

**HIGH COURT OF KERALA
JUDICIAL TEST (HIGHER) 2020
PART-III, PAPER-I**

LAW OF ELECTIONS

Total Marks 100
Time: 3 hrs

PART A

Answer any SEVEN questions. Each carries 5 marks.

Write short notes on the following:

1. Grounds on which the Returning Officer can reject a nomination paper.
2. Office of profit
3. Procedure to be adopted by the Returning Officer where, after the counting of votes is completed, an equality of votes is found to exist between any of the candidates at the election.
4. NOTA
5. Under what circumstances an Election Petition can be continued by substitution of the Original Petitioner?
6. Manner in which a State Election Commissioner can be removed from office.
7. 'Ordinarily resident' under the Representation of the People Act, 1950.
8. Difference between 'Registration of Political Parties' and 'Recognition of Political parties'.
9. 'Bribery' and 'undue influence' at election
10. Qualifications for election as a Councillor of a Municipality?

[7x5=35]

PART B

Answer any TWO questions. Each carries 10 marks.

1. The period for filing Election Petition expired when the Hon'ble High Court of Kerala was closed for summer vacation. The notification issued by the High Court stated that applications of urgent nature which are required to be immediately or promptly dealt with could be filed during the vacation. The Election Petition was filed on the reopening day of the Court. Is the Election Petition time barred? Explain with reference to the provisions of the Representation of the People Act, 1951 and Section 5 of the Limitation Act, 1963.

...2.

2. 'Y' is a partnership firm. 'Y' has entered into contract with the Government which is subsisting. 'M' is a partner of the said firm. 'M' wants to contest election to the Legislative Assembly. Is 'M' disqualified for being chosen as a member of the Legislative Assembly?
3. The Returning Officer rejected the nomination of 'X' to Assembly constituency since the other contesting candidate produced before the Returning Officer at the time of scrutiny of nomination a certificate of a qualified medical practitioner to the effect that 'X' is of unsound mind. Is the rejection of nomination of 'X' proper?
4. 'X' is disqualified under the Representation of the People Act, 1951 to contest election to the Legislative Assembly. Since the disqualification subsists, 'X' was denied candidature by his political party. 'X' wants the candidate now set up by his political party to appoint 'X' as his election agent. Please advise the candidate.

[2x10=20]

PART C

Answer any THREE questions. Each carries 15 marks.

1. What are the Constitutional and Statutory disqualifications for being chosen as a member of Rajya Sabha.
2. Discuss the reservation of seats for women in Panchayats and Municipalities in Kerala in comparison with reservation of seats for women in Lok Sabha.
3. What are direct and indirect elections? Briefly state and explain the direct and indirect elections under the Constitution of India.
4. What are the Constitutional and Statutory disqualifications for membership of Parliament and State Legislature?
5. Explain 'corrupt practices in election'.

[3x15=45]