

HAMDARD INSTITUTE OF LEGAL STUDIES & RESEARCH (HILSR)
SCHOOL OF LAW

JAMIA HAMDARD, NEW DELHI - 110062

LL.M. IIIrd END SEMESTER, 2023

Election and Service Laws

Time: 3 Hours

Maximum Marks: 60

Write your Roll No. on the top immediately on receipt of this question paper. Attempt five questions selecting one from each unit. All questions carry equal marks.

UNIT-I

(12 Marks)

Q1. When the concept of Universal Adult Franchise found its place in the Constitution of India, 1950, some of the members of the Constituent Assembly were completely against it, while others argued in favour of it. Discuss.

OR

Q2. Enumerate the factors that had led to the introduction of the 61st Constitutional Amendment Act, 1988. Do you agree that such an amendment has made a significant contribution in upholding the parliamentary democracy in India? Give reasons.

UNIT-II

(12 Marks)

Q3. 'Electoral Bonds are a threat to the Indian Democracy.' Comment.

OR

Q4. What are the tests for deciding that an 'Office of Profit' is held 'under the Government'? Whether the Comptroller and Auditor General of India is disqualified under Article 102 (1) (a) of the Constitution of India?

UNIT-III

(12 Marks)

Q5. 'The presence of the Anti-Defection Law has undermined democracy by inhibiting legislators from exercising their choice and ability to function independently, and restricted decision making in legislatures to a few who control political parties.' Elaborate the law on Anti-defection under the Indian Constitution including its exceptions, if any.

OR

Q6. Discuss the composition, powers and functions of Election Commission of India. In the light of *Anoop Baranwal v. Union of India* discuss the procedure of appointment of the Chief Election Commissioner and other Election Commissioners to make the Commission an Independent body.

UNIT-IV

(12 Marks)

Q7. What are the various criteria on the basis of which reservations may be granted in promotion to a Scheduled Caste or Scheduled Tribe in a Public employment? Support your answer with relevant case law.

OR

Q8. Discuss the relevant provisions related to the Suspension and its consequences on a civil servant under the Central Civil Services (Classification, Control Appeal) Rules, 1965. How is 'Deemed Suspension' different from an ordinary Suspension?

UNIT-V

(12 Marks)

Q9. Explain the constitutional framework of 'Administrative Tribunals' in detail. Whether the Tribunals as quasi-judicial bodies have the same degree of independence from the executive as the courts have? Cite relevant case law in support of your answer.

OR

Q10. The Doctrine of Pleasure finds a significant place in several colonial legislations enacted in India. However, while introducing this doctrine in the Constitution of India the constitutional framers incorporated this doctrine with certain safeguards. Explain the doctrine with the Constitutional safeguards that are available to the civil servants under the Indian Constitution?
