

What is the Anti-defection law?

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About Anti-defection law :

- It was **introduced** in India in **1985** through the **52nd amendment** to the Constitution of India.
- This amendment **added the Tenth Schedule to the Constitution**, which lists out the **provisions related to defection**.
- 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**.
- This schedule applies **to both Central and State legislature**.
- **Aim:** The main aim of this schedule was **to prevent political defections** and to strengthen democracy by **bringing stability in politics** and make members of parliament more responsible and loyal to their parties.
- **Grounds of disqualification:** A member of any state or central legislature can be disqualified from being a member if,
 - **He voluntarily gives up his membership of a political party.**
 - **He disobeys the directions** of his political party **or votes or does not vote in the legislature contrary to the directions of his political party.**
 - **After the election, he joins another political party.**

- If a **nominated member joins any political party after 6 months** from the day, **he becomes a member of the legislature.**

- **Exemptions:**

- Disqualification of a member is **not applied in case of a merger, provided** that this merger with or into another party **shall be done with the consent of at least two-thirds of its legislators.** In such a scenario, **neither the members who decide to merge nor the ones who stay** with the original party **will face disqualification.**
- It exempts **the speaker, chairman, and deputy chairman** of various legislative houses from disqualification on the ground of defection.

- **Deciding authority:**

- The decision to disqualify a member under the anti-defection law is **taken by the presiding officer of the house. (Speaker or Chairman accordingly).**
- The law **does not specify a time period** for the Presiding Officer **to decide on a disqualification plea.**
- **The decisions** of the Speaker or Chairman in anti-defection cases **are subject to judicial review.**
- However, there **can not be any judicial intervention until the Presiding Officer gives his order.**

Q1) What is a Floor test?

A floor test is a measure to check whether the executive is enjoying the confidence of the legislature. While the constitution does not mandate a political party to have an absolute majority for forming the government, the ministers forming the executive must enjoy the confidence of the legislature. In cases where this majority is questioned, the leader of the House needs to prove the majority by undergoing a trust vote or floor test.

Source: [Legislator facing disqualification can't attend floor test: Supreme Court](#)

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