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कृष्णा आशुलिपिक संस्थान

(English Only) By. A.V. Kushwaha

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(87, Sulem Sarai, Prayagraj, Uttar Pradesh)

(Contact No. 7355504435)

*If you are not
upgrading, you are
downgrading.*

SSC/Court Skill Test Based Dictations: It covers all skill tests conducted by SSC etc including any Court (Supreme Court, High Court, District Courts, Tribunals, Law Firms).

25

Topic: Election Disqualification

VOLUME 1, DICTATION NO. 25

Note: Outlines of all highlighted words/phrases are given at the end of the passage. Adopt all better outlines than yours.

Respondent herein was elected as a member of Zila Parishad. The result of election was declared on 05.01.2001. An application was filed by respondent no. 2, Daulat Ram before the Deputy Commissioner, Shimla District alleging that as he, having been declared an encroacher within the meaning of the provisions of Sections 4 and 7 of the Himachal Pradesh Public Premises (Rent Recovery & Land Eviction) Act, 1971 was disqualified to hold the elected post and, thus, should not be allowed to continue therein. The Deputy Commissioner took cognizance of the said complaint and by reason of an order dated 04.06.2002 declared respondent no. 1 as disqualified for being chosen as a member of the Zila Parishad and consequently his election was set aside. It is not in dispute that a proceeding under the Himachal Pradesh Land Revenue Act was

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initiated against respondent no.1. He was held to be unauthorized occupant of a land measuring 13 biswas in terms of the provisions of the Himachal Pradesh Public Premises (Rent Recovery & Land Eviction) Act by the Collector, Sub-Division, Theog. The said order was confirmed by the Financial Commissioner of the Shimla Division by an order dated 06.8.1998. We will proceed on the basis that the said order has attained finality although there appears to be some dispute in relation thereto. Respondent no. 1 was declared to be an encroacher in the year 1998. He was directed to be ejected from the land in question. The notification for election of Zila Parishad by the State Election Commission under the Act was issued on 16.11.2000. As noticed hereinbefore, Respondent no. 1 was declared elected on 05.01.2001. In terms of the provisions of Article 243-O read with Section 163 of the Act, an election petition, therefore, was maintainable for setting aside his election. Disqualification as provided for under Article 243-F has been laid down in Section 122 of the Act. Section 175 of the Act provides for disqualification as one of the grounds upon which an election petition could be filed. Interpreting the aforementioned provisions, a Division Bench of the Himachal Pradesh High Court opined that the order dated 27.06.2002 passed by the Deputy Commissioner is not sustainable in law.

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Mr. J.S. Attri, learned AAG appearing on behalf of the appellants would submit that although the provisions of Section 163 are ordinarily required to be taken recourse to but having regard to the fact that in terms of sub-section (2) of Section 122 of the Act, the question as regards declaring a candidate as disqualified may arise not only before an election is held but also after the election process is over; and thus, whereas in the former case, it will be the Authorized Officer concerned who can determine the question of disqualification but in a case where processes are initiated after the election, the Deputy Commissioner alone would be the prescribed authority. If a candidate or a voter had the knowledge that the elected candidate was disqualified in terms of Section 122 of the Act, he may file an application.

It is well settled that a statutory provision should be read harmoniously in its entirety and no part thereof shall be read in isolation. Particularly it should be read in such manner as not to render any other part thereof ineffective and redundant.

The case concerns the disqualification of a Zila Parishad member who had been declared an encroacher under the Himachal Pradesh Public Premises (Rent Recovery & Land Eviction) Act, 1971 prior to the election. Proceedings were later initiated before the Deputy Commissioner, who set aside the election on the ground of disqualification.

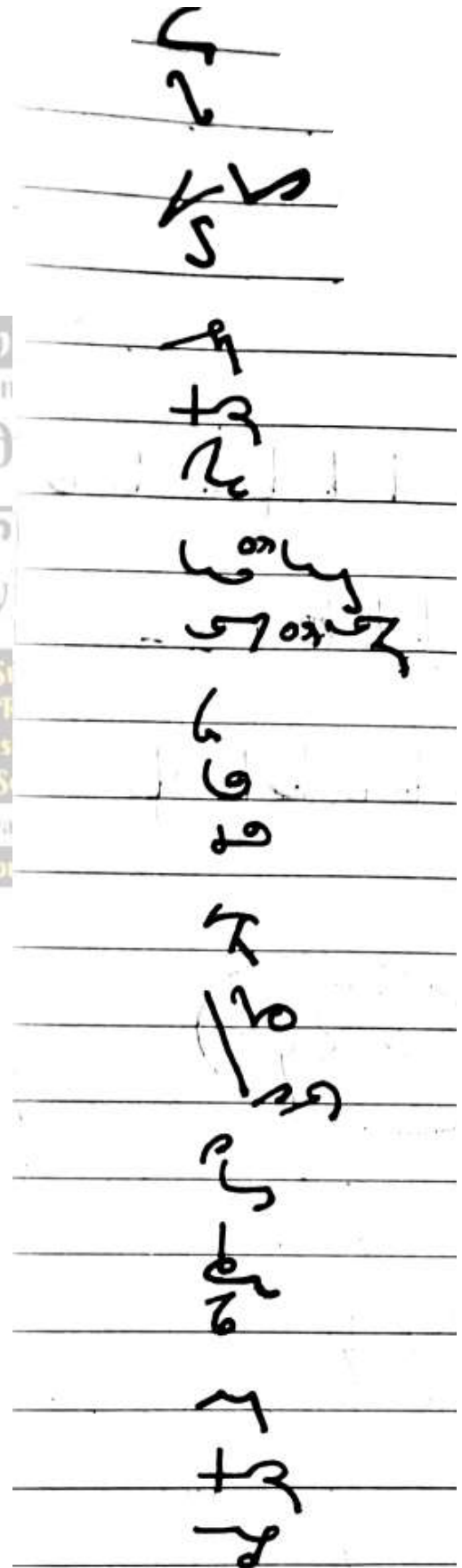
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Outlines of all highlighted words and phrases.
Note: Adopt only those outlines which are better than yours.

elected
member of
Zila Parishad.
application
respondent no
Deputy Commissioner
alleging that
having been
encroacher
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of Sections
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Public Premises
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Land Eviction
disqualified
and, thus
should not be
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cognizance



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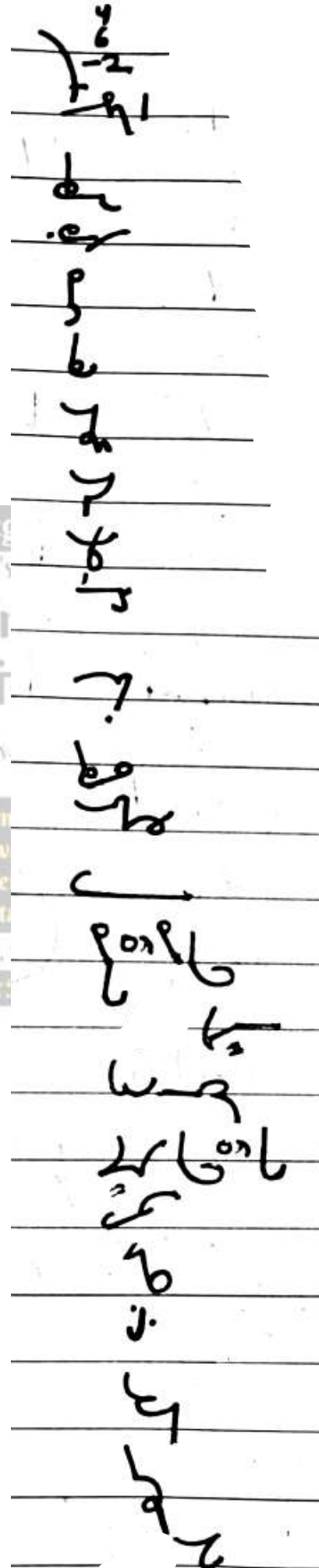
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(Increase your vocabulary:

Learn New and Important Words of the Matter)

Keep revising all new words learned.

Legal/General Matter (Legal Vocabulary Building)

1. **Alleging:** (verb) (present participle) to claim or assert that someone has done something wrong, typically without proof आरोप लगाना / अभिकथन करना
2. **Encroacher:** (noun) a person who illegally occupies or trespasses on land or property belonging to another अतिक्रमणकारी / अवैध कब्जाधारी
3. **Land Eviction:** (noun phrase) the legal process of removing someone from land or property they occupy भूमि से बेदखली / निष्कासन
4. **Disqualified:** (verb) (past participle) / (adjective) declared ineligible or unfit to hold a position or participate अयोग्य घोषित / निरहित
5. **Cognizance:** (noun) formal acknowledgment or recognition; judicial notice of a matter संज्ञान / न्यायिक ध्यान

- 6. Consequently:** (adverb) as a result; therefore
परिणामस्वरूप / फलस्वरूप
- 7. Set aside:** (phrasal verb) (past tense) to cancel, annul, or declare invalid (a judgment or decision) रद्द करना / निरस्त करना
- 8. Occupant:** (noun) a person who resides in or occupies a place or property निवासी / कब्जाधारी
- 9. Measuring:** (verb) (present participle) having a specified size or extent मापने वाला / माप का
- 10. Biswas:** (noun) a traditional unit of land measurement in India (1 bigha = 20 biswas) बीसवां (भूमि माप की इकाई)
- 11. Attained:** (verb) (past participle) reached or achieved; arrived at प्राप्त किया / हासिल किया
- 12. Finality:** (noun) the state of being conclusive, decisive, or complete अंतिमता / निर्णायकता
- 13. Hereinbefore:** (adverb) (legal term) in a preceding part of this document or text पूर्वोक्त / इससे पहले (इसी दस्तावेज़ में)
- 14. Maintainable:** (adjective) (legal term) capable of being upheld or supported in law; legally valid स्वीकार्य / विधिमान्य

- 15.Opined:** (verb) (past tense) expressed an opinion, especially a formal or judicial one राय व्यक्त की / अभिमत दिया
- 16.Sustainable:** (adjective) (legal context) capable of being maintained or upheld; defensible in law कायम रखने योग्य / टिकाऊ
- 17.Ordinarily:** (adverb) usually; normally; in most cases सामान्यतः / आमतौर पर
- 18.Recourse to:** (noun phrase) the act of turning to something for help or as a solution सहारा लेना / शरण लेना
- 19.As regards:** (preposition phrase) concerning; with respect to के संबंध में / के विषय में
- 20.Process:** (noun) (legal context) a series of actions or proceedings; also legal proceedings प्रक्रिया / कार्यवाही
- 21.Whereas:** (conjunction) (legal usage) while on the contrary; in contrast; considering that जबकि / इसके विपरीत
- 22.Former:** (adjective) the first of two things mentioned (as opposed to latter) पूर्वोक्त / पहला (दो में से)

23.Processes: (noun) (plural) procedures, proceedings, or series of actions प्रक्रियाएं / कार्यवाहियां

24.Statutory provision: (noun phrase) a rule or regulation established by statute or legislation वैधानिक प्रावधान / कानूनी धारा

25.Harmoniously: (adverb) in a way that is consistent, compatible, and without conflict सामंजस्यपूर्ण ढंग से / सुसंगत रूप से

26.Entirety: (noun) the whole of something; completeness संपूर्णता / समग्रता

27.To render: (verb) (infinitive) to cause to become; to make बना देना / कर देना

28.Ineffective: (adjective) not producing the desired result; not functioning properly अप्रभावी / निष्प्रभावी

29.Redundant: (adjective) unnecessary because it duplicates something else; superfluous अनावश्यक / निरर्थक

30.Concerns: (verb) (present tense, third person singular) relates to; is about संबंधित है / सरोकार रखता है

31.Encroacher: (noun) [repeated] a person who illegally occupies or trespasses on land or property
अतिक्रमणकारी / अवैध कब्जाधारी

LATER vs. LATTER - Elaborate Explanation with Examples

LATER

- **Part of speech:** Adverb / Adjective
- **Meaning:** At a time in the future; after the present or a specified time; coming after in time
- **Hindi:** बाद में / पश्चात्

Examples:

1. "I will call you **later** this evening." (समय के संदर्भ में - आज शाम को बाद में)
2. "The meeting was scheduled for 2 PM but was postponed to a **later** time." (भविष्य के किसी समय पर)
3. "He arrived **later** than expected." (प्रत्याशित समय के बाद)
4. "We can discuss this matter **later**." (भविष्य में किसी समय)

Accuracy Mantra for LATER: Think of "LATER" = "LATE + R" = relates to **TIME** (समय)

LATTER

- **Part of speech:** Adjective / Noun
- **Meaning:** The second of two things or people mentioned; nearer to the end; the last mentioned
- **Hindi:** उत्तरोक्त / दूसरा (दो में से) / अंतिम उल्लिखित

Examples:

1. "Between coffee and tea, I prefer the **latter**." (दो विकल्पों में से दूसरा - tea)
2. "He visited Delhi and Mumbai; the **latter** city impressed him more." (दूसरा शहर - Mumbai)
3. "In the document, provisions were mentioned regarding disqualification before and after election; in the **former** case the Authorized Officer decides, in the **latter** case the Deputy Commissioner decides." (पहली स्थिति में बनाम दूसरी स्थिति में)
4. "The company offers two plans: basic and premium. The **latter** is more expensive." (दूसरा प्लान - premium)

Accuracy Mantra for LATTER: Think of "LATTER" = "LATT + ER" = relates to **LAST** of **TWO** (दो में से अंतिम/दूसरा)

Key Differences:

LATER

About TIME (समय)

Means "after some time"

Opposite: EARLIER

Example: "See you later"

LATTER

About
(क्रम/चयन)

CHOICE/SEQUENCE

Means "the second of two"

Opposite: FORMER

Example: "Between A and B, I choose the latter"

Memory Trick:

- LATER has "ATE" (like "date" - time-related)
- LATTER has "ATT" (like "attention" to the last/second item mentioned)

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