

B.A.LL.B (Hons.) 5 YEARS INTEGRATED COURSE

SEMESTER-VII

Course Code	BAL706E
Course Title	Election Law
Type of Course	Core
L T P	5 1 0
Credits	6
Course Prerequisites	12 th
Course Objectives (CO)	To develop a critical thinking about the development of this branch of law. The same will be based within the premise of the right to better democratic order, the focus being the election process. To familiarize the students with the existing legal framework of elections to various democratic bodies/ posts. To critically analyze the present regime of laws with reference to the postulate of free and fair elections as the fundamental point of democracy.

UNIT-I

ELECTION AND DEMOCRATIC PROCESS

Part XV of Constitution Articles 324 to 329

Concept of representation through peoples participation- Election to State and Union Legislatures

Superintendence, direction and control of election to be vested in an Election Commission, Article 324

No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or Sex, Article 325

Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage, Article 326

Power of Parliament to make provision with respect of elections to Legislatures, Article 327

Power of Legislature of a State to make provision with respect of election to such Legislature, Article 328

Bar to interference by courts in electoral matters, Article 329

UNIT –II

The representation of the People Act, 1950

Electoral Process

Allocation of Seats (Section 3,4)

Delimitation of Constituencies (Sections 8 to 13)

Preparation of Electoral rolls for Assembly and Parliamentary Constituencies

The registration of Election Rules 1960

Article 341- The Constitution (Scheduled Castes) Order, 1950

UNIT –III

CONDUCT OF ELECTION RULES 1961

Qualifications for being enrolled as a voter (Rule 16 to 27)

Preparation of draft rolls (Rule 10)

Manner of Lodging claims and objections (Rule 14)

Rule 27

Electoral Reforms

THE REPRESENTATION OF THE PEOPLE ACT, 1951

Qualifications for members of the House of People and State Legislative Assemblies

Disqualifications for membership of the House of People and State Legislative Assemblies

Notification for general election to the House of the People-Section 14

Notification for general election to a State Legislative Assembly- Section 15

Administrative Machinery for conduct of Elections

UNIT –IV

Election Commission- a constitutional entity

Wide ambit of power under Article of Constitution

Jurisdiction of the High Courts under Article 226 of the Constitution

Disputes regarding election petitions (Sections 79 to 116)

Presentation of election petitions to Election Commissioners

Trial of Election Petition

Cost and Security for Costs

Corrupt Practices

Suggested Readings:

Chawla, D.D: Elections Law and Practice

Choudhry, R.N.: Election Laws and Practice in India

Abhinav Prakash: Law relating to Election

H.M.Seervai: Constitutional Law of India

M.P.Jain: Indian Constitutional Law

Prof. Dr. M.C. Jain: The Constitution of India

Rameshwer Dayal: Election Law

B.S. Chaudhre: The Law of Elections in the Indian Republic

Doakia H.S: Supplement to Law of Elections

S.K. Ghosh: Commentaries on the Representation of the Peoples Act