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Mid Term Examinations - October 2026

Date: 05/10/2026 **Time:** 11:45 AM - 01:15 PM

Course Code: LAW2102 **Course Name:** Election Law

Semester: Ninth Semester **Max. Marks:** 50 **Weightage:** 50%

CO - Levels	CO1	CO2
Marks	30	60

PART A: Answer Following Questions. 10 M

Q.N.	Questions	M	CO	BT
1	An election is a formal process through which citizens choose their representatives by casting their votes. In a representative democracy, elections are significant because they enable popular participation, ensure accountability of elected representatives, provide legitimacy to the government, and facilitate the peaceful transfer of political power.	2	CO1	BT2
2	An electoral college is a group of persons who are legally authorised to elect a particular constitutional office-holder, instead of the office-holder being elected directly by all citizens.	2	CO1	BT2
3	An electoral quota is the minimum number of votes that a candidate must obtain to be elected under a system of proportional representation, particularly the Single Transferable Vote (STV) system.	2	CO1	BT3
4	Electoral democracy is a form of democratic government in which citizens exercise their political power primarily by choosing their representatives through regular, free and fair elections. Elections provide citizens with an opportunity to participate in government and to hold elected representatives accountable.	2	CO1	BT1
5	Proportional Representation by means of the Single Transferable Vote (STV) is an electoral system in which voters rank candidates in order of preference—1, 2, 3, and so on. A candidate must obtain a prescribed quota of votes to be elected. If a candidate receives votes exceeding the quota, the surplus votes are transferred to other candidates according to the voters' next preferences. If necessary, the candidate with the fewest votes is eliminated and those votes are also transferred according to the next preferences. Example: Suppose three seats are to be filled. A voter may mark preferences as: 1 – Candidate A 2 – Candidate B 3 – Candidate C If Candidate A receives more votes than the required quota, the surplus may be transferred according to the second preferences. The process continues until all seats are filled.	2	CO1	BT2

PART B : Answer Any 1 Following Questions. 10 M

ANSWER KEY

Q.N.	Questions	M	CO	BT
6	An election petition challenging an election to the Lok Sabha or State Legislative Assembly is filed before the High Court having jurisdiction over the election, under Section 80 and Section 80A of the Representation of the People Act, 1951. Key points Where filed? → High Court Who can file? → A candidate or an elector. Time limit: Generally 45 days from the date of election of the returned candidate under Section 81. Grounds: The grounds for declaring an election void are mainly specified in Section 100, such as disqualification, corrupt practices, or improper acceptance of nomination. Appeal: An appeal from the High Court's decision lies to the Supreme Court under Section 116A. Example: If a person challenges the election of an MLA on the ground that the returned candidate was disqualified, the election petition is filed before the High Court having jurisdiction over that State/constituency. Note: This is different from disputes concerning the President or Vice-President, which are decided directly by the Supreme Court under Article 71.	10	CO1	BT4
7	The President is elected under Article 54 by an electoral college consisting of the elected members of both Houses of Parliament and elected members of the Legislative Assemblies of the States, Delhi and Puducherry. Nominated members do not participate. The election is conducted by proportional representation through the single transferable vote and secret ballot. The Vice-President is elected under Article 66 by the members of both Houses of Parliament, including nominated members. Members of State Legislative Assemblies do not participate. The Vice-President is also elected by proportional representation through the single transferable vote and secret ballot. Key difference: State MLAs participate in the Presidential election, whereas the Vice-Presidential election is conducted exclusively by Parliament.	10	CO1	BT4

PART C: Answer Any 1 Following Questions. 10 M				
Q.N.	**Questions**	**M**	**CO**	**BT**
8	Delimitation means fixing or redrawing the boundaries of electoral constituencies to ensure fair and effective representation. It is carried out by a Delimitation Commission constituted under law, taking into account factors such as population and geographical considerations. Preparation of electoral rolls involves identifying and registering eligible voters in each constituency. The rolls are periodically revised to include newly eligible voters and remove names of deceased, shifted, or otherwise ineligible persons. Both processes are important because delimitation promotes balanced representation, while accurate electoral rolls ensure that eligible citizens can exercise their right to vote and help prevent electoral irregularities. Together, they strengthen the fairness and effectiveness of the electoral process.	10	CO2	BT4
9	A person who has permanently shifted residence from Constituency A to Constituency B should ordinarily be registered in the electoral roll of Constituency B, provided the person satisfies the applicable eligibility requirements. Under Section 17 of the Representation of the People Act, 1950, a person cannot be registered in more than one constituency. Therefore, the voter’s name should be deleted from the electoral roll of Constituency A and, after verification of eligibility and ordinary residence, included in the electoral roll of Constituency B. This ensures the principle of one person, one electoral roll entry and prevents multiple registration or voting.	10	CO2	BT4

PART D: Answer Any 1 Following Questions. 10 M				
Q.N.	**Questions**	**M**	**CO**	**BT**

ANSWER KEY

10	In the 1971 Lok Sabha election, Indira Gandhi was elected from the Rae Bareli constituency. Raj Narain, her election opponent, challenged the election through an election petition under the Representation of the People Act, 1951, alleging electoral malpractices. The Allahabad High Court found her election invalid. The matter was subsequently brought before the Supreme Court. During this period, Parliament enacted the Constitution (Thirty-Ninth Amendment) Act, 1975, which inserted Article 329A. Among other things, Article 329A sought to place the election of the Prime Minister and Speaker under a special regime and, through clause (4), effectively removed the pending election dispute from ordinary judicial adjudication. 2. Issues before the Supreme Court The important questions included: Whether Parliament could use a constitutional amendment to remove judicial scrutiny of an election dispute. Whether the constitutional amendment could effectively validate an election that was under judicial challenge. Whether such an amendment violated the basic structure of the Constitution. 3. Judgment of the Supreme Court The Supreme Court held that clause (4) of Article 329A was unconstitutional because it damaged essential features of the Constitution. The Court emphasised that democracy and free and fair elections are part of the basic structure. The Court also recognised the importance of judicial review in election disputes. Parliament, while exercising its constituent power, could not simply take an election dispute away from the judicial process and itself determine the validity of a particular election. The decision therefore reinforced the principle of separation of powers: the Legislature may make or amend election laws, but adjudication of an election dispute cannot simply be converted into a legislative determination. 4. Impact on Elections in India First, free and fair elections were recognised as a basic-structure principle. The judgment made clear that democratic elections are fundamental to India's constitutional system. Second, judicial review of election disputes was strengthened. Election disputes cannot be immunised from judicial scrutiny merely through a constitutional amendment designed to protect a particular election. Third, it reinforced the election-petition mechanism. Election disputes involving Parliament and State Legislatures continue to be governed by the constitutional and statutory framework, particularly Article 329(b) and the Representation of the People Act, 1951.	10	CO2	BT4
11	The candidate must satisfy the constitutional and statutory qualifications prescribed for candidature. Articles 84 and 173 lay down basic qualifications for membership of Parliament and State Legislatures, while the Representation of the People Act, 1951 (RPA) prescribes additional qualifications and disqualifications. Under Section 33 of the RPA, 1951, nomination papers must be properly completed and accompanied by the required documents and declarations. Under Section 36, the Returning Officer scrutinises the nominations and may reject a nomination where there is a substantial failure to comply with the statutory requirements or where the candidate is legally disqualified.	10	CO2	BT4

PART E: Answer Any 1 Following Questions. 10 M				
Q.N.	**Questions**	**M**	**CO**	**BT**
12	The Supreme Court in Union of India v. Association for Democratic Reforms, (2002) 5 SCC 294, held that voters have a right to know relevant information about candidates as part of the freedom of speech and expression under Article 19(1)(a). This includes information concerning their criminal antecedents, assets and liabilities, and educational qualifications. Candidates are required to disclose such information through the prescribed affidavit (Form 26). The Election Commission provides this information to voters through its candidate-information services. The right is significant because it promotes transparency and accountability and enables voters to make an informed choice based on relevant information about candidates. It therefore contributes to free, fair and meaningful electoral participation.	10	CO2	BT4

ANSWER KEY

13	The Election Commission of India (ECI) is an independent constitutional authority established under Article 324 of the Constitution. Article 324 vests in it the superintendence, direction and control of the preparation of electoral rolls and the conduct of elections to Parliament, State Legislatures, and the offices of the President and Vice-President. 1. Organisation of the Election Commission Under Article 324(2), the Commission consists of: Chief Election Commissioner (CEC); and Such number of Election Commissioners (ECs) as the President may determine. When other Election Commissioners are appointed, the Chief Election Commissioner acts as the Chairman of the Commission. The President may also appoint Regional Commissioners after consultation with the Election Commission. Since 1 October 1993, the ECI has functioned as a three-member Commission consisting of the CEC and two Election Commissioners. The Commission has a permanent secretariat at New Delhi and operates through the election machinery at the State and district levels, including Chief Electoral Officers, District Election Officers and Electoral Registration Officers. 2. Powers of the Election Commission (a) Constitutional powers Article 324 gives the ECI broad powers of superintendence, direction and control over elections and electoral rolls. It can issue directions where existing electoral laws do not adequately deal with a particular situation, subject to the Constitution and applicable legislation. (b) Electoral-roll powers The Commission supervises the preparation, revision and maintenance of electoral rolls. (c) Conduct of elections It conducts elections to: Lok Sabha; Rajya Sabha; State Legislative Assemblies; President; and Vice-President. (d) Political-party functions The ECI performs statutory and quasi-judicial functions concerning registration and recognition of political parties, including recognition as national or State parties according to the applicable law. (e) Election symbols It regulates the allotment and reservation of election symbols to political parties and candidates. (f) Advisory powers The Commission advises the President and Governors on questions concerning the disqualification of sitting Members of Parliament and State Legislatures, except matters relating to defection. 3. Functions of the Election Commission The important functions of the ECI include: Preparing and revising electoral rolls. Announcing and supervising election schedules. Conducting general elections and by-elections. Conducting elections to the President and Vice-President. Supervising nominations, polling, counting and declaration of results. Registering and recognising political parties. Allotting election symbols. Monitoring election expenditure and campaign activities. Implementing and monitoring the Model Code of Conduct. Taking measures to prevent electoral malpractices and maintain the integrity of the electoral process. The ECI's election-management system includes mechanisms for nomination scrutiny, expenditure monitoring, polling, counting and Model Code compliance. 4. Role in Free and Fair Elections The central objective of the ECI is to ensure that elections are conducted in accordance with the Constitution and electoral laws. Its supervisory authority, electoral-roll management, regulation of political parties and symbols, monitoring of campaign conduct, and supervision of polling and counting collectively help maintain the integrity of the electoral process.	10	CO2	BT3

ANSWER KEY