

Corrigendum Test 5

2 changes in Today's paper (Q.5 and Q. 15)

In Q.5 there is no matching option. Statement 1 and 2 both are correct. For future references:

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

1. A member of a House becomes disqualified if he votes against any direction issued by his political party without obtaining prior permission of such party.
2. An independent member of a House may be disqualified if he joins any political party after the expiry of six months.
3. The nominated member becomes disqualified if he joins any political party soon after being elected.

Which of the statements given above is/are correct?

- a) 1 and 2 only
- b) 1 only
- c) 2 only
- d) 1, 2 and 3

Ans) a

Exp) Option a is correct

The **52nd Amendment Act of 1985** provided for the disqualification of the members of Parliament and the state legislatures on the ground of defection from one political party to another. It added the **Tenth Schedule** to the Constitution. This act is often referred to as the '**anti-defection law**'.

Statement 1 is correct. A member of a House belonging to any political party becomes disqualified for being a member of the House

- if he voluntarily gives up his membership of such political party; or
- if he **votes or abstains from voting in such House contrary to any direction issued by his political party without obtaining prior permission of such party** and such act has not been condoned by the party within 15 days.

Becomes disqualified means liable to be disqualified though the disqualification is not immediate, but he/she can be disqualified.

Statement 2 is correct. An **independent member of a House** (elected without being set up as a candidate by any political party) **becomes disqualified** to remain a member of the House **if he joins any political party after such election. Thus, even if he/she joins a political party after the expiry of 6 months, he/she will be liable to be disqualified.**

Statement 3 is incorrect. A **nominated member of a House becomes disqualified** for being a member of the House **if he joins any political party after the expiry of six months** from the date on which he takes his seat in the House.

Source: Indian Polity, M. Laxmikanth, 6th Edition, Chapter-76

In Q.15 answer given was option d, but correct answer is Option c

Q.) Consider the following statements with respect to Conference on Interaction and Confidence-Building Measures in Asia (CICA):

1. It is a forum for enhancing cooperation towards promoting peace, security and stability in Asia.
2. Only Asian Countries can become its members.
3. One of its objectives is to prevent proliferation and elimination of weapons of mass destruction.

Which of the statements given above is/are correct?

- a) 1 only

- b) 1 and 2 only.
- c) 1 and 3 only.
- d) 1,2 and 3.

Ans) c

Exp) option c is correct.

Statement 1 is correct, Conference on Interaction and Confidence-Building Measures in Asia (CICA) is a multi-national forum for enhancing cooperation towards **promoting peace, security and stability in Asia**. It was Established in 1999 and has Secretariat in Nur-Sultan, Kazakhstan.

Statement 2 is incorrect. For becoming a member of CICA, **a state must have at least a part of its territory in Asia (not necessarily only Asian Country)** Fifteen states meeting this criterion signed the Declaration on the Principles Guiding Relations between the CICA Member States at the First Meeting of Ministers of Foreign Affairs in 1999 and became founding members of CICA. Presently CICA has twenty-seven Member States accounting for nearly ninety percent of the territory and population of Asia.

Statement 3 is correct, Objectives of CICA are:

- enhance co-operation through elaborating multilateral approaches towards promoting **peace, security and stability in Asia**;
- eradicate the menace of **terrorism** in all its forms and manifestations;
- combat **illicit drug production and trafficking**;
- promote **trade and economic cooperation** for the prosperity and stability in Asia;
- cooperation on all issues relating to **environment**;
- prevention of proliferation and eventual elimination of **weapons of mass destruction**;
- develop measures to address **humanitarian issues**;
- promote **mutual respect, understanding and tolerance** in the relations among civilizations;
- facilitate implementation of **Confidence Building Measures** among Member States.

Source: <https://www.s-cica.org/>
https://www.mea.gov.in/press-releases.htm?dtl/31438/Visit_of_External_Affairs_Minister_to_the_5th_CICA_Summit_Meeting_in_Dushanbe_June_1415_2019

In Q.7 student raised a doubt- One of the limitations of anti-defection law is, it does not differentiates between dissent and defection.

It is a correct statement.

Explanation: The action statement asks for **not the benefits of anti-defection law** that is drawbacks of the law. Artificial differentiation between dissent and defection is one of the drawbacks of the anti defection law.

In Q.11 many of you raised doubts regarding the sovereign and non sovereign functions- The Union government can be sued for the civil wrongs in case of both sovereign and non-sovereign functions.

It is an incorrect statement

Explanation: Though in modern sense the distinction between sovereign and non-sovereign functions does not strictly exist as ruled by Supreme Court in various judgements (Common cause case 1999, Prisoner's murder case (2000)). A liberal approach has been taken by Supreme Court with respect to tortious liability of the State. **But functions such as administration of justice, maintenance of Law and order (eg. shutting down of internet in disturbed regions) and repression of crime etc which are primary and inalienable functions of a constitutional Government there will be immunity.** These are the sovereign functions of the state and thus doctrine of sovereign immunity would apply in such cases.

In Q. 27 there is a doubt in 3rd statement- Political parties are prohibited from receiving any foreign contribution.

It is a correct statement.

Explanation: FCRA act prohibits certain persons **to accept any foreign contribution.** It includes election candidates, editor or publisher of newspaper, **political parties**, and others. In 2016 there was an amendment to FCRA 2010 to retroactively redefine 'foreign source' under the law. The amendment did not allow the political parties to accept foreign contribution. There is a difference between foreign source and foreign contribution.

In Q.38 a student raised doubt regarding the limitations of NHRC – Statement: The National Human Rights Commission cannot recommend monetary relief to victims.

It is an incorrect statement. i.e this is not a limitation because:

Explanation: NHRC cannot directly award any monetary relief to the victim, but it can **recommend interim relief to the victim, which can be both monetary or otherwise.** The question simply asks whether the NHRC can **recommend any monetary relief.**

In Q.42 student raised doubt in 2nd statement- The national governments are not officially involved in organising Track 1.5 dialogues.

It is a correct statement.

Explanation: Track 1.5 dialogue are conversation that include a mix of **government officials (who participate in unofficial capacity) and non-governmental experts.** It is the conventional definition of Track 1.5 diplomacy/dialogue and it how it differentiates with other form of diplomacy like Track 1, 2 and 3 diplomacies.