



# **FACULTY OF JURIDICAL SCIENCES**

**COURSE: BALLB/BBALLB**

**SEMESTER SUBJECT:**

**ELECTION LAWS**

**SUBJECT CODE: BALLB**

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**NAME OF FACULTY: PANKHURI SRIVASTAVA**

# Lecture-8



## LECTURE 8: ANTI- DEFECTION LAW: INTRODUCTION

The **anti-defection law** in India, technically the **Tenth Schedule to the Indian Constitution**, was enacted to address the perceived problem of instability caused by democratically elected legislators in India's Parliamentary System of Government shifting allegiance from the parties they supported at the time of election, or disobeying their parties' decisions at critical times such as during voting on an important resolution. Such shifting of allegiance was considered to be a symptom of endemic political corruption, which in turn provided some legitimisation for corruption prevalent in other aspects of life in the country.

Defection by legislators occurs in many democracies. It can be argued that they can undermine the stability of the government, which is dependent on the support of the majority party's own elected legislators and/or a coalition of those elected to represent other parties. The argument follows that such instability can amount to a betrayal of the people's mandate as voiced at the most recent prior election.

Prior to the introduction of the anti-defection law, both the central Government of India and the governments of some of its states and territories had experienced instances of perceived instability resulting from legislators changing their political allegiance. By one estimate, almost 50 per cent of the 4,000 legislators elected to central and federal parliaments in the 1967 and 1971 general elections subsequently defected, leading to political turmoil in the country.

A law was sought to limit such frequent defections in India. In 1985, the Tenth Schedule of the 52nd amendment to the Constitution of India was passed by the Parliament of India to achieve this. Following recommendations from many constitutional bodies, Parliament in 2003 passed the Ninety-first Amendment to the Constitution of India. This strengthened the act by adding provisions for disqualification of defectors and barring them from being appointed as ministers for a period of time.