


Name:			
Enrolment No:			
UNIVERSITY OF PETROLEUM AND ENERGY STUDIES End Semester Examination, December 2023			
Course: Election Law Program: BA LL, B(H) Constitutional Law Course Code: CLCT 5005		Semester: IX Time : 03 hrs. Max. Marks: 100	
Instructions:			
SECTION A (5Qx2M=10Marks)			
S. No.	ALL QUESTIONS ARE COMPULSORY	Marks	CO
Q 1	Discuss the first past the post system.	2	CO1
Q 2	Discuss the concept of paid news.	2	CO1
Q 3	Discuss the election to the post of Vice President.	2	CO1
Q 4	Discuss the election to the legislative council.	2	CO1
Q 5	Discuss the concept of state funding of elections.	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	Discuss the concept of model code of conduct.	5	CO2
Q 7	A has a contract with the state government for construction of a road. Can A contest elections to the State Assembly.	5	CO2
Q 8	Discuss the concept of recognition of political parties.	5	CO2
Q 9	Discuss the composition of the electoral college that elects the President of India? Can a presidential election be held at a time when two state assemblies have been dissolved?	5	CO2

SECTION-C**(2Qx10M=20 Marks)**

Q 10	A split happened in a National Party named PRP. One faction led by Mr A and other faction led by Mr. B. PRP before split have 50 MP in Lok Sabha and 30 in Rajya Sabha. Both the factions went to the Election Commission of India for claiming the name and symbol of the Party. Decide on what basis Election Commission of India will decide the case.	10	CO3
Q 11	Z, a sitting member of parliament, is convicted under the Prevention of Corruption Act, 1988 and – sentenced to imprisonment for three years by the trial court. On appeal, he is granted bail by the High Court. Can N continue as a member of parliament? Can he again contest elections while his appeal is pending in the High Court?	10	CO3

SECTION-D**(2Qx25M=50 Marks)**

Q 12	The electoral bonds scheme was notified by the Central Government on 2 January 2018. An electoral bond, like a promissory note, is a bearer instrument payable to the bearer on demand. It can be used by individuals and corporations incorporated in India to make donations to political parties. Bonds can be purchased in denominations ranging from Rs 1,000 to Rs 1 crore from the State Bank of India using a KYC-compliant bank account, with no upper limit on the donation amount. Political parties can encash the bond within 15 days. The identity of the donor is anonymous and only known only to the bank. The current electoral bonds scheme was introduced through the Finance Acts of 2016 & 2017, which amended four legislations – Foreign Contribution Regulation Act, 2010	25	CO4
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(FCRA), Representation of the People Act, 1951 (RoPA), Income Tax Act, 1961 and the Companies Act, 2013.

Soon after the 2017 Finance Act was introduced, two NGOs—the Association for Democratic Reforms and Common Cause—as well as the Communist Party of India (Marxist) filed a Public Interest Litigation case against the scheme. They argued that the scheme legitimised “electoral corruption at a huge scale” and ensured “complete non-transparency in political funding.” They argue that exempting political parties from their obligation to disclose the source of funding violates voters’ right to information about their electoral candidates. It has been further argued that the scheme favours the party in government as they can know where the donations came from and which party they were going to, citizen and opposition parties were kept in the dark about the same.

The electoral bonds scheme, the petitioners argue, ran counter to the goals declared in the Union Budget speech as they created greater opacity in election funding, and facilitated a higher degree of corruption and external interference in India’s elections.

In light of such development, discuss the importance of political funding, transparency of such funding, its impact on electoral democracy, and the right to information. Use the relevant literature, case laws etc. to make your argument.

Q 13	<p>a. A, B, C were candidates at the U.P. legislative assembly elections. A, B and C polled 10000, 9000 and 8000 votes respectively. A was declared elected. His election is challenged on the ground of improper acceptance of C's nomination paper since C was holding an office of profit. Decide whether A's election can be set aside. 12.5 Marks</p> <p>b. What is the period of limitation for filing an election petition. under the R. Act, 1951? Can the High Court condone the delay in filing of an election petition? Can a lawyer present an election petition in the High Court on behalf of the election petitioner? 12.5 Marks</p>	25	CO4