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Impact of Anti-Defection Law in Indian Law System

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ABSTRACT

The Anti-Defection Law, introduced in India through the 52nd Constitutional Amendment Act of 1985 and incorporated in the Tenth Schedule of the Constitution, was aimed at curbing political defections and maintaining the stability and integrity of the elected government. Its primary objective was to deter elected representatives from switching political parties for personal or political gains, a practice that had led to rampant political instability in several states and at the national level. The law empowers the Speaker or Chairman of the respective House to disqualify members who voluntarily give up party membership or defy the party whip during voting. While the law has played a significant role in reducing the frequency of opportunistic defections, its implementation has faced criticism for being politically biased, especially due to the delayed decisions by presiding officers and the lack of judicial review in the initial stages. The 91st Amendment Act of 2003 further strengthened the law by removing the exemption for splits and restricting the size of the Council of Ministers. Despite these measures, instances of mass defections and political maneuvering continue, raising questions about the effectiveness and enforcement of the law.