

7 NOV 2024

NATIONAL LAW UNIVERSITY, JODHPUR

End-Term Examination July-October 2024

Semester: UG IX Semester (Constitutional Law Honours)

Subject: Election Law

Time: 3 Hours

Marks: 100

*Instructions*

*Answer any five questions.*

Q.1) With the central government accepting the high-level committee's recommendations on Simultaneous Elections in September 2024, what constitutional and legal changes would be necessary to synchronize elections for both the central and state legislatures and what potential effects could this have on the centre-state relationship?

(Marks 20)

Q.2) What loopholes in the Anti-Defection Law were exposed by the Maharashtra political crisis and the Supreme Court's decision in *Subhash Desai vs. Principal Secretary, Maharashtra Legislative Assembly & Ors.*, (2023) 9 SCC 657, particularly concerning the Speaker's role in disqualification proceedings and the interpretation of split and merger provisions under the Tenth Schedule?

(Marks 20)

Q.3) What challenges arise from the Merger Clause outlined in Paragraph 4 of the Tenth Schedule of the Constitution of India? Explain these challenges in detail, providing relevant examples and judicial decisions to illustrate its implications on political party dynamics and individual member rights.

(Marks 20)

Q.4) In light of the Supreme Court's ruling in *Association for Democratic Reforms v. Union of India 2024 INSC 113*, critically examine the changes brought about by the Electoral Bonds Scheme as a method of funding political parties. Present arguments both in support of and against the scheme considering its implications for transparency, accountability, and the overall integrity of the electoral process.

(Marks 20)

Q.5) Is the Constitution's minimal involvement in regulating political parties justified, considering its role as the foundational framework for democracy in India? Analyze the consequences of this limited regulatory stance on democratic processes, accountability of political parties, and the safeguarding of the rights of the electorate. Furthermore, evaluate the ways in which a more robust constitutional approach towards regulating political parties could be created to strengthen democratic governance and enhance electoral integrity.

(Marks 20)



Q.6) Does the decision of the Supreme Court in *Anoop Baranwal v. Union of India* [2023] 9 S.C.R. 1 and the subsequent enactment of the Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023, alter the original constitutional framework concerning the independence and functioning of the Election Commission? Examine the implications of these changes on electoral integrity, the autonomy of the Election Commission and the broader principles of democracy enshrined in the Constitution.

(Marks 20)

