




Gujarat National Law University

# Advanced Training Programme on Election Law and Electoral Reforms

21<sup>st</sup> – 24<sup>th</sup> September, 2017

By  
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**T**his training programme is introduced to make participants understand how Constitution of India provides for right to democracy. Election and Electoral Process forms the basic foundation of democracy. Elections could be viewed as a part of the political process that reaches the culminating point of establishment of democratic governance. The proposed training programme would offer both these perspectives, both are having points of convergence than divergence. The subtle difference is that the Constitutional foundation gives a rights axis and the political perspective gives the philosophical position. The introduction of the training programme will be done on the political structure of democracy and will proceed to the postulate of free and fair elections. The legal framework with regard to the process of election ranges from general enactments like the Indian Penal Code to specific election related laws like Representation of People's Acts not forgetting the innumerable Rules and Orders under the Constitution and specific Legislations. Case laws in this area are major force of development and balance. Amendments by Legislative bodies and the orders and notifications of Election Commission also occupy the same field. Law Commission and National Commission on the Review of Constitution are the other major players.

**Innovation and Contribution:** This training programme of teaching Election Law is governed under the Constitution of India and different laws. How the Election law provided governance of election system in India? - This is the first time that a training program based on Election law and its practice is created along Election Reforms. This training programme aims to provide comprehensive knowledge about various processes established for the conduct of elections. Training aims to provide a structure about the reforms argued in the election system of India.

**Duration:** 15 hours, 4 Days

**Tentative Dates:** 21st – 24th September, 2017 (Thursday to Sunday).

**Venue:** Academic Halls, Gujarat National Law University, Gandhinagar, Gujarat, India.





## AIMS OF THE TRAINING PROGRAM

### Introduction

- To develop a critical thinking about Election law and Practice based within the premise of the Democratic Republic and Election Processes.
- Training programme focuses to familiarize participants with existing legal framework of elections to various democratic institutions.
- To critically analyse the present regime of laws for free and fair elections.
- To explore the process of development and reforms in the field of election laws.
- To elucidate Election Laws, Legislations, and Amendments & Judicial decisions.
- To sketch the probable future developments by studying the reports of the National Commission on the Review of the Working of the Constitution and Law Commission of India.

### Framework

Through the Constitutional Law of India, Representation of Peoples Act, 1951 principles of regulation on democratic governance through election process will be studied. Further various Rules and Orders of Government of India will be explained to explore. The training programme will also focus on judicial decisions and its contribution for democratic governance.





### Challenges & Implementation

Election law found its basis from Constitution of India and Representation of Peoples Act and multiple Rules and Orders made by Government of India. The Challenge of Election Commission is to see that elections are conducted in an independent manner. Powers of Election Commission in the fields of execution of laws, making laws and enforcing law and controlling political parties is multi task. The source of power, authority and capacity in implementing these tasks in which judicial decisions played a vital role and empowered Election Commission as a Independent Constitutional body.

### Contributions

The training programme will be a foundation for participants to understand Election Law. It can create GNLU as a University providing training on Election Law. It can generate research on various topic of Election Law. Electoral Reforms is in the agenda of present Government, it can develop interest groups for participating in such agenda.

### Skills & Research

This course is formulated and structured with an aim to develop law and social science students to undertake research programmes in this field. The training programme will develop skills to students to prepare for various exams also to develop skills that are the requirements of various institutions who are associated with Election, Electoral law and Electoral Reforms. Legal research and Social Science research forms an essential part of democratic process, this training aims to develop researchers who can undertake research in various fields of Election and Election Laws.





### **Potential benefits to GNLU students/faculty/staff and Professional and Enhancement of GNLU Academic, Research and Training Reputation:**

- Participants will get extensive knowledge of Election Laws.
- Participants will be able to associate themselves for various research initiatives with Election Commission.
- Students having Election Law as their Seminar Paper will be able to establish their basis for research after this training.
- Participants will be able to develop capability of approaching Civil and Judicial Services Examination.
- Training programme will establish basic foundation of research on Election Law at GNLU. It can attract attention of Election Commission of India and their Institution, India International Institute of Democracy and Election Management, and can have collaboration with GNLU.

### **Type & Number of Participants:**

Students, Academics, Professionals, Advocates, Social Science Students and Media People (Maximum: 50)

### **Methodology:**

Lectures, Presentation of Statutes, Case-laws from India and comparison of major legal systems from other countries.

### **Evaluation:**

25 marks (MCQs 20 marks + Participation 5 Marks)





**Course material:** It will be provided on Registration

**Eligibility Criteria for Participants:** Law Students and Law Graduates, Researchers, Lawyers, Journalists, Social Science Students, Journalism and Media Students.

**Fees:**

Rs. 750/- For participants (Note: Fees include only registration, tuition and course material)

Accommodation & food: By participants (You may contact Dr Girish R, +918128650806, +919824497684, rgirish@gnlu.ac.in)

**For Registration:**

- Interested applicant may send a mail to rgirish@gnlu.ac.in
- Payment can be made by clicking on the following link, <https://www.onlinesbi.com/prelogin/icollecthome.htm?corpID=627430>

**Profile of Faculty/Resource Person:** Dr. Girish. R, Assistant Professor of Law, Gujarat National Law University, has 11 years of teaching experience. He has experience in Constitutional Law, Administrative Law, Comparative Public Law, Law of Contracts and Election Laws. His research fields include Election Laws, Government Contracts and Public Procurement Law and Criminal Justice Systems.

**Facilities:** Participants are requested bring lap top as softcopy of materials and documentaries will be provided for further readings and future research.

**Faculty Coordinator and Contact:** Dr Girish. R, Assistant Professor of Law, GNLU, Gandhinagar; Mob: 8128650806; Email: rgirish@gnlu.ac.in



# SCHEDULE

## Day 1: 21<sup>st</sup> September, 2017

Mod- ule	Time	Topics
1.	3:00 pm 5:00 pm	Introduction: Development of Election Law: 2 hours To understand how election law formulated and how various bodies worked for the transformation.

- ✦ Legislative Endeavours
- ✦ Judicial Efforts
- ✦ Recommendations and Efforts by Election Commission of India
- ✦ Report of the NCRWC
- ✦ Law Commission Report on Reform of Electoral Laws- 170<sup>th</sup> Report
- ✦ The Goswami Committee Report on Electoral Reforms, 1990
- The Vohra Committee Report on Criminalisation of Politics, 1993

### Cases

- ⇒ *Union of India v Association for Democratic Reforms* (2002) 5 SCC 294
- ⇒ *Peoples's Union for Civil Liberties v Union of India* AIR 2003 SC 2363
- ⇒ *Resurgence India v Election Commission of India* 2011 (11) SCALE 348
- ⇒ *Lily Thomas v Union of India* (2013) 7 SCC 653





## Day 2: 22<sup>nd</sup> September 2017

2. 2:00 am Principles and Frame Work of Elections: 3 hours  
5:00 pm

- ✦ Right to Democracy
  - ✦ Electoral System
  - ✦ Constitutional framework
  - ✦ Election Commission
  - ✦ Democratic Bodies
  - ✦ Reservation in Legislative Bodies
  - ✦ Right to Vote
  - ✦ Right to Know the Antecedents of Candidates
- Defection

### Cases

- ⇒ *Union of India v Association for Democratic Reforms* (2002) 5 SCC 294
- ⇒ *Peoples's Union for Civil Liberties v Union of India* AIR 2003 SC 2363
- ⇒ *Kuldip Nayar v Union of India* AIR 2006 SC 3127
- ⇒ *Indira Gandhi v Raj Narain* AIR 1975 SC 2299
- ⇒ *R.C Poudyal v Union of India* AIR 1993 SC 1804
- ⇒ *T.N Seshan v Union of India* AIR 1995 SC 852
- ⇒ *M.S Gill v CEC* AIR 1978 SC 851
- ⇒ *Election Commission of India v Ashok Kumar* AIR 2000 SC 2979
- ⇒ *Election Commission of India v Dr Manmohan Singh* (2000) 1 SCC 591





### Day 3: 23<sup>rd</sup> September 2017

3. 10:00 am Election Commission: Composition, Powers and Functions: 2 hours  
-  
12:00  
Noon

- ✦ Election Commission
- ✦ Composition, Functions and Powers of the Election Commission
- ✦ Delimitation of Constituencies
- ✦ Preparation and Revision of Electoral Rolls
- ✦ The Constitution of India- Article 324- 328, Articles 103(2), 192(2)
- ✦ The Election Commission (Conditions of Service of Election Commissioners and Transaction if Business) Act, 1991
- ✦ Representation of Peoples Act, 1951- Sections 8A, 10A, 11, 11A, 11B, 28A (read with section 13CC, R. P. Act, 1950), 29A, 77, 78, 146, 146A, 146B, 146C
- The Election Symbols (Reservation and Allotment) Order, 1968.

#### Cases

- ⇒ *S.S. Dhanoa v Union of India AIR 1991 SC 1745*
- ⇒ *T.N. Seshan, Chief Election Commissioner of India v Union of India (1995) 4 SCC 611*
- ⇒ *Indian National Congress(I) v Institute of Social Welfare AIR 2002 SC 2158*
- ⇒ *Mohinder Singh Gill v Chief Election Commissioner AIR 1978 SC 851*
- ⇒ *Union of India v Association for Democratic Reforms AIR 2002 SC 2112.*
- ⇒ *Special Reference No. 1 of 2002 AIR 2003 SC 87*



### Day 3: 23<sup>rd</sup> September, 2017

4. 2:00 pm Qualifications and Disqualifications of Candidates for  
05:00 pm Election: 3 hours

- ✦ Qualification Under Constitution of India
- ✦ Disqualification for holding an Office of profit.
- ✦ Disqualification for Government Contracts
- ✦ Disqualification on Conviction for Certain Offences
- ✦ The Constitution of India \_ Articles 84, 101-104, 173, 190-193, 299
- ✦ Representation of Peoples Act, 1951 Sections:- 3-6, 7,8, 8 A,9, 9 A, 10, 10 A, 11, 100(1) (a) The Parliament (Prevention of Disqualification) Act,1959

#### Cases

- ⇒ *Kuldip Nayar v Union of India* AIR,2006 SC 3127
- ⇒ *Guru Gobin Basu v Sankari Prasad Ghosal* AIR,1964 SC 254
- ⇒ *Biharilal Dobray v Roshanlal Dobray* AIR,1984 SC 385
- ⇒ *Ashok Kumar Bhattacharya v Ajoy Biswas* (1985) 1 SCC 151
- ⇒ *Jaya Bachchan v Union of India* AIR,2006 SC 2119
- ⇒ *Consumer Education & research Society v Union of India* (2009) 9 SCC 648
- ⇒ *Kondappa Rudrappa Nadagouda v Viswanath Reddy* AIR,1969 SC 447
- ⇒ *Smt Ashling v L S John* AIR,1984 SC 988
- ⇒ *B R Kapur v State of Tamil Nadu* (2001) 7 SCC 231
- ⇒ *K Prabhakaran v P Jayarajan* (2005) 1 SCC 754
- ⇒ *Navjot Singh Sidhu v State of Punjab* (2007) 2 SCC 574
- ⇒ *Lily Thomas v Union of India* (2013) 7 SCC 653



## Day 4: 24<sup>th</sup> September 2017

5. 10:00 am Electoral Process, Election Offences and Corrupt Practices:  
12:00 pm es: 2 hours

- ✦ Nominations
- ✦ Scrutiny of Nominations
- ✦ Rejection of Nomination
- ✦ Conduct of Election
- ✦ Declaration Results
- ✦ Distinction between Electoral offences and Corrupt Practices
- ✦ Sections 123, 125-136 of Representation of Peoples Act, 1951
- ✦ Sections 171-A 171 I of Indian Penal Code, 1860

### Cases

- ⇒ *Common Cause- A Registered Society v Union of India* (1996) 2 SCC 752
- ⇒ *Union of India v Assn. for Democratic Reforms* (2002) 5 SCC 294
- ⇒ *Lakshmi Charan Sen v A K M Hassam Uzzaman* AIR 1985 SC 1233
- ⇒ *K. Venketachalam v A Swamickan* AIR 1999 SC 1723
- ⇒ *Gajanan Krishnaji Bapat v D R Meg* AIR 1995 SC 2284
- ⇒ *Rajendra Prasad v Sheel Bhadra* AIR 1967 SC 1445
- ⇒ *Bhanu Kumar v M. Sukhadia* AIR 1971 SC 2025
- ⇒ *R Y Prabhoo v P K Kunte* AIR 1996 SC 1113
- ⇒ *B R Kapur v State of Tamil Nadu* (2001) 7 SCC 231
- ⇒ *K Prabhakaran v Jayarajan* AIR 2005 SC 688
- ⇒ *Abhiram Singh and Ors v C D Commachen (Dead) by L Rs and Ors* AIR 2017 SC 401



## Day 4: 24<sup>th</sup> September 2017

6            12.00pm            Electoral Reforms, 2 hours  
              1.00pm  
              &  
              2.00pm-  
              3.00pm

- ✦ Compulsory Voting
- ✦ Right to Reject
- ✦ Right to Recall
- ✦ One India One Election
- ✦ Reservation of Seats for Women
- ✦ Migrants and their Voting Rights
- ✦ State Funding

### Cases

- ⇒ *Ashok Shankarrao Chavan v Madhavrao Kinhalkar* (2014) 7 SCC 99
- ⇒ *Lily Thomas v Union of India* (2013) 7 SCC 653
- ⇒ *Abhiram Singh and Ors v C D Commachen (Dead) by L R& and Ors* AIR 2017 SC 401

7            4.00pm-            Exam: Multiple Choice Questions 1 hour  
              500pm





# REFERENCES

No	Particulars	Page
1	Choosing the Ruler, The Court and the Constitution of India- O. Chinnappa Reddy	1
2	Election Laws, Fifty Years of the Supreme Court- K.C.Sunny	9
3	Election Commission and Model Code of Conduct, Constitutional Conundrums- V. Venkatesan	28
4	Electoral Reform in India, Constitutional Miscellany- V.R. Krishna Iyer	40
5	Peoples Union for Civil Liberties v Union of India, Right of Voter to know antecedents of candidates contesting elections, Supreme Court Selected Leading Cases- K. Gururaja Chari	53
6	Charan Lal Sahu v Neelam Sanjeeva Reddy, Presidential and Vice- Presidential Elections, Supreme Court Selected Leading Cases- K. Gururaja Chari	76
7	T.N.Seshan, Chief Election Commissioner of India v Union of India, Multi- member Election Commission, Supreme Court Selected Leading Cases- K. Gururaja Chari	81
8	Election Commission of India v State Bank of India Staff Association, Election Duty, Supreme Court Selected Leading Cases- K. Gururaja Chari	89
9	In Re Special Reference No.1 of 2002, Duty of Election Commission to hold free and fair Elections, Supreme Court Selected Leading Cases- K. Gururaja Chari	88
10	Digvijay Mote v Union of India, Guidelines for removal of names from Electoral Rolls, Supreme Court Selected Leading Cases- K. Gururaja Chari	120
11	Indira Gandhi v Raj Narain, Basic Structure and Election, Land mark Judgements	125





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