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Evaluating India's Anti-Defection Law: Critical Analysis and Proposed Reforms for Political Stability

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Political defection poses a significant challenge to parliamentary democracies worldwide, prompting various nations to enact anti-defection laws to address this issue. India's experience with the Tenth Schedule, inserted into the Constitution in 1985, illustrates both the intent and the limitations of such legislation. While designed to stabilize political parties and curb floor-crossing, India's anti-defection law has faced criticism for impinging on legislators' individual freedom and fostering group defections to overcome this law. Internationally, approaches to defection vary, with some countries relying on informal mechanisms while others have enacted legislation to regulate defections. The credibility of the adjudicating authority, typically the Speaker, is a point of contention, as their political affiliations may compromise impartiality. Additionally, the tension between the anti-defection law and legislators' rights to speech and expression raises concerns about democratic principles. To tackle these issues, the amendments to the anti-defection law seek to consider measures such as transferring the power of adjudicating authority to a neutral body, restricting disqualification to specific circumstances, and introducing penalties for turncoats, etc. However, striking a balance between party discipline and legislators' freedom remains a formidable task, requiring careful deliberation of reform measures to enhance the law's effectiveness while upholding democratic values. In essence, the evolution of anti-defection law reflects an ongoing endeavour to navigate the intricate dynamics of parliamentary democracy, seeking to preserve both stability and individual rights within the political landscape.

Keywords: *anti-defection law, tenth schedule, political defection, constitutional amendment, legislative stability, party discipline.*

INTRODUCTION

Political defection or shifting of political parties by legislators for varied reasons has become a serious dilemma faced by parliamentary democracies. Various measures are being adopted to curb these defects. Many countries like India, Bangladesh, Belize, New Zealand, etc. have enacted specific legislation including amendments to the Constitution aimed to curb these defections,

The Anti-defection law which is enshrined in the Tenth Schedule was inserted into the four decades. India was forced to enact this law after witnessing major political defections. India is a democratic country and the people of the nation get to elect their representatives. The change in political alliance after getting elected is equal to deceiving the people who have put their trust in them and elected them to be their representatives. The infamous expression '*Aaya ram, Gaya ram*' was made after such a defection where Gaya Lal a legislator in 1967 changed political alliance three times in a day.¹

The purpose of the amendment was to bring about stability in the structure of political parties as well as to strengthen the parliamentary practice by banning floor-crossing. Before the amendment, the issue has led to rampant horse-trading and corruption in the legislature. Thus, the tenth schedule was aimed as a tool to curb this malaise. This constitutional provision establishes a significant constraint on the flexibility of elected members in Parliament. Specifically, once a member is elected under a political party's symbol, they are bound to that party and cannot switch allegiance during their term. Notably, Paragraph 2(1)(b) of Schedule X² introduces a compelling dimension, outlining that a member can face disqualification if he votes or abstains from voting in opposition to the directives of their political party, or its authorized

¹ Varun Ramesh Balan, 'Aaya Ram, Gaya Ram: A contemporary history of defections to the BJP' *The Week* (12 March 2020) <<https://www.theweek.in/news/india/2020/03/12/aaya-ram-gaya-ram-a-contemporary-history-of-defections-to-the-bjp.html>> accessed 31 March 2024

² The Constitution of India 1950

representatives, without prior permission. This restriction emphasizes party discipline, requiring members to adhere to party decisions and obtain approval for any divergence in voting habits. Failure to do so, without subsequent condonation within fifteen days, results in disqualification, highlighting the constitutional commitment to party cohesion in the parliamentary system. Floor crossing is not the sole manifestation of defection outlined in Schedule X. When a political party issues a specific directive to its members for voting on a particular issue, adherence to this directive is obligatory. Any deviation from this provision is likewise considered an act constituting defection.

The basic design of India's anti-defection law is blemished. The law has failed in its ability to pressure legislators into adhering strictly to their party's directives, thus infringing upon their freedom. Currently, the Tenth Schedule penalizes cross-voting, effectively tethering legislators to their party's position on all issues and limiting their freedom of speech. This pressure often results in group defections, exploiting the merger exemption provision. Critics argue that the law is inherently flawed as it fails to prevent group defections while punishing individual defections severely.

The ultimate aim of the anti-defection law must be to aid the flowering of Indian democracy and not to make a mockery of it. Despite all these, recent government reluctance to amend or repeal the law complicates efforts for comprehensive change. This article aims to provide insight into the workings of the current anti-defection law, how the law is at flaw, and a study on the possible measures that can be adopted to curb the malice of the anti-defection law by bringing about possible amendments.

INTERNATIONAL SCENARIO

The phenomenon of defection in some countries was considered as a non-issue and not perceived as a problem, whereas, in some other countries, they have threatened the very stability of the government. The laws connected with various sorts of instabilities in the national parliamentary systems are commonly known as 'Anti-Defection Laws'. As the name suggests, these laws contain those provisions that are very much needed to prevent unwanted defections happening which seriously affect the governance of the country. Often called 'anti-defection'

laws, they have other names also. In Malhotra's 1,200 pages treatise on the topic, it is mentioned that in different parts of the Commonwealth, the phenomenon of defecting from a parliamentary party is known by different nomenclatures-such as 'floor-crossing', 'Carpet - crossing', 'Party-hopping', 'dispute' and 'waka canoe-jumping'³.

Most countries deal with defections with the help of well-established customs, treaties, conventions and parliamentary practices, while other countries have framed laws and rules. India for example, has enacted different variants of anti-defection laws which have undergone amendments over the passage of time. Around 40 countries among the Commonwealth- Wealth Countries have legislation containing provisions related to political defections. Many democracies such as the U.S., U.K., Canada, Japan, Sweden. Switzerland etc. does not have an established legislation to govern the political defections.

The U.S. legislative structure has adopted a more liberal approach. The member of the House has the freedom to vote in favour or against a bill without the fear of getting disqualified. The party leaders, however, ensure that legislators vote as a bloc on legislation which is very important to achieve the party objectives. In the U.K. the defectors are merely subjected to the disciplinary provisions of the party, and they are not subjected to any other sort of graver punishments. Similarly, in the Canadian system, there is no express provision against defectors, whether it be legal or constitutional.

Lawmakers in these nations generally have the freedom to switch parties or act independently without facing formal legal consequences for defection. While political parties play significant roles in these countries' political systems, adherence to party lines is often based on political norms, party discipline, and electoral accountability rather than formal legal obligations. Defections can occur without legal repercussions, although there may be political consequences for such actions. Overall, these countries rely more on informal mechanisms to manage defections and maintain political stability within their democratic frameworks.

³ Kenneth Janda, 'Laws Against Party Switching, Defecting, or Floor Crossing in National Parliaments' (2009) *The Legal Regulation of Political Parties* <<https://www.partylaw.leidenuniv.nl/uploads/wp0209.pdf>> accessed 17 April 2024

Coming to the countries having enacted legislations or framed rules to govern defections, out of 40 Commonwealth countries having the law, only 6 countries have laws that mandate the members to vote according to the party's verdict. Across various countries, anti-defection laws serve as crucial mechanisms to maintain political stability and party discipline. In India and Pakistan, the Tenth Schedule and similar laws disqualify legislators for defecting from their party, while Australia and several European Union member states enforce regulations to prevent defections among elected representatives. Nations like Nigeria, South Africa and Sri Lanka have implemented legal provisions to address defections by lawmakers and ensure party loyalty. Bangladesh, Uganda, Kenya, and Zimbabwe also have laws aimed at regulating party switching and maintaining political integrity. Similarly, countries like the Philippines, Cambodia, Nepal, Bhutan, Trinidad and Tobago, Fiji, Malaysia, Singapore, and Nauru have adopted measures to prevent defections and uphold party discipline within their respective political systems⁴. These laws play a significant role in shaping political dynamics and preserving the integrity of democratic institutions worldwide.

INDIAN SCENARIO

Meaning of Defection: Defection commonly signifies an act of revolt or dissent, often observed within political circles when a member of a particular party chooses to abandon their affiliation and instead align themselves with a different political entity. This shift in allegiance can have significant ramifications, potentially altering the balance of power, influencing policy decisions, and shaping the trajectory of political discourse. The act of defection is not merely a personal choice but can have far-reaching implications for both the individual involved and the larger political landscape within which it occurs.

According to the report of the committee on defection in 1967, Defector was defined as a person 'who is an elected member of the legislature and had been allotted the reserved symbol of any political party. He can be said to have defected it, if after being elected as a member of either house of Parliament or at legislative council or legislative assembly of state or union territory, voluntarily renounces allegiance or association with such political party provided that his action

⁴ *Ibid*

is not in consequence of the decision of the party concerned’.

Evolution: The defection law of India was passed to curb the unethical practice of floor crossing and stabilize the political scenario. The incidents of floor crossing can be traced back to the days of the Central Legislature when Shri Shyam Nehru, a member changed his alliance from the Congress to the British side. Another instance to be quoted is in 1937 when Shri. Hafiz Mohammed Ibrahim who was elected to the Legislative Assembly of Uttar Pradesh on a Muslim League ticket defected to the Congress. It was during the time period 1967 and 1968 that an outrageous number of floor crossings occurred which was roughly 542, which occurred in a span of 12 months⁵ as against 438 that occurred during the previous two decades from the First and Fourth General elections was of 438. The massive increase in the floor crossing was solely on the basis of lucrative benefits. This caused a scenario of political instability, and it was first addressed in 1967 by Shri P. Venkata Subbaiah who was a member of Lok Sabha. He presented a resolution that was concerned about floor crossing by the member and a committee was appointed as a result of passing the resolution. The committee was under the chairmanship of the then Union Home Minister, Shri Y.B. Chavan. The report submitted by the committee was not sufficient to curb the floor crossing. Later, in 1985, after nearly a decade of debates and amendments on the bill, the law relating to the defection was passed in the 52nd Amendment to the Constitution.

Anti-Defection Law:

The grounds for disqualification in the 10th schedule are⁶:

- Has voluntarily given up his membership of such political party,
- Votes, or abstains from voting in such House, contrary to the direction of his political party. However, if the member has taken prior permission, or is condoned by the party within 15 days from such voting or abstention, the member shall not be disqualified.

⁵ ‘Anti-defection law in India’ (*Parliament Library and Reference, Research, Documentation And Information Service*, 15 July 2022)

<https://loksabhadocs.nic.in/Refinput/New_Reference_Notes/English/15072022_111659_1021205175.pdf>
accessed 17 April 2024

⁶ The Constitution of India 1950

- If an independent candidate joins a political party after the election.
- If a nominated member of a house joins any political party after the expiry of six months from the date when he becomes a member of the legislature.

Exceptions to the law:⁷

A member will not be disqualified if:

- If a political party merges with another party, and at least two-thirds of its members consent to the merger, then there's no disqualification for defection.
- The 91st Amendment to the Constitution in 2003⁸ eliminated the exemption from disqualification if one-third of the members form a separate group, which was the rule before the amendment.
- If neither the defector nor any other member of their party accepts the merger and chooses to operate independently, they remain exempt from disqualification.
- If a member splits from their original party but refrains from joining any other party, they still avoid disqualification.

Politicians have been seen exploiting these exceptions as loopholes to evade disqualification while maintaining their position as members of the assembly. It's become evident that these provisions, originally intended to facilitate a smooth transition in political alliances, are being manipulated for personal and political gain. Instead of fostering transparency and accountability, these loopholes have allowed politicians to navigate defection without facing the consequences that were intended to deter such actions.

Amendments to the Anti-Defection Law

The law has undergone the following amendments since it was first introduced in order to curb the various shortcomings faced by the initial law and adapt it to the evolving political landscape.

⁷ *Ibid*

⁸ The Constitution (Ninety- first Amendment) Act 2003

Each amendment was intended to bring about some changes to refine its provisions as well as to improve its implementation. Given below are the specifics of the amendments:

*The 52nd Amendment Act, 1985:*⁹ The Anti-Defection Law of India was added to the Constitution through the 52nd Amendment in 1985 with the introduction of the Tenth Schedule. This law set out the criteria for disqualification due to defection, including voluntarily leaving a party or voting against party instructions without prior approval.

*The 61st Amendment Act, 1988:*¹⁰ The 61st Amendment allowed political parties to merge without causing disqualification of their members. This change aimed to prevent political parties from misusing the law to oust elected officials who wished to join another party.

*The 65th Amendment Act, 1991:*¹¹ The 65th Amendment Act made it possible for political parties to separate without causing disqualification of their members. This amendment aimed to prevent political parties from misusing the legislation to remove elected officials who wanted to leave their party.

*The 91st Amendment Act, 2003:*¹² The amendment imposed a restriction on the size of the Council of Ministers, limiting it to 15% of the total members of the legislative body. This was intended to prevent the formation of excessively large cabinets as a means to avoid defections by offering ministerial positions as incentives to the elected members. Additionally, legislators disqualified under the Anti-Defection Law are barred from holding any remunerative political office until they are re-elected, a measure designed to discourage defections by removing the immediate benefits of such actions.

CRITICISMS OF THE ANTI-DEFECTION LAW

CREDIBILITY OF SPEAKER AS ADJUDICATING OFFICER

Paragraph 6 confers power in the Chairman of a House, before whom the question of

⁹ The Constitution (Fifty- second Amendment) Act 1985

¹⁰ The Constitution (Sixty-first Amendment) Act 1988

¹¹ The Constitution (Sixty-fifth Amendment) Act 1990

¹² The Constitution (Ninety- first Amendment) Act 2003

disqualification of a member who violated the law comes up and the decision of the Chairman or Speaker will be final¹³. Paragraph 8 also empowers the Chairman of a House to make rules regarding the provisions of the Tenth Schedule¹⁴. However, the underlying question is whether the Chairman of the assembly can be considered as the appropriate authority to deal with the matter. The Speaker being dependent on the continuous support of the majority in the House, does not satisfy the requirement of an independent adjudicating authority and his choice as the sole arbitrator in the matter violates an essential attribute of the basic feature¹⁵.

The Chairman should act as an independent authority and be impartial to both the ruling and opposition parties. He is elected from among the elected members of the house, thus there arises a dilemma in handing over such a delicate matter to him as he can be favourable to either of the political parties. In most cases, the speaker will be elected from within the ruling party as they have the majority in the house. It has been evident from the actions of the speaker, that he favours the political party to ensure its majority. The Chairman entrusted with the power to disqualify the members tends to withhold or delay taking action to disqualify without further investigation as it would help the government from losing the majority.

The major drawback of the act is, that it provides enormous power to the chairman as there is no time limit specified to decide upon the matter. Thus, this prolongs the period of members to hold their office even after violating the provisions of the act. In a recent case, the Supreme Court slammed Maharashtra Assembly speaker Rahul Narwekar for refusing to take action under the anti-defection proceedings against Chief Minister Eknath Shinde and other MLAs saying that he cannot merrily defer hearings and has to decide before the next hearing. The Chief Justice said that 'since nothing happened in the disqualification proceedings all these months, we will be constrained to say that he must take a decision in two months.'¹⁶

The criticism by the Supreme Court in the case provided a time limit for the speaker to decide

¹³ The Constitution (Fifty- second Amendment) Act 1985

¹⁴ *Ibid*

¹⁵ Law Commission of India, *Electoral Reform* (2015)

¹⁶ Krishnadas Rajagopal, 'Supreme Court raps Maharashtra Speaker for 'disregarding' court order' *The Hindu* (13 October 2023) <<https://www.thehindu.com/news/national/do-not-reduce-anti-defection-proceedings-into-a-charade-sc-cautions-maharashtra-assembly-speaker/article67415971.ece>> accessed 17 April 2024

about the matter at hand. Without specifying a time limit to decide, he had the power to prolong the matter and it may even lead to the next election. 23 YSR Congress party MLAs defected to the ruling party between the year 2015-2018, yet no action was taken by Speaker for their disqualification petition. Further, four of these legislators were made Ministers. In another case, 26 MLAs of the opposition party defected to Telangana Rashtriya Samiti but no actions were taken by the Speaker which was benefitted by 12 of the legislators as they were appointed as Ministers of various departments¹⁷.

There are other circumstances where the decision-making power of the speaker will be threatened. In the case *Nabam Rebia v Bemang Felix*, the Honourable Supreme Court held that it is 'constitutionally impermissible' for a speaker to proceed with disqualification proceedings if a no-confidence motion is pending against him¹⁸. This ruling gave a window to the legislators to stall the procedure of the Tenth Schedule by seeking the removal of the speaker when disqualification proceedings are anticipated which ties the hands of the Speaker.

The impartiality of the decision made by the Speaker has been raised in many circumstances, nevertheless, the Supreme Court has justified the role of the Speaker as he holds a pivotal role in the Parliamentary Democracy, the impartiality of the speaker is hence not under the question, and it would be inappropriate to distrust the office of Speaker. The purpose of the Tenth schedule takes a hit on entrusting its duties to a speaker who may be influenced by political pressure to make decisions that oppose it. Experts have proposed various recommendations for changing the current law to tackle the problems faced.

RIGHT TO SPEECH AND EXPRESSION AND ANTI-DEFECTION LAW

Right to speech and expression underlines the basic feature of Indian democracy, yet the representatives of respective constituencies possess this only in a partial or restricted manner. Rule 2 of the 10th schedule provides necessary power to the political parties to curb the opinion of the elected members. The members are forced to comply with the directions given by the

¹⁷ Roshini Sinha and Prachi Kaur, 'Anti Defection Law Intent and Impact' (*PRS Legislative Research*, 9 December 2019) <https://prsindia.org/files/parliament/discussion_papers/Anti-Defection%20Law%20Intent%20and%20Impact_0.pdf> accessed 17 April 2024

¹⁸ *Nabam Rebia v Bemang Felix* (2016) 13 SCC 332

party regarding how to vote in the House. This emphasizes the fact that politicians are not entitled to dissent against the will of their political party. In the case *Parkash Singh Badal v Union of India*¹⁹ Justice Tawatia J. was of the opinion that ‘provisions of para 2(b) as framed, would be destructive of the democratic set up as much as a member of the House is denied free right of speech and vote’.

Mr. Palkhivala, an eminent jurist of India has commented on the defection law as given below: ‘No greater insult can be imagined to Members of Parliament and the State legislatures than to tell them that once they become Members of a political party, apart from any question of the party Constitution and any disciplinary action the party may choose to take, the Constitution of India itself expects them to have no right to form judgment and no liberty to think for themselves, but they must become soulless and conscienceless entities who would be driven by their political party in whichever direction the party chooses to push them.’²⁰

In the case of Sachin Pilot who was Deputy Chief Minister of Rajasthan and sacked by the Indian National Congress for not following the directions, the decision was made after the rebel legislator refused to attend the party meeting in a row²¹. In *Kesavananda Bharati Sripadagalvaru & Ors. v State of Kerala & Anr.*²² the Supreme Court emphasized that democracy is the basic structure of the constitution and amendments cannot be made to alter that basic structure. It is the basic right of every citizen to have the right to speech and expression of his views²³. There may be several views on an issue by members and some of them may not agree with the opinion of the party with the political ramifications of his constituency. Thus, the section clearly defeats the basic concept of our constitution, even though the law was enacted for political stability and the benefit from it is also being enjoyed by political parties in controlling the members. However, a certain amount of restriction has to be provided as unchecked freedom will result in utter chaos.

¹⁹ *Parkash Singh Badal v Union of India* (1988) 1 ILR P&H 251

²⁰ Nani Palkhivala, *Our Constitution Defaced and Defiled* (Macmillan Company of India 1974)

²¹ ‘Rajasthan Crisis: Sachin Pilot fired as deputy CM, state party chief’ *India Today* (Jaipur, 14 July 2020 <<https://www.indiatoday.in/india/story/rajasthan-crisis-sachin-pilot-fired-as-deputy-cm-state-party-chief-1700440-2020-07-14>> accessed 17 April 2024

²² *Kesavananda Bharati Sripadagalvaru & Ors v State of Kerala & Anr* (1973) 4 SCC 225

²³ *Ibid*

PROPOSED CHANGES TO THE EXISTING LAW

When analysed statistically, we get that between March 1967 and August 1968, there were 438 defections in the states, which was the root cause of establishing the act. But in recent times, the data analysed by the non-governmental organization, Association for Democratic Reforms shows, that between 2016 and 2020, 443 Members of Legislative Assemblies ('MLAs') and of Parliament ('MPs') have switched parties, including 12 Lok Sabha MPs, with 45 percent of them joining the Bharatiya Janta Party ('BJP') and 42 percent leaving the Indian National Congress. The result of the evaluation encourages the lawmakers to introduce amendments to address the situation. Some of the changes that can be considered are below:

Adjudicating Authority: The decision-making authority in the disqualification petitions should be the President/Governor with the advice of the Election Commission. They shall remain independent in decision-making without being influenced by the Chief Minister. Various committees and judicial decisions have been made regarding this view.

Dinesh Goswami's Recommendations on Electoral Reforms proposed transfer of power in the case of disqualification to the President/Governor 'as the case may be who shall act on the advice of the Election Commission, to whom the question should be referred for a determination as in the case may be referred for a determination as in the case of any other post-election disqualification of a member'²⁴. The election commission also proposed a similar change which should be made under the 10th schedule.

Limiting Disqualification: Dinesh Goswami's Recommendations on Electoral Reforms also proposed that disqualification provisions should be specifically limited to cases of:

- Voluntarily giving up membership in the political party to which the elected member belongs.
- Voting or abstaining from voting by a member contrary to his party's direction or whip, but only in respect of a motion of a vote of confidence, a motion of no-confidence, a Money Bill, or a motion of a vote of thanks to the President's address.

This limiting will encourage the freedom of speech and expression which is the basic

²⁴ Ministry of Law and Justice, *Report of the Committee on Electoral Reforms* (1990)

fundamental right that had been driven away from the legislators as they were bound to make voting according to political party's instructions.

Restriction in Holding any Office: The defectors should be barred from holding any public office, and invalidate their voting rights to topple the government²⁵. The motive behind defection is mainly driven by the offer of holding any offices and benefits that arise from it. When there exists a prohibition in holding any office of State it will inversely affect the number of defections as there will be lucrative effect out of it. The Association for Democratic Reforms has also suggested that the defected members should be debarred from holding any office until the next fresh elections or the term of the House.

Independent Statutory Authority: The feasibility of an independent statutory authority to decide upon the disputes raised in the case of disqualification must be considered. The authority shall be constituted with such members qualified as High Court or Supreme Court judges. They shall be machinery for the respective states and also in the centre to deal with matters of defection. The constituted authority shall be provided with sufficient power that it can function independently without any interference. They should be provided with statutory authority in their functioning and the appointment and removal of the presiding officers in the manner of Supreme Court or High Court Judges in the Centre and State respectively.

Disbarring of Turncoats: Disbarring of the turncoats can also be proposed as a tool to reduce the number of defections. A three-bench judge headed by CJI SA Bobde has asked the EC and Centre to examine whether lawmakers who resign to topple a government and then join rival political parties should be barred for six years after Madhya Pradesh activist Jaya Thakur filed a plea²⁶. In the past years, it can be evidently seen that the BJP has toppled the governments in Arunachal Pradesh, Manipur, Goa, Karnataka, Madhya Pradesh, and most recently in Puducherry. While the BJP did try to make a government with Ajith Pawar in Maharashtra, it failed to topple the Ashok Gehlot Government in spite of the Sachin Pilots Rebellion. Disbarring candidates who have resigned to topple the government and join rival parties will ensure to some extent the fear that they will be ineligible to participate in an election in the following fixed term that would restrain them from the act. The three-judge bench judge in the case has proposed a moderate solution to the current scenario which can be successfully implemented with the appropriate conditions if satisfied.

²⁵ 'Anti- Defection Law' (*NextIAS*, 16 July 2021) <<https://www.nextias.com/ca/current-affairs/16-07-2021/anti-defection-law-4>> accessed 15 April 2024

²⁶ Republic World, *ADR report: 433 MP/MLAs changed parties* (2021)

CONCLUSION

Anti-Defection stands tall on maintaining India's Democratic framework, aimed at upholding stability in politics, upholding the disciplines within the party, and also safeguarding the integrity of the representative democracy. The law emerged due to the extensive rate of political defections that occurred in the country affected the stability of governments and undermined the trust of the people in their elected representatives. The law which prohibits the elected representatives from arbitrarily switching parties and imposing penalties for violations has sought to uphold discipline within the party, integrity within the democratic process, and retain the public trust in representative elections.

However, a critical analysis of the Anti-Defection Law reveals the fact that it also has flaws and it needs to be rectified as its loopholes are being taken as an advantage by the politicians. One of the major concerns about the law is that it stifles dissent and inhibits the honest opinion that occurs within the same party. In a democracy, the ability of the elected representatives to participate in a spirited debate and express their divergent points is pivotal as they ensure the representation of the interests within their constituencies. The fear of facing disqualification will only affect the independence of the members to declare an opinion on a particular matter. It is to be noted that the law that was introduced to inhibit the floor crossing has been misused by the politicians by finding ways to circumvent the provisions.

Under the circumstances, it is high time that reforms in the enhancement of the Anti-Defection law be made to overcome the current exploitation of the law. The amendments have to be made in such a way that it would prioritize providing a delicate balance between restoring the party discipline and providing freedom to the elected representatives. This could be achieved by rectifying the ambiguity in the current laws and strengthening the enforcement mechanism and safeguards to prevent the misuse of the law.