

- It lays down the **process** by which **legislators may be disqualified** on **grounds of defection** by the Presiding Officer of a legislature based on a petition by any other member of the House.
- The decision on question as to disqualification on ground of defection is referred to the **Chairman or the Speaker of such House**, and his **decision is final**.

DISQUALIFICATION:

If a member of a house belonging to a political party:

1. **Voluntarily gives up** the membership of his political party, or
2. **Votes, or does not vote in the legislature, contrary to the directions** 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.
3. If an **independent candidate joins** a **political party** after the election.
4. If a **nominated member joins** a **party six months after** he becomes a member of the legislature.

EXCEPTIONS UNDER THE LAW:

Legislators may change their party without the risk of disqualification in certain circumstances:

1. The law allows a party to **merge with or into another party provided** that **at least two-thirds** of its legislators are in favour of the merger.
2. In such a scenario, **neither the members who decide to merge, nor the ones who stay with the original party will face disqualification**.

DECISION OF THE PRESIDING OFFICER IS SUBJECT TO JUDICIAL REVIEW:

- The law **initially** stated that the decision of the Presiding Officer is **not subject to judicial review**.
- This condition was **struck down by the Supreme Court** in **1992**, thereby **allowing appeals** against the Presiding Officer's decision in the High Court and Supreme Court.
- However, it held that there may **not be any judicial intervention until the Presiding Officer gives his order**.

ARBITRATION & CONCILIATION (AMENDMENT) BILL, 2021

WHY IN NEWS?

Lok Sabha today gave its nod to Arbitration and Conciliation (Amendment) Bill 2021.

ABOUT

- It seeks to **amend the Arbitration and Conciliation Act, 1996**. The Act contains provisions to **deal with domestic and international arbitration** and defines the law for conducting conciliation proceedings.
- The Bill **replaces an Ordinance** with same provisions promulgated on November 4, 2020.
- **Automatic stay on awards** → The Bill specifies that a **stay on the arbitral award** can be provided (even during the pendency of the setting aside of the application) if the court is satisfied that:
 - the **relevant arbitration agreement or contract**, or
 - the **making of the award**, was **induced, or effected by fraud or corruption**.
 - This change will be **effective from October 23, 2015**.
- **Qualifications of arbitrators** → The Bill **removes the Schedule for arbitrators** and states that the qualifications, experience, and norms for accreditation of arbitrations will be specified under the regulations.

PUDUCHERRY LIEUTENANT GOVERNOR (LG)

WHY IN NEWS?

President Kovind removes Kiran Bedi as Puducherry Lieutenant Governor.

ABOUT

- Puducherry is a union territory which is **governed by Article 239A of the Constitution**.
- **Government of Union Territories Act, 1963** provides for a Legislative Assembly of Pondicherry, with a Council of Ministers to govern the "**Union Territory of Pondicherry**".
- It states that the UT will be administered by the President of India **through an Administrator (LG)**. It also has following provisions.
- **Discretion of LG** → **Section 44 of the Act** allows the LG to "**act in his discretion**" in the