

SHOWCASE ARTICLE

Anti-Defection Law: An undemocratic dissent

In News: Recently, some sitting MLAs in the Manipur government defected to the opposition creating instability in the state's polity.

Defection and recent example:

Defection refers to a situation in which a member of a political party gives up his position in the party from which he is elected to join an opposing party mostly.

Madhya Pradesh: The 22 Rebel Members of Madhya Pradesh Legislative Assembly tendered their resignation to the Speaker, thereby defecting from the ruling Party of the state, and thus paving way for the fall of the government of the day in Madhya Pradesh. This route by-passed the Anti-Defection law. Hence, the Anti-Defection Law has proven to be ineffective in achieving its key objective – that of preventing political instability.

This politics of defection in Manipur is not unique, there have been some other recent examples of defection in Karnataka, Madhya Pradesh, Arunachal Pradesh and Uttarakhand.

What Is Anti-Defection Law?

- The anti-defection law was passed in 1985 through the 52nd Constitutional Amendment Act.
- It added the Tenth Schedule to the Indian Constitution and amended four articles in the Constitution. (It amended Article 101, 102, 190 and 191 which are related to the vacating of seats and disqualification of MPs and MLAs.)

Article 191(2): A person shall be disqualified for being a member of the Legislative Assembly or Legislative Council of a State if he is so disqualified under the Tenth Schedule.

Article 102 (2): A person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule.

- The main intent of the law was to combat the evil of political defections' and the problem of 'aaya ram-gaya ram'.
- The Anti defection law lays down the process by which legislators may be disqualified on the grounds of defection by presiding officer of house. The law applies to both Parliament and state legislative assemblies. The Presiding officer of the house decides on the question of the defection.

Main Features in The Tenth Schedule

- **Grounds Of Disqualification :**
- **Members of Political Parties:** A member of a house belonging to a political party becomes disqualified from being a member: -
 - If he voluntarily gives up the membership of his political party, or
 - Votes, or does not vote in the 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.