

Corrigendum/Explanation SFG 2024 Level 1 Test 8

There is 1 change in today's paper (Q.43).

In Q.43, the correct answer is option (a).

Also, some extra explanations have been provided for the students who have raised doubts.

In Q.43, the correct answer is option (a).

There was a doubt raised regarding the correctness of Statement 3 (Anti-defection law does not apply to the Speaker and Deputy speaker of the Lok-Sabha.)

Explanation: The doubt raised is correct and Statement 3 is incorrect. The Tenth Schedule of the Constitution provides that:

If any question arises as to whether a member of a House has become subject to disqualification under this Schedule, the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such House and his decision shall be final.

Provided that where the question which has arisen is as to whether the Chairman or the Speaker of a House has become subject to such disqualification, the question shall be referred for the decision of such member of the House as the House may elect in this behalf and his decision shall be final. (There are certain conditions under which Speaker or deputy speaker of the house is exempted from Anti defection law)

For Future References:

Q.43) With reference to the anti-defection law, consider the following statements:

- 1) The anti-defection law is not applicable to nominated members of Parliament if they join any political party after six months of their nomination.
- 2) A member of a House of Parliament belonging to any political party shall be disqualified for being a member of the House, if he has voluntarily given up his membership of such political party.
- 3) Anti-defection law does not apply to the Speaker and Deputy speaker of the Lok-Sabha.
- 4) If independent members of Parliament join a party within six months of oath-taking, they are not subjected to anti-defection law.

How many of the above given statements are correct?

- a) Only one
- b) Only two
- c) Only three
- d) All four

Ans) a

Exp) Option a is the correct answer.

Anti-defection law punishes MPs/MLAs for leaving one party for the other. It sets the provision for disqualification of elected members for defection to another political party. It was a response to toppling of multiple state governments by party swapping MLAs after the general election of 1967.

Statement 1 is incorrect. In the case of nominated members, the anti-defection law specifies that within six months of being nominated to the House, they can choose to join a political party. The time is given so that if a nominated MP is not a member of a political party, they can decide to join one if they want. But if they don't join a political party during the first six months of their tenure and join a party thereafter, then they lose their seat in Parliament on the grounds of defection.

Statement 2 is correct: Subject to the provisions of Tenth Schedule of the Constitution and Anti defection law, a member of a House belonging to any political party shall be disqualified for being a member of the House if he has voluntarily given up his membership of such political party.

Statement 3 is incorrect. The Tenth Schedule of the Constitution provides that:

If any question arises as to whether a member of a House has become subject to disqualification under this Schedule, the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such House and his decision shall be final:

Provided that where the question which has arisen is as to whether the Chairman or the Speaker of a House has become subject to such disqualification, the question shall be referred for the decision of such member of the House as the House may elect in this behalf and his decision shall be final.

Thus, Anti-defection law does apply to Speaker and Deputy Speaker.

Statement 4 is incorrect. An independent member of a house becomes disqualified if he joins any political party. But in case of **nominated member of the house, he can join any political party within 6 months of him taking his seat** in the house.

Source: M. Laxmikanth - chapter 72

<https://www.mea.gov.in/Images/pdf1/S10.pdf>

Q.9) There was a doubt raised with respect to Statement 2 i.e., Details of assets and liabilities of self and family members of candidates contesting in Lok Sabha or state assembly elections in India are to be submitted.

Explanation – The Option is correct. The term ‘family’ can be used in the given context. Please see the form from the below attached link:

<https://www.eci.gov.in/files/file/4763-form-26-affidavit-to-be-submitted-by-candidates-along-with-nomination-paper/>

Q.26) There was a doubt raised with respect to Statement 1 i.e., “We cannot have democracy without holding elections.”

Explanation – The Statement is incorrect. In a Direct form of Democracy, elections are not held for exercise of power. In Direct Democracy, the power is directly exercised by the people, and not by the elected representatives. In an indirect form of democracy, elections are held to elect the representatives. Since all citizens cannot directly participate in the decision-making process, representatives are elected for smooth governance. However, in the direct form of democracy, citizens may directly participate in the decision-making process. For instance, Gram Sabha (village assembly of adult population) is not an elected body, but takes important decisions regarding village development, resource management, and so on. Hence, it is incorrect to say that we cannot have democracy without holding elections.

Q.49) There was a doubt raised with respect to Statement (a) i.e., “Adjournment of the poll only if the nominee was a candidate of a recognized political party.”

Explanation – The Statement is correct. In case of the death of a candidate before poll, the Election Commission countermands the election only in case of recognized political party. According to the Section 52 of the Representation of Peoples Act, if a candidate dies on the last date for making nominations and his nomination is found valid on scrutiny; or if the candidate who has not withdrawn his candidate dies; or a contesting candidate dies before the commencement of the poll, “the returning officer shall announce the adjournment of the poll to a date to be notified later and report the fact to the Election Commission and also to the appropriate authority.”

Therefore, in case of the death of a candidate, the election to that constituency can be cancelled and the Election Commission announces a later date for election to the particular seat.