

DEPARTMENT OF CONSTITUTIONAL LAW AND HUMAN RIGHTS

3RD SEMESTER , OPTIONAL – (V)

PAPER: ELECTION LAWS

Unit I

Elections – General Principles and Basic requirements – The office of electorate, and the candidate – Different types of representation – the system of election

General features of Election and Election laws in India – Universal adult suffrage – General Electoral roll – Special provisions for scheduled castes and scheduled tribes – system of voting – Election Commission

Parliamentary elections – House of people – Council of States – the general principles – Election to State Legislatures – the legislative assembly – the legislative council – the electoral law in India for election to parliament and legislatures

Unit II

Then Election Commission – composition – conditions of service and protection – functions of the commission – supervisory jurisdiction of the election commission – removal or reduction for disqualification, jurisdiction of High Court over Election Commission

Notification of General Elections – Council of States – House of People – Legislative Assembly and Legislative Council – Public notice

Allocation of seats and delimitation of constituencies – Parliamentary and assembly Constituencies – “Gerry-mandering” present position – delimitation of council constituencies

The Elector – excluded classes – plural or weighted voting – who can be an elector – qualification – minor and election – the proper test, electoral rolls – preparation and revision of electoral rolls – Administrative machinery – assistant electoral registration officers – Assembly rolls – claims and objections – final publication – appeals and amendments – revision – identity cards

Unit III

The candidates – qualifications and disqualifications – Parliament and State Legislatures – Nomination – presentation – other requirements – scrutiny – notice of nomination – grounds for rejection – valid lists- withdrawal of candidature – effect of death

Polling and Counting – voting by post – special votes – postal ballot – right to vote – voting in parliamentary and Assembly constituencies- Ballot papers – arrangements in polling station – presiding officers and polling officers – safeguards against impersonation – counting, returning officer – jurisdiction – rejection of ballot papers – rejection of postal ballot papers – declaration of results

Unit IV

Corrupt practices – Bribery, Undue Influence, Appeals on grounds of caste etc. Publication of false statement. Hiring of vehicles, executive expenditure – Assistance of government servants – offences relating to elections – agency in elections

Election expenses – present position – procedure – necessity for reform – election petition, High Court in the place of election. Tribunal – parties – Grounds and contents of petitions – withdrawal, abatement

Unit V

Presidential and vice-presidential elections – procedures – conduct – questioning the Elections

Power of the people: Concept and constitutional perspectives – 73rd and 74th Amendments – salient features of T.N. Panchayat Raj Act and the T.N. State Election Commission and State Financial Commission – Municipalities Act

Prescribed Readings:

1. Sen Varma, *The Law of Election*
2. M. Krishnan Nair, *Law of Election*
3. Representation of Peoples Act, 1951
4. Dr. K.C. Sunny, *Corrupt Practices in Election Law* (Eastern Book Co.)
5. The T.N. Panchayat Raj Act,
 - a) Constitution of Panchayats at different levels
 - b) Conduct of Elections
 - c) Disputes regarding Elections
 - d) Provisiond relating to Menbers and President of Panchayats
 - e) Finance Commission and Powers
6. The T.N. Municipality Act provisions relating to
 - a) Constitution of Municipal Authorities
 - b) Standing Committee
 - c) Conduct of Elections
 - d) Disputes regarding Elections
