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An Analytical Analysis of Anti Defection Laws in India

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ABSTRACT

The anti-defection laws in India were enacted to maintain political stability and prevent opportunistic shifts of legislators from one party to another, which could destabilize elected governments. These laws are primarily governed by the Tenth Schedule of the Indian Constitution, introduced by the 52nd Amendment in 1985. The main objective is to curb political defections motivated by personal gain rather than the interests of the electorate. According to the law, elected members of Parliament or state legislatures may be disqualified if they voluntarily resign from their party, defy party directives, or vote against party lines without prior permission. While the law has been effective in reducing frequent defections and ensuring government stability, it has also been criticized for limiting the freedom of legislators to express independent opinions, thus strengthening party control over members. Judicial interpretations have further shaped its application, balancing the need for stability with democratic principles. Over the years, amendments and court rulings have clarified ambiguities related to mergers, splits, and the role of the Speaker in disqualification proceedings.