

CONSTITUTIONAL LAW II**UNIT 1****1. Explain Anti-Defection Law with relevant case laws.**

Ans. Anti-defection law

- Defection causes government instability. Defection is undesirable.
- A political party which fails to get majority in the house through election, forms the government through the defected members from that party.
- Thus the party which wins majority through election still fails to form the government because of few members defected from that party.
- The members may change his political party because he may consciously or with the policies of the party to which he belongs.
- In such case, if he leaves the party then he has to resign from his members seek fresh election. But such principled defection are rare.
- Not to let the defectors stay in place and to self discipline at least to appointment of Ministers.
- It was realized that if the evil of defection is not controlled, then it would be very foundation of democracy. Therefore, it was necessary to enact the law regarding defection.
- The 10th schedule popularly known as the Anti-defection Act was introduced by Amendment Act, 1985.
- It sets the provisions for disqualification of defected members on the ground of defection to another political party.

Para 2: Grounds for Disqualification

- If the member of the political party-
 - Voluntarily resigns from his political party
 - Votes or abstains from voting in the election of his political party
 - ❖ However, if the member has taken prior permission or is allowed to party within 15 days from such voting or abstention, then he shall not be disqualified.
- If a nominated member joins any political party after the election.
- If a nominated member joins a party six months after he becomes a member.

Constitutional Law Questions Answers

William Joseph Hughes



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