

LFSA
Team Notes

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 defecting members from that party.
- If the party which wins majority through election still fails to form the government because of few members defecting from the 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 defecting members keep place out of itself in order to appointment of Ministers.
- It was realized that if the evil of defection is not controlled, then it would weaken the 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 in the Amendment Act, 1985.
- It sets the provisions for disqualification of defecting 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
 - Writes or makes any written statement of his political party
 - ❖ However, if the member has taken prior permission or is controlled party within 15 days from such writing or statement, then he shall not be disqualified.
- If a nominated member joins a party six months after he becomes a member

Constitutional Law Questions Answers

Padhraic Smyth



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Table of Contents Constitutional Law Questions Answers

1. Understanding the eBook Constitutional Law Questions Answers
 - The Rise of Digital Reading Constitutional Law Questions Answers
 - Advantages of eBooks Over Traditional Books
2. Identifying Constitutional Law Questions Answers
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Constitutional Law Questions Answers
 - User-Friendly Interface
4. Exploring eBook Recommendations from Constitutional Law Questions Answers
 - Personalized Recommendations
 - Constitutional Law Questions Answers User Reviews and Ratings
 - Constitutional Law Questions Answers and Bestseller Lists

5. Accessing Constitutional Law Questions Answers Free and Paid eBooks
 - Constitutional Law Questions Answers Public Domain eBooks
 - Constitutional Law Questions Answers eBook Subscription Services
 - Constitutional Law Questions Answers Budget-Friendly Options
6. Navigating Constitutional Law Questions Answers eBook Formats
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7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Constitutional Law Questions Answers
 - Highlighting and Note-Taking Constitutional Law Questions Answers
 - Interactive Elements Constitutional Law Questions Answers
8. Staying Engaged with Constitutional Law Questions Answers
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Constitutional Law Questions Answers
9. Balancing eBooks and Physical Books Constitutional Law Questions Answers
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Constitutional Law Questions Answers
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Constitutional Law Questions Answers
 - Setting Reading Goals Constitutional Law Questions Answers
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Constitutional Law Questions Answers
 - Fact-Checking eBook Content of Constitutional Law Questions Answers
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
- Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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