

**B.A. LL.B., (Hons.) DEGREE NINTH SEMESTER EXAMINATIONS, NOVEMBER 2023**

**DEMOCRACY AND LAW OF ELECTION**

**Time: 3 Hrs.**

**Maximum Marks: 50**

**PART A**

**Answer any 4 questions**

**Each question carries 10 marks**

- I. Elucidate the status of right to vote in India with the help of relevant judgements.
- II. Write notes on:
  - a. First past the post system of election
  - b. Two round system of election
- III. Explain the significance of delimitation of constituencies in election process. Analyse the relevant legal provisions dealing with the delimitation of constituencies in India.
- IV. Analyse the powers and functions of Election Commission of India and elucidate how it contributes towards free and fair election.
- V. Discuss the role of political parties in a democracy. Explain the legal provisions dealing with the recognition and registration of political parties in India.
- VI. Critically analyse the law to prevent communal appeals in election. Give your suggestions on reforming the existing law for reducing the influence of religion in politics and election.
- VII. Write notes on:
  - a. Qualifications for contesting in State Assembly election.
  - b. Conduct of Presidential Election in India

**PART B**

**Answer any 2 questions**

**Each question carries 5 marks**

- VIII. Candidate A is contesting the upcoming state assembly election from Constituency X. Candidate A is a member of a political party that is in power in the state. In a public speech, Candidate A makes a statement that: "I will ensure that all government contracts in Constituency X are awarded to my supporters. "Candidate A's opponent, Candidate B, files a complaint with the Election Commission, alleging that Candidate A has violated Section 123(1) of the Representation of the

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People Act, 1951. Decide. Also, discuss the application of the relevant provisions under the IPC, which can be invoked in the given situation.

- IX. Candidate A is contesting the upcoming state assembly election from Constituency X. In a public speech, Candidate A makes the following statement: "Candidate B is a corrupt politician. He has been accused of taking bribes and misusing government funds. I have proof of his corruption, and I will release it to the public if he is elected." The allegations of corruption against Candidate B have been investigated by the police, and no charges have been filed. Discuss the legal consequences of the statement.
- X. A group of 10 MLAs in an elected state assembly decides to join the opposition party, as part of a mass membership campaign program. 2 among these MLAs are independent members who were elected without the support of any political party. The remaining were the members of the ruling party. 3 other elected members who belong to the ruling party attended the membership campaign program, without the consent of the said party, but did not join the opposition party. The Speaker disqualifies all the 13 MLAs, and they file a petition in the High Court, challenging the Speaker's decision. Decide.

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