

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: Election Laws  
Semester- IX (Batch: 2018-23)

**End Semester Examination: November 2022**

Date: 10<sup>th</sup> Nov, 2022

Duration: 3 hours

Max. Marks: 50

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.

**Part A  
(Answer Any Five)**

**Marks**

- |     |  |     |
|-----|--|-----|
| Q.1 | Discuss the Supreme Court's decision in the Writ petitions filed as public interest litigations for declaring sub-section (4) of Section 8 of the Representation of the People Act, 1951 as <i>ultra vires</i> the Constitution of India.  | (6) |
| Q.2 | Explain the Disqualifications on conviction for certain offences under Section 8 of The Representation of the People Act, 1951. Briefly discuss the implications of 'bail', 'conviction', and 'appeal' on disqualification.  | (6) |
| Q.3 | With the help of decided case-laws examine how contracting with the government whether central or state, can act as a disqualification to contest elections or for the continuation of the membership of the House of Parliament or House of Legislative Assembly.   | (6) |
| Q.4 | What is Delimitation? Explain in brief the constitutional and legal provisions for the 'delimitation of constituencies' in India.  | (6) |
| Q.5 | Electoral processes can in many respects be seen as the lynchpin of democracy, and electoral governance plays a key role in safeguarding the quality of elections in a democratic State. While setting out normative ideals underpinning democratic elections, the law must identify the characteristics of electoral malpractice in relation to these ideals.<br><br>In light of the above statement, give an outline on the provisions of the law and distinction between 'corrupt practices' and 'electoral offences' to curb and address Election malpractices in India. | (6) |
| Q.6 | Who can register as a voter in India? Explain the process of 'preparing electoral rolls'. Describe the recent amendments to the preparation of Elector rolls that came into effect in India through The Election Laws (Amendment) Act, 2021.   | (6) |

**Part B**  
**(Answer Any Two)**

- Q.7 Article 324 of the Constitution of India provides that the superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under this Constitution shall be vested in a Commission (referred to in this Constitution as the Election Commission). (10)

Discuss the legal evolution of Election Commission as Multi-Member Commission and its power as discussed by Supreme Court of India in *Mohinder Singh Gill v. Chief Election Commr.*, (1978) 1 SCC 405.

- Q.8 The local newspaper, 'Election Times' has requested you to write an article on **'How can Election Petition be presented in Indian Law'**, initiated under Voters' Education and Electoral Participation program, a flagship program for preparing India's electors and equipping them with basic knowledge related to the electoral process. Write an Article for the Newspaper. (10)

- Q.9 Smt Kamala Banerjee is a Member of the Rajya Sabha. The government of Paschim Pradesh has requested her to become Chairperson of the P.P. Film Development Council. The benefits Smt Banerjee is entitled, as a consequence of her chairmanship, are: (i) Honorarium of INR 5000 per month. (ii) Daily allowance @ INR 600 per day within the State and INR 750 outside the State and INR 10,000 per month towards entertainment expenditure. (iii) Staff car with driver, telephones at office and residence, one PS, one PA and two Class IV employees. (iv) Bodyguard and night escort. (v) Free accommodation and medical treatment facilities to her and her family members. (vi) Free accommodation in government circuit houses/guest houses and hospitality while on tour. (10)

Smt Banerjee has sought your opinion, "Whether she should accept the offered chairmanship in view of her membership of Rajya Sabha? What if, as the holder of the office, she chooses not to receive or draw such emoluments? Will it have legal consequences for her membership in Rajya Sabha?"

In response to her request, write a legal opinion to inform Smt Banerjee of the Indian law related to the 'Office of Profit' and how it affects membership in the House including the advice she has sought.

\*\*\*\*