

ABSTRACT

ANTI-DEFECTION LAW: AN AMELIORATION OR DETERIORATION OF DEMOCRACY

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In the current riveting and contemporary era of political understanding, wherein everything is rightfully questioned and rudimentary aspects of laws are scraped out, it is obligatory to enlist that there is a concept of legal framework and laws which are marred by decaying base principles and basically govern the very foundation of democracy. The elephant in the room is The concept of Anti Defection Laws in India, which comes under the ambit of Schedule X of the Indian Constitution.

To begin with, Paragraph 2(1)(b) of Schedule X of the Constitution of India seeks to address defection by preventing parliamentarians from defying the direction of the party whip during times of voting. The problem idea herein is the phraseology of the provision which has led to exponential misuse of this power, resulting in a dreaded effect on the freedom of speech of the members of the house. The basic problem herein is that the said provision confuses dissent for defection and thereby, stifles a vital cog of parliamentary democracy. Further, by regulating voting, there is a conspicuous curtailment of parliamentary debate, the implication of which has been meagre discussion before the passing of crucial bills. In the current scenario, there is no logical link whatsoever between this provision and the aim of improving party stability.

Hence being a part of legal fraternity, and being a pupil of law which is a transcendental discourse of Day-to-Day life, it is Authors' utmost and prime duty to divulge the very thoughts and to research in various aspects of the Legal picturesque.

Henceforth in this paper, we would be dealing with certain fields in furtherance of researching on the resolution Vis-à-Vis certain parallels and comparisons drawn with the current Defection laws. Our paper will include certain key elements, through which we will try to shed some light on the emerging trends and issues with relevance to our topic of research paper.

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These pointers being:-

1. Historical Backdrop of Defection Laws in India
2. Testing Legality of The 10th Schedule Of Indian Constitution
3. Conflict of Para 2(1)b with the basic structure of Constitution
4. Role of Speaker with reference to Defection Laws
5. Relative Laws With Defection Politics
6. Certain Lessons From Foreign Countries pertaining to Defection Politics
7. Lacunas with the current Defection Laws.
8. Suggestions and conclusion to the said Legal Discussion.

Lastly through this piece of research work,we would further like to add certain quintessential and nuanced aspects in the realm of Defection Politics as the same needs to be revamped at the earliest.

KEYWORDS: Para 2(1) b, History, Dissent, Defection, Comparative Analysis, Relative Laws, Suggestions.