

Name:  
Enrolment  
No:



**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**

**End Semester Examination, December 2021**

**Course: Election Law**

**Semester: IX**

**Program: B.A. LL.B. Constitutional Spz B1 & B2**

**Time 03 hrs.**

**Course Code:**

**Max. Marks: 100**

**SECTION A**

**Each Question will carry 2 Marks**

S. No.	Question	CO
Q 1	Define State	CO1
Q2	State two characteristics of Neolithic Age	CO1
Q3	Explain a Pluralistic State	CO1
Q4	State the unique feature of Stateless Societies	CO1
Q5	Explain the divine rights of the King	CO1

**SECTION B**

**Each question will carry 5 marks**

Q6	Explain the grounds of Defection in India. Provide two suggestions to strengthen the defection laws in India.	CO2
----	---	-----

Q 7	State two functions of a Judge in a modern democracy.	CO2
Q 8	Explain the working mechanism of the Feudalism in the middle ages.	CO2
Q 9	Discuss the recommendations stated by the Election Commission	CO2
<b>Section C</b>		
<b>1. Each Question carries 10 Marks.</b>		
Q10	<p>Right to Information has predominantly ensured that the entities are answerable to the public and proved that for effective functioning of the public authorities, efficient enforcement and disclosure mechanism is important. Right to Privacy has been held to be an implicit fundamental right within the ambit of the Article 21 of the Constitution following the landmark Justice K. S Puttaswamy v. Union of India. Both Right to Information and Right to Privacy are recognised worldwide as fundamental and basic human rights and have their own sets of origins and functions applicable.</p> <p>In light of the above paragraph comment on the Right to Information vis-à-vis Election with the help of judicial pronouncements.</p>	CO3
Q 11	‘Democracy can function upon the faith that elections are free and fair and not rigged and manipulated.’ Based upon the above statement discuss the issues in the Electoral Politics of India. Also, give suggestions to combat the issues stated by you.	CO3
<b>Section D</b>		
<b>1. Each Question carries 25 Marks.</b>		
Q 12	<p>The landmark case on the interpretation of Art. 329(b) is <i>Ponnuswami N.P. v. Returning Officer</i>, (AIR 1952 SC 64) which bars ‘judicial intervention’ with the election process. The appellant filed his nomination paper from a constituency for election to the State Assembly. The returning officer rejected his nomination paper on certain grounds. The question was whether the candidate could challenge the decision of the returning officer through a writ petition under Art. 226. The Supreme Court answered in the negative. Keeping in view the phraseology of Art. 329(b), the Supreme Court declared that the courts were barred from dealing with any matter arising while the elections were in progress, and till an election petition was disposed of by an election tribunal but not thereafter. The courts would not interfere with the process of election, i.e., from the time the notification is issued till the election petition is disposed of. Any irregularity committed during the course of election could be challenged through an election petition after the election was over.</p> <p>Critically examine the solving of the election dispute by the Election Commission and the Courts of India. At present, what is the hierarchy of resolving an election dispute in India.</p>	CO4

Q13	<p>The Election Commission is entitled to act <i>ex debito justitiae</i>, in the sense that, it can take steps or direct that steps be taken over and above those which it is obligated to take under the law. It can, therefore, issue directions to the Chief Electoral Officers. These directions are binding on those officers, but their violation cannot create rights and obligations unknown to the Election law. “We are of the opinion”, said the Court, “that the directions issued by the Election Commission, though binding upon the Chief Electoral Officers, cannot be treated as if they are law, the violation of which could result in the invalidation of the election.</p> <p>Discuss the special occasions on which the Election Commission is empowered to take steps or issue directions. Also, examine the legislating powers conferred on the Parliament in regards to the Election matters.</p>	CO4
-----	--	-----