEME

Marks shown at the end of each answer are the step marks an examiner would award. Answers are given in full so that a candidate may see what a complete response looks like, and a shorter answer that carries the same substance earns the same marks. Where a part asks for arguments on both sides, no mark is attached to the view the candidate holds, and the marks go to the fair statement of each position and to the evidence offered. Accept any correct alternative example or any correct alternative reason not printed here.

Question 1 [20]

- (i) (c) Article 32. The article guarantees the right to move the Supreme Court by appropriate proceedings for the enforcement of the rights in Part III, and empowers the Court to issue directions, orders or writs for that purpose.

Correct option 1.

- (ii) Positive liberty means the presence of the conditions a person needs in order to make real use of his freedom, so that education, health, a livelihood and a share in the decisions that affect him are treated as part of being free and not merely as goods separate from freedom.

Freedom understood as the presence of enabling conditions, not merely the absence of restraint 1.

- (iii) (b) the Swaran Singh Committee. Its recommendation led to the insertion of the Fundamental Duties by the Forty-second Amendment in 1976.

Correct option 1.

- (iv) Part IV-A, which was inserted after the Part containing the Directive Principles of State Policy.

Part IV-A correctly named 1.

- (v) (d) B. R. Ambedkar. Rajendra Prasad was President of the Assembly and B. N. Rau was its constitutional adviser.

Correct option 1.

- (vi) The rule of law means that the state and every person within it are governed by law and not by arbitrary will, so that official action must rest on a legal authority, like cases are treated alike, and no one is punished except for the breach of a law established in the ordinary way and applied by the courts.

Government under law rather than arbitrary will, with equality before the law 1.

- (vii) (a) six months. The Constitution requires that six months must not pass between the last sitting of one session and the first sitting of the next, so Parliament must meet at least twice a year.

Correct option 1.

- (viii) Mandamus, which is issued to a public officer, a corporation or a lower court to compel the performance of a public duty that the body has refused or failed to perform.

Mandamus named 1.

- (ix) (b) the Chief Minister. The Governor is the head of the state, in whose name the executive acts, while the Chief Minister heads the government and carries the real executive power.

Correct option 1.

- (x) Any one of the following is acceptable: it prepares and consolidates the development plan for the district, it distributes funds received from the state among the lower tiers, it supervises and coordinates the work of the panchayat samitis, or it executes works of a scale larger than a block, such as district roads, secondary schools or water schemes.

One correct function 1.

- (xi) (c) the Seventh Schedule. It contains the Union List, the State List and the Concurrent List.

Correct option 1.

- (xii) The President may act where he is satisfied, on the report of the Governor of the state or otherwise, that a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of the Constitution.

Failure of the constitutional machinery in the state correctly stated 1.

- (xiii) (d) the North Atlantic Treaty Organisation. The Warsaw Pact was the answering alliance of 1955 and Comecon was the economic organisation of the eastern bloc.

Correct option 1.

- (xiv) The General Assembly, in which every member state, whatever its size, population or wealth, has a single vote.

General Assembly named 1.

- (xv) (a) UNESCO, the United Nations Educational, Scientific and Cultural Organisation, with its headquarters at Paris.

Correct option 1.

- (xvi) The South Asian Association for Regional Cooperation, usually called SAARC, established in 1985 with its secretariat at Kathmandu.

SAARC named 1.

- (xvii) (c) 1966. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were adopted in that year and came into force a decade later.

Correct option 1.

- (xviii) A transnational corporation is a firm that owns or controls production, service or distribution operations in more than one country, so that its investment, employment and tax decisions are taken with a view to several national markets at once rather than to any single one.

Production or operations controlled across more than one country 1.

- (xix) (b) 1968. The treaty was opened for signature in that year and came into force in 1970.

Correct option 1.

- (xx) Globalisation, the term used for the growing interconnection of societies and the accompanying awareness of the world as a single social space.

Globalisation named 1.

Question 2 [10]

- (i) Procedural justice is concerned with the fairness of the process by which a decision is reached. It asks whether the rules were known in advance and applied equally, whether the person affected was heard, whether the decision-maker was impartial and whether there is a right of appeal, and it is satisfied by a fair procedure whatever the result. Substantive justice looks at the content of the outcome and asks whether the distribution of benefits, burdens or punishments is itself right, so a trial conducted with perfect regularity under an unjust law may satisfy the first test and fail the second.

Procedural justice explained as fairness of process 1. Substantive justice explained as rightness of outcome, with the possibility of the two diverging 1.

- (ii) First, they differ in what they require of the state. A civil liberty, such as freedom of speech or of belief, is largely secured by the state refraining from interference, while a social or economic right, such as a right to education or to health care, requires the state to provide something, which costs money and needs administration. Second, they differ in enforceability and in the time they take to realise. A civil liberty can usually be enforced at once by a court order against the official who infringed it, whereas a social right is commonly realised progressively as resources allow, and courts are more cautious in directing how public funds shall be spent.

One difference, duty of restraint against duty of provision 1. A second difference, immediate enforceability against progressive realisation and the question of resources 1.

- (iii) First, the Assembly was working within a tradition it already knew. The legislatures set up under British rule, and the practice of ministers responsible to an elected house that grew up after 1919 and 1935, had accustomed Indian politicians to the parliamentary form, and a familiar system was thought safer than an untried one. Second, the framers wanted a government continuously answerable to the legislature and removable between elections, and they feared that a separately elected president holding office for a fixed term would invite deadlock between executive and legislature and might, in a society of many communities, encourage the concentration of power in one person. A further reason given in the debates was that a

parliamentary cabinet drawn from the legislature could more easily accommodate representatives of different regions and communities.

One sound reason, familiarity with the system already in use 1. A second sound reason, continuous responsibility to the legislature and avoidance of deadlock or of personal rule 1.

- (iv) Any two of the following are acceptable, each briefly explained: stricter control of election expenditure with fuller and audited disclosure of party accounts; a bar on persons facing serious criminal charges from contesting, or the speedier trial of cases against sitting legislators; state funding of elections in whole or in part; a reduction in the number of candidates permitted to contest so that deposits and scrutiny are made more serious; the strengthening of the Election Commission by giving the two Election Commissioners the same security of tenure as the Chief Election Commissioner; the introduction of some element of proportional representation or of a requirement that the winner obtain more than half the votes; and the regulation of paid news and of advertising during the campaign.

One sound reform, with a brief explanation 1. A second sound reform, with a brief explanation 1.

- (v) First, the voting structure is criticised. Decisions are weighted according to the capital a member has subscribed, so a small number of wealthy states hold a controlling share, and the heads of the two institutions have by convention come from Europe and from the United States, which critics say leaves borrowing countries without a proportionate voice in bodies whose decisions shape their economies. Second, the conditions attached to lending are criticised. The requirements of cuts in public spending, devaluation, the removal of subsidies, the opening of markets and the sale of public undertakings have been said to fall hardest on the poor, to be applied in much the same form to very different economies, and to take out of the hands of an elected government decisions for which it is answerable to its own voters.

One criticism, the weighted voting structure and its effect on representation 1. A second criticism, the conditions attached to lending and their social or democratic cost 1.

Question 3 [10]

- (a) First, the government rests on the consent of the governed, expressed through regular, free and competitive elections held at known intervals, in which the adult population votes on equal terms and an incumbent may be turned out. Second, the rulers are accountable and their power is limited. They must answer to an elected legislature and ultimately to the electorate, their acts must have the authority of law, and the courts, a free press and an opposition able to function are the means by which that accountability is made real. Third, certain rights are protected whatever the majority may wish, in particular the freedoms of speech, assembly, association and belief, since a majority that could silence its critics would soon cease to face a genuine election, and in this sense democracy is not only the rule of the majority but the rule of the majority under conditions that keep the minority free to become the majority. It may be added that democracy assumes the equal political worth of citizens, from which universal adult suffrage follows.

Consent expressed through regular, competitive elections on equal suffrage 1. Accountability and the limitation of power by law, with institutions that enforce it 1. Protection of rights and of minorities, or the equal political worth of citizens 1.

- (b) Nationalism is the belief that a body of people who see themselves as a nation, usually through some combination of shared history, language, culture, territory or memory of common struggle, constitute a community with a claim to govern itself, and that the loyalty owed to this community is of a high order. Its political demand is self-determination, which may be satisfied by independence, by autonomy within a larger state or by a federal arrangement. The nation on this view is not simply given by blood or soil but is partly made, through education, print, shared institutions and the telling of a common past, which is why peoples of very different composition have come to regard themselves as nations. Patriotism is narrower and is a sentiment rather than a doctrine. It is love of one's own country and willingness to serve it, and it carries no claim about who ought to rule whom and no theory about the relation between nation and state. A person may therefore be a patriot in a multinational state without being a nationalist, and the distinction commonly drawn is that patriotism is attachment to one's own country while nationalism makes a political claim on behalf of a nation and, in some of its forms, asserts a superiority over others.

Nationalism defined, with the claim to self-determination 1. The constructed or cultivated character of national identity 1. Patriotism distinguished as attachment without the political claim 1.

- (c) In favour of the two coinciding it is argued, first, that a government shares the language, memory and conventions of the governed, which makes administration, education and justice intelligible to the people and makes consent easier to obtain. Second, that a shared identity supplies the fellow feeling without which citizens will not accept taxation for the benefit of strangers, nor accept defeat at the hands of a majority to which they feel no tie, so that democracy and redistribution are both held to work better in a state with a single national community. Third, that a nation denied its own state is likely to be a discontented minority within someone else's, as the history of nineteenth and twentieth century Europe showed. Against it is argued, first, that nations and states almost nowhere coincide on the ground, since populations are mixed, so the attempt to make them coincide has historically been carried out by expulsion, forced assimilation or worse, and the remedy proves more dangerous than the ailment. Second, that the principle has no stopping point, because within any new national state there will be further minorities with an equally good claim, so that each division invites the next. Third, that a state can secure loyalty without uniformity, through equal citizenship, a share in power for all its communities and the protection of minority language and religion, and that a political identity of this kind is in any case the only one open to a country of many peoples. In a country of many languages and religions the difficulty is therefore sharp. If nationhood is defined by a single language or faith, large numbers of citizens are at once placed outside the nation in whose name the state acts, and their loyalty is made conditional. If it is defined politically, by a common constitution, equal rights and a shared commitment to the whole, it includes everyone, but the attachment it commands is thinner than the one claimed by linguistic or religious nationalism, and it must be sustained continually by evidence that the state is in fact impartial. The Indian debate on this question has turned very largely on which of the two definitions the state should adopt, and both positions have been argued by serious people.

Two sound arguments in favour, such as intelligible government and the social basis of consent 1. Two sound arguments against, such as mixed populations and the absence of a stopping point 1. Both positions stated fairly, without a verdict 1. The difficulty in a plural country stated as a choice between cultural and political definitions of the nation 1.

Question 4 [10]

- (a) The Assembly was not elected by universal suffrage. Its members for the provinces were chosen by the members of the provincial legislative assemblies, themselves elected on a restricted franchise, by the method of proportional representation through the single transferable vote, with seats in each province divided among the main communities, while the princely states were to send representatives nominated by their rulers. The Assembly met for the first time in December 1946. The representatives of the areas that became Pakistan withdrew after Partition, so that the body which completed the work was smaller than the one that began it, and after August 1947 it was also the Dominion legislature. It worked for a little under three years, adopting the Constitution on 26 November 1949, and the Constitution came into force on 26 January 1950. The main work was done in committees, the Drafting Committee under B. R. Ambedkar preparing the text on the basis of the reports, with Rajendra Prasad presiding over the Assembly. Although indirectly elected, the Assembly contained the leading figures of the national movement and representatives of the various communities, regions and schools of opinion, and its debates were conducted in public.

Indirect election by provincial legislators, with representation of communities and of the princely states 1. First meeting in December 1946 and the withdrawal of the members from the areas that became Pakistan 1. Adoption on 26 November 1949 and commencement on 26 January 1950 1.

- (b) First, from the Government of India Act of 1935, which supplied more of the text than any other source. The division of legislative power into lists, the structure and much of the language of the provisions on the executive and the legislature, the office of Governor, the federal judiciary and the emergency provisions all follow that Act closely, which is why the Constitution is long and detailed rather than brief. Second, from British practice, from which the framers took the parliamentary form of government, a Council of Ministers collectively responsible to the lower house, the office of Speaker, the single citizenship and the idea of the rule of law. Third, from the Constitution of the United States, from which were taken the written and supreme Constitution, a bill of justiciable Fundamental Rights, judicial review and the independence of the judiciary, together with the office of an elected head of state subject to impeachment. Other sources that may be given are Ireland, from which the Directive Principles and the nomination of members to the upper house were drawn, Canada, from

which came a federation with a strong centre and residuary powers in the centre, and Australia, from which came the Concurrent List and the provision for a joint sitting.

One source correctly named with what was taken 1. A second source with what was taken 1. A third source with what was taken 1.

- (c) Article 368 provides the procedure. A Bill to amend the Constitution may be introduced in either House of Parliament and must be passed in each House separately by a majority of the total membership of that House and by a majority of not less than two thirds of the members present and voting. There is no provision for a joint sitting if the two Houses disagree, so each must pass it. For a further class of provisions, those that bear on the federal structure, this special majority is not enough and the amendment must also be ratified by the legislatures of not less than half the states. The provisions in this class include the election of the President, the extent of the executive and legislative powers of the Union and of the states, the distribution of legislative subjects, the representation of the states in Parliament, the Supreme Court and the High Courts, and Article 368 itself. A third class of changes is made by Parliament by an ordinary majority under other articles, such as the creation of a new state, the alteration of state boundaries or names, and changes to the Fifth and Sixth Schedules, and these are not treated as amendments under Article 368 at all. The framers chose a middle course deliberately, and B. R. Ambedkar defended it in these terms in the Assembly. A wholly rigid Constitution, alterable only by some extraordinary machinery, would have left a new state unable to correct its own mistakes or to meet social and economic change, and would have invited pressure to break the document rather than amend it. A wholly flexible Constitution, alterable by an ordinary majority like any other law, would have given no security to the federal division or to the Fundamental Rights, since every passing majority could have rewritten them. The graded procedure therefore makes the ordinary machinery of Parliament sufficient for most changes while requiring the states to consent where their own position is touched. The courts have since added the limit that the amending power, however exercised, does not extend to destroying the basic structure of the Constitution.

Special majority in each House correctly stated 1. Ratification by half the states for provisions touching the federal structure, with examples 1. The class of changes made by ordinary majority 1. The reason for a middle course, with the rigid and flexible alternatives and their defects 1.

Question 5 [10]

- (a) The right to equality is secured by a group of articles in Part III. Article 14 guarantees equality before the law and the equal protection of the laws to every person, citizen or not, which means that the state may not treat like cases differently, though it may classify persons for a legitimate purpose provided the classification is reasonable and bears a rational relation to the object of the law. Article 15 forbids discrimination by the state against a citizen on grounds of religion, race, caste, sex or place of birth, and forbids the denial of access on those grounds to shops, public restaurants, hotels and places of public entertainment and to wells, tanks, roads and places of public resort maintained wholly or partly out of state funds, while permitting special provision for women and children and for the socially and educationally backward classes, the Scheduled Castes and the Scheduled Tribes. Article 16 guarantees equality of opportunity in public employment with a corresponding power to reserve posts. Article 17 abolishes untouchability and forbids its practice in any form, and Article 18 abolishes titles other than military and academic distinctions. The scheme is thus one of equality before the law together with express permission for measures that correct historical disadvantage.

Equality before the law and equal protection of the laws, with reasonable classification 1. Prohibition of discrimination on the specified grounds, and equality of opportunity in public employment 1. Abolition of untouchability, and the permission for special provision for disadvantaged groups 1.

- (b) Article 19 guarantees to citizens, among others, the freedom of speech and expression, which covers the right to hold and publish opinions, the freedom of the press, which has been read into it, and the right to receive information. It guarantees the freedom to assemble peaceably and without arms, which is the basis of meetings, processions and demonstrations. It guarantees the freedom to form associations or unions, under which parties, trade unions and societies are organised. It also guarantees the freedom to move freely throughout the territory of India and to reside and settle in any part of it, and the freedom to practise any profession or to carry on any occupation, trade or business. Each of these freedoms is subject to such reasonable restrictions as the state may impose on the grounds stated in the article, which include the

sovereignty and integrity of India, the security of the state, friendly relations with foreign states, public order, decency or morality, contempt of court, defamation and incitement to an offence. Restrictions are permitted because no freedom can be exercised without limit in a society of many people. The exercise of one person's freedom may injure another, as in defamation, or endanger the community, as in incitement to violence, and a freedom that gave no protection against these would not be a system of liberty at all. The word reasonable, and the requirement that the restriction fall under one of the stated grounds, leave the court to judge whether the limit is proportionate to the object, so the restriction is itself restricted.

Three of the freedoms correctly stated 1. A fourth freedom, or the grounds on which restrictions are permitted, correctly stated 1. The justification for reasonable restrictions, with the court's power to test them 1.

- (c) Judicial review is the power of the courts to examine the validity of legislative and executive acts against the Constitution and to declare void a law or an action that exceeds the authority the Constitution confers, whether because the legislature lacked competence, because a Fundamental Right has been infringed or because the procedure required was not followed. It follows from a written and supreme Constitution, since a document that limits power is of no effect unless some body can hold the limits. Public interest litigation is the practice, developed by the Supreme Court and the High Courts from the late 1970s, of relaxing the rule that only the person injured may come to court, so that a public-spirited citizen or an organisation may move the court on behalf of people who are too poor, too distant or too powerless to come themselves, and the court may act on a letter and may appoint commissioners to find facts. Through this route the courts have dealt with the conditions of prisoners and of bonded labourers, with environmental damage and with the enforcement of welfare obligations. The criticisms of judicial activism are, first, that unelected judges with fixed tenure have taken decisions about the allocation of public money and the design of policy, for which they are answerable to no electorate and for which they have neither the information nor the expertise. Second, that the courts have in places gone beyond interpreting the Constitution and have in effect legislated, and have also encroached on the executive by issuing continuing directions and monitoring their execution over years, so that the separation of powers is disturbed. Third, that relaxed rules of standing have let in cases brought for publicity, for private advantage or to frustrate projects, and that the courts' own very large arrears make it questionable whether this is the best use of their time. The replies are, first, that the courts acted where the other two organs had failed in plain constitutional duties, and that a remedy that exists only for those who can afford a lawyer is no remedy at all for most of the population. Second, that the Constitution expressly confers the power to enforce rights and to issue writs, so the courts are exercising an authority given to them, not seizing one. Third, that the courts have themselves developed limits, refusing to enter questions of pure policy, insisting that the petitioner's motive be genuine and penalising frivolous petitions, and that where a direction has gone too far the error lies in the particular case rather than in the jurisdiction. The disagreement is finally about where the line between enforcing a right and making policy should be drawn, and that line is not fixed by the text.

Judicial review correctly defined and traced to a supreme written Constitution 1. Public interest litigation explained, with the relaxation of standing and an example of its use 1. Two sound criticisms of judicial activism 1. The replies stated fairly, with the disagreement left open 1.

Question 6 [10]

- (a) The Governor is the constitutional head of the state. He is appointed by the President by warrant under his hand and seal, normally for five years, but holds office during the pleasure of the President and may be transferred or removed, and he is not elected by or answerable to the people of the state. The executive power of the state is vested in him and is exercised in his name. He appoints the Chief Minister and, on the Chief Minister's advice, the other ministers, and he appoints the Advocate General and the chairman and members of the state public service commission. He summons, prorogues and may dissolve the legislative assembly, addresses it, and assents to Bills, withholds assent, returns a Bill for reconsideration or reserves it for the consideration of the President. He may promulgate ordinances when the legislature is not in session. He has the power to grant pardons and to remit or commute sentences in respect of offences against state law, within the limits set by the Constitution. He also makes a report to the President on the affairs of the state, and such a report may be the occasion for action under Article 356. In certain areas he has special responsibilities conferred by the Constitution, and where a Governor is also the administrator of a Union

territory he acts in that capacity on a different footing.

Appointment by the President and tenure during his pleasure 1. Executive powers, including the appointment of the Chief Minister and other ministers 1. Legislative powers over summoning, dissolution, assent and ordinances, or the power of pardon and the power to report to the President 1.

- (b) The Constitution provides for a Council of Ministers with the Chief Minister at its head to aid and advise the Governor in the exercise of his functions, except where he is required to act in his discretion. The normal rule is therefore that the Governor acts on the advice given, and the real decisions are those of the ministry, which is drawn from the legislature and is collectively responsible to the legislative assembly. He may require a matter on which a minister has decided to be placed before the Council as a whole, and he may ask the ministry to reconsider, but if the advice is repeated he is bound by it in the ordinary course. A field of discretion nevertheless remains, and it is here that difficulty arises. Where no party has a clear majority the Governor must judge who is likely to command the confidence of the house, and his choice of whom to invite, and the time he allows for a vote, may decide which government takes office. He must decide whether to recommend the dissolution of the assembly or to report that the government of the state cannot be carried on in accordance with the Constitution, and he decides whether to reserve a Bill for the President. Because he is appointed by the Union and removable by it, these decisions have frequently been criticised as having been taken with an eye to the interests of the party in office at the centre, and successive commissions have recommended that the office be filled by persons of standing outside active party politics, that the state be consulted on the appointment, that the tenure be made more secure and that the Governor should ordinarily require a claim to majority support to be tested on the floor of the house rather than judged in the Raj Bhavan.

The rule that the Governor acts on the advice of the Council of Ministers, which is responsible to the assembly 1. The remaining field of discretion, with examples such as the choice of Chief Minister in a hung assembly 1. The criticism arising from his dependence on the Union, with one recommended safeguard 1.

- (c) A municipal corporation is the local authority for a large city. Its members, usually called councillors, are directly elected from single-member wards, with seats reserved for the Scheduled Castes and the Scheduled Tribes in proportion to population and for women in not less than one third of the seats, and the elected body chooses a mayor as its head. Alongside the elected wing stands an appointed municipal commissioner, drawn from the state service, in whom the executive powers are vested, so the deliberative and the executive functions are separated, and ward committees are provided for in the larger cities to bring deliberation nearer to the locality. The corporation is responsible for water supply and drainage, sanitation and solid waste, roads, street lighting, public health and vaccination, the regulation of markets and slaughterhouses, building regulation and town planning, primary schools and dispensaries in many states, and the maintenance of records of births and deaths, and it raises revenue from property tax, from various licence fees and user charges, from grants made by the state and from borrowing. The difficulties are serious. Revenue is the first of them, since property tax is under-assessed and badly collected, user charges are kept below cost for political reasons, and the bodies therefore depend on state grants that are irregular and often tied, so maintenance is deferred. The second is the division of authority. Many functions which ought to belong to the city, water supply, housing, transport, development of land, are in practice discharged by state boards, development authorities and parastatal agencies whose heads answer to the state government and not to the elected council, so the mayor presides over a body that does not control the services for which the public holds it responsible, and the mayor's term in several states is short, which prevents any sustained programme. The third is capacity, since the staff available is small for populations of this size and often lacks the technical skill that planning, finance and engineering require. Added to these are the scale of unplanned growth, the large share of the population living in settlements without secure tenure or services, and the weakness of the committees meant to provide for participation at the ward and metropolitan level.

Composition correctly described, with direct election from wards, reservation, and the mayor 1. The separation between the elected council and the appointed commissioner 1. Three functions correctly stated, with the main sources of revenue 1. Two sound difficulties, such as weak revenue and the diversion of functions to state agencies not answerable to the council 1.

Question 7 [10]

- (a) First, that the discretion of the Governor be narrowed and the office insulated from party politics, by appointing persons of standing who are not active politicians, by consulting the Chief Minister of the state before appointment, by giving the holder a secure tenure for the fixed term, and by requiring that a claim to majority support be tested by a vote in the assembly rather than decided on the Governor's assessment. Second, that Article 356 be used only for a genuine breakdown of constitutional government, after a warning to the state, after other remedies have been tried and with the reasons placed before Parliament, so that the provision is not used to displace a government that still has a majority. Third, that consultation be institutionalised, by making the Inter-State Council and the zonal councils meet regularly, by consulting the states before legislating on subjects in the Concurrent List and before concluding international agreements that bear on state subjects, and by referring disputes over river waters and over the sharing of revenue to standing machinery rather than settling them politically. A further recommendation often made is that the share of the states in central taxes be enlarged and that grants be made less conditional, so that the states have resources to match their responsibilities.

One sound recommendation on the office of Governor 1. A second on the use of Article 356 1. A third on consultative machinery, on the Concurrent List or on finance 1.

- (b) Taxes are levied by the Union and by the states within their own fields, the Union taking the larger and more elastic heads, but a substantial part of the revenue the Union collects is shared with the states, and the states also receive grants in aid from the Consolidated Fund of India. Since the introduction of the goods and services tax the main tax on the supply of goods and services is levied concurrently by the Union and by the states, and the rates and the scope of that tax are settled in a council in which the Union and all the states are represented, which has given the states a formal voice in a field once settled by each separately, while compensating them for revenue they gave up. The Finance Commission is the body through which the sharing is settled. It is appointed by the President every five years, or earlier if required, and its duty is to recommend the proportion of the net proceeds of shareable central taxes that should go to the states as a whole, the formula by which that sum should be divided among the individual states, the principles on which grants in aid should be made to the states out of the Consolidated Fund, and measures to augment the resources of the panchayats and the municipalities. In framing the formula it weighs population, the area of a state, its distance from the state with the highest income per head, and measures of fiscal effort and of forest cover, so that poorer and more thinly served states receive proportionately more. The recommendations are laid before Parliament with a memorandum of the action taken on them, and although they do not bind the government in law, they have by convention been accepted on the main heads, which is what gives the body its authority.

Union and state taxing powers, with the sharing of central tax revenue and grants in aid 1. The Finance Commission correctly described as appointed every five years, with its function of recommending the share and the formula 1. The basis of the formula and the status of the recommendations, or the part of the council in which the goods and services tax is settled 1.

- (c) In favour of smaller states it is argued, first, that administration is brought nearer to the people. A government seated a long distance away, in a capital reached only after a journey of many hours, cannot know the conditions of a remote region, and the officials and ministers who decide its affairs rarely visit it, whereas a smaller unit can be governed with closer knowledge. Second, that regions whose language, economy or terrain differ markedly from the rest of a large state are consistently outvoted in its legislature, so that roads, irrigation, schools and industry are concentrated in the dominant region and the neglected area has no means of correcting the balance; the creation of the smaller states formed in 2000 was defended largely on this ground. Third, that administrative convenience and the record of the smaller states already in existence show that size is no measure of performance, several small states having better figures for literacy, health and growth than much larger neighbours. Against the creation of smaller states it is argued, first, that the fixed costs of statehood, a capital, a secretariat, a legislature, a High Court or bench, a governor's establishment, consume money that a poor region can ill spare and that might have gone to the services for which the state was asked. Second, that a new state does not remove the problem but reproduces it, since within the new unit a dominant district soon appears and the regions on its edge begin to complain in the same terms, so the demand has no natural end, and the division itself leaves hard questions of the sharing of river waters, of revenue, of debt and of a common capital. Third, that smaller units are more easily dominated by a single

community, caste or industrial interest and have less capacity to resist pressure from the Union, which weakens the federal balance, and that the agitation preceding a division is usually accompanied by disorder and by hostility between the two populations. The demand usually rests not on size alone but on a sense of unequal development and of political exclusion, on a distinct regional or linguistic identity within the larger state, and on the belief that resources drawn from the region, minerals, forests, hydroelectric power, have been used for the benefit of other parts of it. Where those grievances have been met by autonomy within the existing state, by regional development boards or by a share in office, the demand has sometimes subsided, which is why some writers argue that the real question is the correction of internal neglect rather than the drawing of new boundaries.

Two sound arguments in favour, such as closer administration and the neglect of outlying regions 1. Two sound arguments against, such as the cost of new establishments and the reproduction of the same grievance 1. Both sides stated fairly, without a verdict 1. The basis of the demand identified as unequal development, political exclusion and regional identity 1.

Question 8 [10]

- (a) A one-party dominant system is one in which elections are genuinely competitive and opposition parties are free to organise and to contest, yet one party wins repeatedly and holds office over a long period, so that the alternation of government which normally marks a democracy does not occur. It is to be distinguished from a one-party state, where other parties are forbidden by law and the single party's position rests on coercion, and from a two-party system, where office passes regularly between two contenders. The dominance in such a system rests on the party's organisational reach, on its command of a wide social coalition and on the absence of any single opposition large enough to replace it, while the opposition still performs the work of criticism and occasionally wins in particular states. India is usually said to have had such a system in the period from the first general election of 1952 until the late 1960s, the Indian National Congress winning successive general elections and holding office in most states, its position resting on the prestige of the national movement and on a party that accommodated many different interests and regions within itself, so that writers of the period described it as a system of one-party dominance in which the real contest often took place inside the dominant party.

The system defined, with free competition yet repeated victory by one party 1. Distinguished from a one-party state in which other parties are prohibited 1. The Indian period correctly identified, from 1952 to about the end of the 1960s, with the reasons for the dominance 1.

- (b) First, governments became dependent on allies for their survival, so the formation of a ministry now involves a negotiated distribution of portfolios and a programme agreed between parties, and policies on which the allies disagree are postponed or dropped. Measures with large electoral consequences, in particular on land, labour, subsidies and taxation, have sometimes been deferred for this reason, while a single partner's withdrawal can bring the government down, which makes the Prime Minister's position one of management rather than command. Second, the states gained weight at the centre. Parties with support in a single state came to hold the balance in Parliament, their leaders entered the Union Cabinet, and the interests of particular states, in finance, in river waters, in the location of projects and in the appointment of Governors, were pressed with a force they had not had before, so that the practice of federalism changed without any change in the Constitution. Third, legislation came to depend on continuous bargaining. A government without a majority of its own must build support for each Bill, which has increased the importance of parliamentary committees, of consultation and of the upper house, and it has also increased the value of each individual legislator, which is one of the reasons the law on defection was tightened. A further consequence worth noting is that governments are judged over shorter horizons, since a partner may leave at any time, and that the frequency of elections and of political management has grown.

Dependence on allies, with its effect on the formation of a government and on the fate of contested policies 1. Greater weight of state-based parties and of state interests at the centre 1. Continuous bargaining over legislation, with its effect on committees, the upper house or the law on defection 1.

- (c) The problem is that the real cost of contesting an election far exceeds what most candidates can lawfully spend or honestly raise. Campaigns over large constituencies require vehicles, workers, printing, advertising and the hire of premises, and in addition money is spent in ways the law forbids, on payments to voters and to

intermediaries and on paid coverage dressed as news. Three consequences follow. Candidates and parties become dependent on those who can supply funds, who then expect a return in contracts, licences, appointments or legislation, so policy is shaped by contributors rather than by voters. Honest candidates and parties without wealthy backing are placed at a disadvantage, and persons of means, including those with criminal records, acquire an advantage in securing a party's nomination. And because much of the spending cannot be shown, the accounts of parties and of candidates become unreliable, which makes enforcement of the limits very difficult. The measures taken include a statutory ceiling on the expenditure of each candidate, with a return of election expenses to be filed and the penalty of disqualification for a false return, the counting against the candidate of expenditure incurred on his behalf, the requirement that parties keep audited accounts and report contributions above a threshold, a bar on anonymous cash donations above a small amount, the model code of conduct enforced by the Election Commission once an election is notified, the deployment of expenditure observers and flying squads, limits on the period of campaigning and a prohibition on canvassing in the last hours before the poll, and the provision of certain facilities at public cost, such as free time on the public broadcaster for recognised parties and the supply of copies of the electoral roll. Those who argue for state funding say that a candidate financed from public money need not be beholden to private donors, that the contest would be made more equal between the rich and the able, that the influence of undisclosed money and of those who supply it would be reduced, and that the cost to the exchequer would be small compared with the cost to the public of policies bought by contributors. Those who argue against it say that public money would reach the parties that are already established, since any workable formula must rest on past votes or on recognition, so the arrangement would entrench the existing parties and shut out new ones. They add that state funding is unlikely to displace private spending unless private spending can be stopped, which no one has shown how to do, so the result would be both kinds of money in the field, that a country with urgent demands on public revenue should not be financing campaigns, and that parties which draw no funds from their own supporters lose the reason to maintain a membership. A position taken by several committees is that partial funding in kind, of broadcast time, of premises, of the printing of a limited number of posters, together with full and audited disclosure of all receipts and expenditure, is more practicable than funding in cash, and that no scheme will work until disclosure is genuine.

The problem explained, with the dependence on donors and the disadvantage to those without funds 1. Two measures actually taken, such as the expenditure ceiling with the return of expenses, or the model code and the rules on disclosure of contributions 1. The case for state funding, stated fairly 1. The case against, including the entrenchment of established parties and the difficulty of displacing private money, with no verdict given 1.

Question 9 [10]

- (a) Deterrence is the prevention of an attack by persuading the possible attacker that the cost of attacking would exceed anything he could gain. It is a condition in the mind of the opponent rather than a physical barrier, and it therefore depends on three things: the capacity actually to inflict the damage threatened, the credibility of the threat to use that capacity, and the communication of both to the other side. In its nuclear form it rests on the ability of a state to absorb a first strike and still retaliate, which is why warheads were placed in hardened silos, in submarines and on aircraft kept in the air, since a force that could be destroyed in a single blow would deter nobody. The balance of terror is the name given to the resulting relation between the two superpowers during the Cold War. Each could destroy the other even after being struck first, so that neither could profit from attacking, and the peace between them was held not by goodwill or by law but by the certainty of mutual destruction. The phrase carries an edge of criticism, since the stability it describes depended on each side continuing to behave rationally and on nothing going wrong with the warning systems and the command arrangements, and a crisis such as the one over Cuba in 1962 showed how little margin there was. The same logic led to arms control rather than disarmament, because measures that protected the ability of each side to retaliate were understood to make war less likely, which is why limits on defensive systems were negotiated alongside limits on offensive ones.

Deterrence defined, with capacity, credibility and communication 1. The requirement of a force able to survive a first strike and retaliate 1. The balance of terror explained, with the criticism that its stability was conditional 1.

- (b) First, the structure of power changed. One of the two poles disappeared, the Soviet Union breaking into fifteen states and the Warsaw Pact dissolving, which left the United States without a rival of comparable

military and economic weight, and writers described the period that followed as unipolar, while over the longer run the rise of China and of other large economies has made the structure harder to name. Second, the ideological contest ended, and with it the practice of reading every local quarrel as a move in a global one. The economic model associated with the market spread very widely, several states moved from planned to market economies and opened themselves to trade and foreign investment, the pace of globalisation quickened, and India's own opening of its economy in 1991 came at this moment. Third, the agenda of international politics widened. Great power confrontation receded and other matters came forward, ethnic and religious conflict within states rather than between them, which produced the debate about intervention on humanitarian grounds, the proliferation of nuclear weapons and of the means of delivering them, terrorism operating across borders, and the environment, migration and disease, while the United Nations was asked to undertake far more operations than before and the question of reforming the Security Council became pressing. For the non-aligned states the change also removed the two blocs between which their policy had been defined, and they had to find a new footing.

The end of bipolarity, with the dissolution of the Soviet Union and of its alliance 1. The end of the ideological contest, with the spread of market economies and the quickening of globalisation 1. The widening of the agenda, with internal conflict, proliferation, terrorism or the environment 1.

- (c) India has not signed either treaty. On the Non-Proliferation Treaty, which was opened for signature in 1968 and recognises as nuclear weapon states only those that had tested before a stated date, India's objection has been that the treaty divides the world into two classes permanently, allowing five states to keep their arsenals while requiring everyone else to renounce the weapon, and that the obligation it places on the five to negotiate towards disarmament has not been honoured in any serious way. India has therefore described the treaty as discriminatory and has said that it would accept a regime that was universal and non-discriminatory, and that it had itself proposed comprehensive nuclear disarmament within a time frame. India has added a security argument, that it lives beside two nuclear weapon states, one of which it has fought, and that it cannot accept a permanent disability in the one field while its neighbours are free of it. On the Comprehensive Test Ban Treaty, which was adopted in 1996, India declined to sign on the ground that the treaty bans the test explosion without requiring the existing weapon states to give up their weapons or to stop improving them by means other than explosive testing, so that the ban would freeze the existing imbalance; India had also pressed unsuccessfully for the treaty to be linked to a timetable for disarmament. India has nevertheless maintained a voluntary moratorium on further testing since 1998 and has stated a doctrine of no first use and of a credible minimum deterrent, together with controls on export of sensitive technology. The arguments made against India's position are that every state that acquires the weapon can offer reasons of security which, if accepted, would justify universal acquisition, so that the only workable rule is one that holds the line wherever it stands; that India's tests weakened the barrier against proliferation generally and prompted its neighbour to test within weeks, which made the region more dangerous rather than safer; that a state outside the treaties cannot press for disarmament with full authority while enlarging its own capability; and that the costs of a nuclear force fall on a country with large unmet needs. Those who defend India's position reply that it has never transferred nuclear technology to another state, which some parties to the treaty have done, that its record of restraint has been better than that of several signatories, and that the subsequent agreement under which India obtained access to civil nuclear trade shows that its claim to be treated as a responsible state holding the weapon has been accepted in practice. The question remains contested, and a candidate is expected to set out both sides rather than to decide it.

India's objection to the Non-Proliferation Treaty as discriminatory, with the unfulfilled obligation of the weapon states 1. India's objection to the Test Ban Treaty, with the voluntary moratorium and the declared doctrine 1. The arguments made against India's position, stated fairly 1. The replies made in its defence, with the question left open 1.

Question 10 [10]

- (a) First, by standards agreed in treaties. The Universal Declaration of 1948 set out the rights in a resolution of the General Assembly, and the two Covenants of 1966 gave them treaty form, one dealing with civil and political rights and the other with economic, social and cultural rights, and these are supplemented by conventions on particular subjects, among them genocide, racial discrimination, the rights of women, torture,

the rights of the child and the rights of persons with disabilities. A state that ratifies such a treaty takes on a legal obligation. Second, by machinery of supervision and complaint. Committees of experts established under the treaties examine periodic reports from states and publish their observations, the Human Rights Council conducts a review of every member state in turn and appoints rapporteurs to investigate particular countries and particular subjects, the High Commissioner for Human Rights reports publicly, and under some instruments an individual may complain once domestic remedies are exhausted. Third, by courts and tribunals. Regional courts in Europe, the Americas and Africa hear cases against states that have accepted their jurisdiction, the tribunals established for the former Yugoslavia and for Rwanda tried individuals for grave crimes, and the International Criminal Court, set up by the Rome Statute, may try individuals for genocide, crimes against humanity and war crimes where the state concerned is unwilling or unable to do so. To these may be added the work of non-governmental organisations, which gather evidence and bring pressure to bear, and the use by states of diplomatic and economic measures.

Treaty standards, with the Declaration of 1948 and the Covenants of 1966 1. Supervisory and complaint machinery under the United Nations 1. Courts and tribunals, including the International Criminal Court, or the part played by non-governmental organisations 1.

- (b)** The right to development is the claim that every person, and every people, is entitled to take part in and to benefit from economic, social, cultural and political development in which all human rights can be realised, and that states are under a duty to cooperate internationally to make this possible. It was asserted chiefly by newly independent states, which argued that the civil and political liberties on which the older states laid stress mean little to a person without food, schooling, health or work, that the poverty of much of the world is connected with the terms on which it was drawn into the international economy under colonial rule and with the terms of trade and debt that followed, and that the obligation to remove that poverty therefore falls on the international community and not on the poor state alone. A declaration of the General Assembly in 1986 set the claim out in that form, and it is invoked in arguments about aid, debt relief, access to medicines and technology and the sharing of the burden of environmental protection. One objection raised is that it is not a right in any usable sense because it has no identifiable holder and no identifiable duty-bearer. A right ordinarily lies in a person against a named party who can be required to perform, and must be capable of being claimed before some body, whereas a right of a whole people against the international community in general cannot be enforced anywhere, and to call it a right is therefore to weaken the idea of rights by stretching it. A second objection is that governments have used the claim as an answer to criticism of their own conduct, arguing that liberties must wait upon development, and that the immediate causes of poverty in a particular country, including the acts of its own rulers, are thereby obscured. A third is that it places the duty on the wrong party, since what is needed is reform at home rather than a transfer from abroad. Those who defend the claim reply that the two Covenants already recognise economic and social rights, that progressive realisation according to available means is a familiar standard in that field, and that the duty to cooperate is stated in the Charter itself.

The right correctly explained, with the duty of international cooperation 1. The context of its assertion by developing states, with the declaration of 1986 1. One sound objection, such as the absence of an identifiable duty-bearer or its use to postpone liberties 1.

- (c)** Humanitarian intervention means the use of force, or other coercive action, by one state or a group of states within the territory of another without its consent, for the declared purpose of stopping grave and widespread abuse of the population, such as genocide, ethnic cleansing or mass killing. In favour of it it is argued, first, that sovereignty was never meant to be a licence for a government to destroy its own people, and that the purposes of the Charter include respect for human rights, so that a state which massacres its population forfeits the protection that non-interference affords. Second, that the obligations undertaken in the Genocide Convention and elsewhere are empty if no one may act when the crime is being committed, and that the failure to act in Rwanda in 1994, where very large numbers were killed while the outside world watched, is the standing argument for intervention. Third, that the concept of a responsibility to protect, endorsed at the world summit of 2005, reframes the question by treating sovereignty as carrying a duty to protect one's own population and by providing that where a state manifestly fails in that duty the international community should act, through peaceful means first and through the Security Council if force is required. Against it it is argued, first, that the rule against intervention is the foundation of the order between states, that it is what protects the

weak from the strong, and that admitting an exception on humanitarian grounds gives every powerful state a form of words with which to justify an intervention it wanted to make for other reasons, which is a charge that has been made about several interventions. Second, that force is a blunt instrument for this purpose, since bombing and invasion kill civilians too, often leave the country worse governed than before and may deepen the conflict, so that good intentions do not ensure a good result. Third, that intervention is applied selectively, being undertaken where the intervening states have an interest and omitted where they have none, which destroys the claim that a principle rather than a preference is at work. The difficulty of reconciling the practice with sovereignty is genuine and is not removed by either argument. Sovereignty and non-intervention are stated in the Charter, and the Charter also forbids the use of force except in self-defence or under the authority of the Security Council, so a lawful intervention needs that authority. But the Council acts only when no permanent member vetoes, and a veto may be cast for reasons of alliance rather than of merit, so the lawful route is frequently closed in exactly the cases that are gravest. States are then left with a choice between inaction and action without authority, and the responsibility to protect was an attempt to narrow that gap by defining the circumstances and insisting on the Council's authority, though it does not solve the problem of a Council that will not act. A candidate should present this as an unresolved tension rather than settle it.

Humanitarian intervention correctly defined 1. Two sound arguments in favour, including the responsibility to protect 1. Two sound arguments against, including the risk of pretext and of selective application 1. The tension with sovereignty and with the Charter's rules on force explained and left unresolved 1.