

Name:

Enrolment No:



**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**  
**Online End Semester Examination, December 2020**

**Course: Election Law**

**Program: B.A. LL.B. (Hons) Constitutional Law**

**Course Code: CLCT 5001**


**Semester: IX**

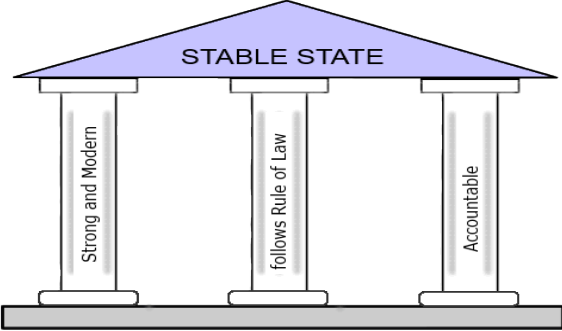
**Time 03 hrs.**

**Max. Marks: 100**

**SECTION A**

- 1. Each Question will carry 5 Marks**
- 2. Instruction: Objective style questions**

S. No.	Question	COs
Q 1	Democracy is the basic feature of the Indian Constitution. State True/False with reason	CO2
Q2	Karl Marx wrote that the power relationships between capitalists and workers were inherently exploitative and would inevitably create class conflict. State True/False with reason	CO1
Q3	 <p>A pluralistic society is a diverse one, where the people in it believe all kinds of different things and tolerate each other's beliefs even when they do not match their own and believe in exchange of dialogue. State True/False with reason</p>	CO4
Q4	Herbert Spencer in his book 'The Man Versus the State' has stated that the function of Liberalism in the past was that of putting a limit to the powers of kings. The function of true Liberalism in the future will be that of putting a limit to the power of Parliaments. State True/False with reason	CO3
Q5	In an attempt to improve the accuracy of the electoral rolls and prevent electoral fraud, the Election Commission in August 1993 ordered the issue of electors' photo identity cards (EPICs) for all vote. State True/False with reason	CO1

Q6	 <p>The above stated feature belong to the Modern State of the society. State True/False with reason</p>	CO2
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**.SECTION B**

- 1. Each question will carry 10 marks**
- 2. Instruction: Write short / brief notes**

Q1	<p>In N.P. Ponnuswami v. Returning Officer, Namakkal Constituency, AIR 1952 SC 64 the Supreme Court has declared</p> <p>“The right to vote or stand as a candidate for election is not a civil right but is a creature of statute or special law and must be subject to the limitations imposed by it.”</p> <p>Elaborate on the statement with the help of decided case laws.</p>	CO2
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Q 2	Originally, the Constitution made no reference to the party system, as such. In course of time, however, the party system has come to be recognized formally as being essential for the running of the Parliamentary democratic system. Discuss the statement in the light of the decided cases.	CO3
Q 3	Suggest any two ways to combat the criminalization in politics of India.	CO4
Q 4	State the reasons for having the Election Commission as a multi member body with the help of cases decided by the Apex court of India.	CO3
Q 5	The Election Commission plays a pivotal role in the electoral mechanism of the country. Discuss the powers and functions of the Election Commission.	CO2
<b>Section C</b>		
<p><b>1. Entire Question carries 20 Marks.</b></p> <p><b>2. The sub-parts carries 10 marks each.</b></p>		
Q1	<p>Art. 329(a) lays down that notwithstanding anything in the Constitution, the validity of any law relating to the delimitation of constituencies, or the allotment of seats to such constituencies, made or purporting to be made under Article 327 or 328 'shall not be called in question in any court.' This provision thus immunizes the law pertaining to the matters mentioned from being questioned in a court on any ground whatsoever. The words 'notwithstanding anything in the Constitution', make it clear that this clause overrides everything else in the Constitution.</p> <p>a.) In the light of the above statement interpret the non obstante clause i.e. 'notwithstanding anything in the Constitution' with the help of landmark judgments decided by the Apex Court of India.</p> <p>b.) The word 'election' in Art. 329(b) has been used in the wide sense as connoting the entire process of election. Discuss</p>	CO4