

Horse Trading, Political Defections and Constitutional Morality: Evaluating the Effectiveness of India's Anti-defection Law

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Abstract

Political defections and horse trading pose a persistent challenge to democratic stability, political accountability, and constitutional morality in India. Although the Constitution (Fifty-Second Amendment) Act, 1985 introduced the Tenth Schedule to curb defections and the Constitution (Ninety-First Amendment) Act, 2003 subsequently removed the split exception and strengthened the anti-defection framework, political defections continue to occur through engineered resignations, mass defections, merger provisions, political bargaining, and other forms of transactional politics. This paper critically examines the effectiveness of India's anti-defection law in preventing such practices and preserving the electoral mandate. It traces the historical evolution of anti-defection measures, beginning with the political instability witnessed after the 1967 elections and the recommendations of the Committee on Defections, followed by the unsuccessful constitutional initiatives of 1973 and 1978 and the eventual enactment of the Fifty-Second and Ninety-First Constitutional Amendments. The study analyses the principal provisions of the Tenth Schedule, including grounds of disqualification, the merger exception, protection available to presiding officers, and the adjudicatory role of the Speaker or Chairman. Particular attention is given to structural weaknesses arising from the absence of statutory timelines, partisan adjudication, mass resignations, and the continued availability of the two-thirds merger exception. The paper further examines significant judicial interventions in *Kihoto Hollohan v. Zachillhu*, *Ravi S. Naik v. Union of India*, *Rajendra Singh Rana v. Swami Prasad Maurya*, *Keisham Meghachandra Singh v. Hon'ble Speaker, Manipur Legislative Assembly*, *Subhash Desai v. Principal Secretary, Governor of Maharashtra*, and *Padi Kaushik Reddy v. State of Telangana*, highlighting the judiciary's role in strengthening procedural accountability and addressing delays in disqualification proceedings. Recent political developments in Karnataka, Madhya Pradesh, Maharashtra, Goa, Punjab, and West Bengal are examined to demonstrate the ways in which political actors may circumvent the existing framework. The paper also undertakes a comparative analysis of anti-defection mechanisms in jurisdictions including Singapore, Kenya, New Zealand, Pakistan, Sri Lanka, South Africa, and Bangladesh, as well as democratic systems without specific anti-defection legislation. In the light of constitutional morality, democratic accountability, and institutional integrity, the paper proposes time-bound adjudication, independent tribunals, removal of the merger exception, narrower application of party whips, stronger internal party democracy, electoral reforms, public awareness, and responsible technological monitoring. It concludes that India's anti-defection framework requires substantial institutional and procedural reform to effectively protect the electoral mandate while maintaining an appropriate balance between party discipline, legislative independence, and constitutional democracy.

Keywords:

Anti-Defection Law; Tenth Schedule; Political Defection; Horse Trading; Constitutional Morality; Political Stability; Legislative Independence; Party Whip; Merger Exception; Speaker; Judicial Review; Electoral Reforms; Political Accountability; Democratic Governance; Constitutional Reform; Judicial Intervention; Independent Tribunal; Political Ethics.

1. INTRODUCTION

"Politics without principles is one of the seven social sins."

— Mahatma Gandhi

The Union and State Legislatures, conceived as cornerstones of India's democratic and federal system, have undergone significant erosion owing to the transformed electoral landscape. The increase in unethical practices, particularly horse trading, has put Indian democracy on sale. The instances of horse trading, inter-party voting, allegations of political bargaining and inducements are not standalone instances in the political history of India but have now been systematically deep-seated in the structural and institutional framework of the political parties¹. Gone are the days when the Members of Legislature defected to other parties because of ideological differences but today the defections are prominently marked by transactional politics, where legislator switching is often influenced by material incentives such as monetary benefits, ministerial positions, political advancement or fear of investigative agencies.. Quite often, it's the political party and not the name to which electors cast vote. Every time an elected representative defects, he obliterates the votes of thousands of citizens and hence, defrauds them for his personal gain. To curb this menace, the Anti-Defection law was brought into force by 52nd Constitutional Amendment Act, 1985 and was further bolstered by 91st Amendment Act, 2003². Nonetheless, the significant structural loopholes in the law, like the two-third merger exception, adjudication powers in the hands of partisan speaker, unpunished mass resignation, have paved the way for institutionalized mass defections by means of horse trading or other unethical means³. Though the law has effectively deterred individual defections but the present framework insufficiently responds to collective defections and engineered resignations, hence permitting circumvention of the electoral mandate. The article analyzes the defection patterns and brings forth how rebellious, planned resignations and institutional bottlenecks lead to destabilization of a democratically elected government. The research paper examines the strengths and weaknesses of the anti-defection law. The attempt has been made to understand the dark realities behind the recent political crisis in Karnataka, Goa, Madhya Pradesh, Maharashtra, Tamil Nadu as well as 2026 Rajya Sabha defection. The article examines various Supreme Court rulings coupled with the role of Speaker and Vice President and the extent of judicial intervention in their decision. The effort has also been made to do comparative analysis of the defection laws prevalent in different jurisdictions with that of India. Finally, the article concludes by putting forward certain reforms like time-bound adjudication, constitution of separate independent tribunals and narrower use of party whips to re-strengthen party discipline and democratic stability.

2. MEANING OF HORSE-TRADING AND POLITICAL DEFECTIONS

The horse-trading refers to the unscrupulous bargaining and switching of political patronage for self-serving advantage, commonly entailing currency, power or ministerial positions. Within the democratic framework, it involves a departure from principles of transparency, public trust and accountability⁴. Simply put, horse trading means the practice wherein attempt is made to lure the legislators so as to make them vote or act in a certain way by means of incentives like money, high posts and alike.

¹ P. A. Kamath, "Politics of Defection in India in the 1980s", 25(10) *Asian Survey* 1039–1054 (1985).

² Pranav Gosain & Shreya Gosain, *Anti-Defection Law in India: Intricacies Concerning It* (Notion Press, Chennai, 2022).

³ Paras Diwan, *Aya Ram Gaya Ram: The Politics of Defection* (Vikas Publishing House, New Delhi, 1979)

⁴ Wisdom Library, "Horse-trading: Significance and Symbolism", available at: <https://www.wisdomlib.org/concept/horse-trading> (last visited on July 10, 2026).

The term 'horse trading' owes its origin to conventional markets wherein traders used to negotiate strenuously over the sale and purchase of horses⁵. In the political scenario, this term symbolizes unethical or illegal robust negotiations amongst the legislators behind the closed doors.

The term 'political defection' is also used to represent the same phenomenon. The different jurisdictions use different terms to define this aspect. England uses 'Floor crossing', Nigeria employs 'carpet crossing' etc. The Ministry of Home Affairs has defined defection as, "transfer of allegiance by a legislator from one party to another political party or (an) identifiable political group."⁶ Committee on Defections have defined defection as, "An elected member of a legislature who had been allotted a reserved symbol of any political party shall be deemed to have defected if, after being elected as a member of either House of Parliament or of a Legislative Assembly or Legislative Council of a State or a Union Territory he voluntarily renounces allegiance to or association with such political party, provided his action is not in consequence of a decision of the said political party."⁷ The Anti-defection law disqualifies the following defections, "a member of a House belonging to any political party shall be disqualified for being a member of the House-

- (a) if he has voluntarily given up his membership of such political party; or
- (b) if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs or by any person or authority authorized by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention."⁸

3. CONSTITUTIONAL FRAMEWORK

3.1 Historical Background of Political Defections

Indian Political history is replete with instances of political defections. The recurrent switching of party by Haryana legislator Gaya Lal in 1960's has led to the coining of the phrase "Aaya Ram, Gaya Ram"⁹, symbolizing the culture of political opportunism in India. Even before independence, instances of political defections were in existence. The member of Indian National Congress, Shyam Lal Nehru left his parent party and joined pro-British group in the Central Legislative Assembly. On the same lines, Hafiz Mohammed Ibrahim won seat in Uttar Pradesh Legislative Assembly elections in 1937 by contesting from Muslim League, however, subsequently switched to Indian National Congress. These instances bear testimony to the fact sporadic incidents of defections did occur prior to 1950¹⁰.

⁵ Jyotiprakash Palei, "The Changing Nature of Rajya Sabha Elections: Rise of Horse-Trading Politics", 8(4) *International Journal of Humanities and Arts* 19–24 (2026).

⁶ C. Ramana Reddy, "Defections in Indian Politics: A Study", 11(3) *Journal of Emerging Technologies and Innovative Research (JETIR)* h605–h611 (2024), available at: <https://www.jetir.org/papers/JETIR2403779.pdf> (last visited on July 10, 2026).

⁷ Government of India, Ministry of Home Affairs, *Report of the Committee on Defections* 7 (1969).

⁸ The Constitution of India, Tenth Schedule (inserted by the Constitution (Fifty-second Amendment) Act, 1985).

⁹ Rohan Gupta, "Critical Analysis of Anti-Defection Law and Its Judicial Interpretation", 6(3) *International Journal of Advanced Legal Research* (2026), available at: <https://ijalr.in/wp-content/uploads/2026/03/CRITICAL-ANALYSIS-OF-ANTI-DEFLECTION-LAW-AND-ITS-JUDICIAL-INTERPRETATION.pdf> (last visited on July 10, 2026).

¹⁰ Navna Singh & Khushnoor Kaur, "Anti-Defection Law—Hitherto Shifts and Challenges It Poses", 4(1) *Chanakya Law Review* 99–112 (2023), available at: <https://www.cnlu.ac.in/wp-content/uploads/2025/04/Anti-Defection-Law-Hitherto-Shifts-and-Challenges-It-Poses-by-Dr.-Navna-Singh-Khushnoor-Kaur.pdf> (last visited on July 10, 2026).

3.2 Formation of Committee on Defection

The General Elections of 1967 brought about a tectonic shift in India's political journey. The period between 1967 and 1968 witnessed large number of defections by the legislators in various states, creating an atmosphere of political instability and uncertainty. Following this, a resolution for setting up of committee to underscore the reasons behind the defection was passed unanimously in Lok Sabha on December 8, 1967. The Committee was constituted under the chairmanship of Y.B. Chavan. The final report was submitted on 18th February, 1969. The Committee on Defections reported that 438 defections took place within the span of twelve months following the fourth general election of 1967¹¹.

Further, it was brought into light that from 376 independent legislators 157 members joined hands with political parties. Also, the defected members were even rewarded by appointing them as Ministers in the government they lent a hand in formation. The findings of the Committee portrayed that the greed for ministerial office and power was the prominent motive behind defection instead of ideological differences¹². The committee recommended setting up of committees consisting of members of political parties to draft a code of conduct governing defections¹³. In addition, only those members should be allowed to become Ministers or Chief Minister who secure direct support from the lower house of the legislature¹⁴. Though the committee didn't mention anything about the requirement of bringing separate legislation, the findings paved way for subsequent developments.

3.3 The Constitution (Thirty- Second Amendment) Bill, 1973.

An attempt to disqualify the defecting legislators by making constitutional provision was made by introducing the Constitution 32nd Amendment Bill in the Lok Sabha on May 16, 1973. The Bill was referred to Joint Committee of Parliament. However, the bill lapsed because the Lok Sabha was dissolved on 18th January, 1977¹⁵.

3.4 The Constitution (Forty-eighth Amendment) Bill, 1978.

The Constitution (Forty Eighth Amendment) Bill, 1978 made another unsuccessful attempt to bring anti-defection law. The Bill was introduced in Lok Sabha on 28th August, 1978. The Bill was severely criticized by the members of both the ruling party and the opposition for being presented without consultation with the political stakeholders¹⁶. The widespread criticism forced the government to withdraw the Bill.

3.5 The Constitution (Fifty-second Amendment) Act, 1985.

The Constitution (Fifty-Second Amendment) Act, 1985 brought during the prime ministership of Rajiv Gandhi marked the watershed movement in the evolution of anti-defection law in India. This Amendment Act amended Articles 101, 102, 190 and 191 and inserted Tenth Schedule in the Indian Constitution, thus bringing anti-defection law into existence¹⁷. Article 102 and Article 191 of the Constitution contain grounds of defection for members of Parliament and members of legislative assembly respectively. Prior to 52nd Amendment, the grounds included unsoundness of mind, insolvency, holding of office of profit, or any other disqualification grounds mentioned under any law. 52nd Amendment specifically added one more ground of

¹¹ Government of India, Ministry of Home Affairs, *Report of the Committee on Defections* 1 (1969).

¹² *Ibid*.

¹³ *Ibid* at 5.

¹⁴ *Supra* note 11 at 5,6.

¹⁵ The Constitution (Thirty-second Amendment) Bill, 1973 (Bill No. 43 of 1973).

¹⁶ The Constitution (Forty-eighth Amendment) Bill, 1978 (Bill No. 124 of 1978).

¹⁷ The Constitution (Fifty-second Amendment) Act, 1985 (Act No. 1 of 1985).

disqualification, a member of Parliament or State Legislature shall be disqualified if he is disqualified under 10th Schedule¹⁸.

The Act provided that if a member of Parliament or State Legislature voluntarily leave the membership of the political party on whose ticket he got elected or the member votes or abstains from voting and thereby goes against the whip issued by the parent political party, that member stands disqualified¹⁹.

The Act also provides certain exceptions wherein the members won't be disqualified. In case of split in the political party and one-third or more members of that political party separates from the parent party then the members get immunity from disqualification²⁰. Same goes in the case of merger between the political parties that are able to fulfill the requisite constitutional requirements²¹.

Thus, the first successful attempt to bring anti-defection law in the law books was made by this amendment act.

3.6 The Constitution (Ninety-first Amendment) Act, 2003.

The Tenth Schedule was able to deter and reduce individual defections, however, it failed miserably because the party split exception was widely misused by the political parties to achieve their ulterior motives. To curb this problem, the government enacted the Constitution (Ninety-first Amendment) Act, 2003. The amendment brought about revolutionary changes in the initial anti-defection law. The immunity granted in cases of split was taken off. The act made provisions for recognition of only those mergers that has minimum support of two-third of the members of legislative party²². Further, Article 75(1B) and 164(1B) were inserted in the Indian Constitution, which preclude the disqualified legislators under tenth schedule from being chosen as Union or State Ministers till the expiry of the term or till re-election²³. This was done to stop appeasement politics. Not only this but constitutional ceiling has also been imposed to limit the size of Council of Ministers to fifteen percent of the total strength of the legislature. This would wipe out allurements on the ground of grant of high ministerial offices. Also, Article 361B was inserted in the Indian Constitution that further restricts the disqualified legislators from occupying any remunerative political office in the course of their disqualification²⁴.

Thus, 91st Constitutional Amendment made an attempt to close some of the loopholes in the initial anti-defection framework.

4. ANALYSIS OF THE PROVISIONS OF ANTI-DEFECTION LAW

4.1 Grounds of Disqualification

Paragraph 2 of the anti-defection law provides the grounds for disqualification. The provision provides that the member of the house affiliated with a political party shall be disqualified if he voluntarily gives up the membership of such party; or if he votes or abstains from voting and thereby goes against the direction issued by the political party with whom he bears allegiance without their prior permission and his such act has not been condoned by the concerned party within fifteen days from the date of such act²⁵. An elected member who was not elected as a candidate of any political party is disqualified if they join a political

¹⁸ The Constitution of India, art. 102(2), 191 (2).

¹⁹ The Constitution (Fifty-second Amendment) Act, 1985, s.2.

²⁰ The Constitution (Fifty-second Amendment) Act, 1985, s.3.

²¹ The Constitution (Fifty-second Amendment) Act, 1985, s.4.

²² The Constitution (Ninety-first Amendment) Act, 2003.

²³ The Constitution (Ninety-first Amendment) Act, 2003, s.2,3.

²⁴ The Constitution (Ninety-first Amendment) Act, 2003, s.4.

²⁵ The Constitution of India, Tenth Schedule, para. 2.

party after the election. A nominated member is disqualified if they join a political party more than six months after taking their seat.

4.2 Split Exception: Removed by 91st Amendment Act, 2003

When the tenth schedule was inserted in the Constitution, it contained an exception from disqualification on the grounds of split in a political party. The exception stated that if there happened to be a split in a political party and at least one-third members of the legislature party separated from it, the separated members would constitute a faction. From the date of the split, the faction would be treated as the member's original political party and the members would get a shield from the disqualification²⁶. However, owing to the grave misuse of this provision by the political parties the Constitution ninety first amendment deleted it²⁷.

4.3 Merger Exception

Paragraph 4 of the act provides exemption from disqualification on the grounds of merger. The law provides that if original party merges with the other party, then the members of the original party won't be disqualified if they accept the merger and join the new party or if they reject the merger and continue to stay separate from the party formed by the merger²⁸. However, pre-requisite for the application of this exception is that at least two-thirds of the legislator party must accept the merger.

4.4 Exemption to the office of Speaker, Deputy Speaker, Chairman and Deputy Chairman

Paragraph 5 further protects the Speaker, Deputy Speaker, Chairman, or Deputy Chairman from disqualification if they resign from their political party after being elected to the office and remain politically neutral while holding it; or rejoin their original political party after leaving the office²⁹.

4.5 Decision on Disqualification

Paragraph 6 of the Act entrusts presiding officers, speaker or the chairperson, as the case may be, with the power to decide on the question of disqualification. Further, the Act makes the decision of speaker/chairperson final³⁰.

5. MAJOR CONCERNS AND CRITICISM

5.1 Enfeebling Legislative Independence

The fear of disqualification makes the members follow the party whip even in cases of policy matters. This Act takes away from the legislators the right of independent judgment and deliberation³¹. The provisions reduce legislators into party-controlled voting units and promotes centralization of power in the hands of party high commands. Thereby, weakening legislative independence as well as internal democracy in political parties.

5.2 Problematic Role of the Speaker and absence of time-lines

The vesting of decision-making powers in the hands of speaker results in a political fiasco. While it is mandatory for the Rajya Sabha chairman to resign from his parent party, this is not the case with the speaker. It is noteworthy to mention that the speaker of the house usually owes allegiance to a political party. This

²⁶ The Constitution of India, Tenth Schedule, para. 3.

²⁷ The Constitution (Ninety-first Amendment) Act, 2003.

²⁸ The Constitution of India, Tenth Schedule, para. 4.

²⁹ The Constitution of India, Tenth Schedule, para. 5.

³⁰ The Constitution of India, Tenth Schedule, para. 6.

³¹ Suresha H. & Chandrappa K., "Revisiting the Anti-Defection Law: A Theoretical Framework for Strengthening Democratic Accountability in India", 13(11) *International Journal of Social Relevance & Concern* 1–17 (2025).

allegiance often results in his partisan attitude and delay in disqualification decisions. The absence of timelines further aggravates the issue. The law doesn't mention any maximum time limit within which the deciding authority has to take the decision. It has been noticed that the cases remain in abeyance and by the time the term of House gets completed. Moreover, the Act makes decision of speaker final³². This raises eyebrows. The delay tactics time and again opted by the speaker resulted in the cases reaching Supreme Court concerning speaker's biased nature. Paragraph 7 of the Act initially barred judicial review. However, the Supreme Court, in *Kihoto Hollohan v. Zachillhu*³³, declared this bar as unconstitutional. The judgment affirmed that Speaker's decisions are reviewable by courts but with limited scope, primarily to check for bias, perversity, or violation of constitutional mandates. The minority view in *Kihoto case* further held that since the speaker owes its position from the majority support in the House, he cannot at all times afford to be independent and hence, unfit for holding the decision-making authority under the Act³⁴.

Though the speaker's decision has been made subject of judicial review, there's a restriction. This power of judicial review cannot be exercised by the court unless speaker takes the decision³⁵. Thus, the court can come into picture only when the speaker has done his part. The delay tactics can circumvent this protection as the law is silent on the maximum time within which a decision must be taken on questions of disqualification.

6. LOOPHOLES IN THE LAW: MASS DEFECTIONS AND MERGER PROVISIONS

Today, the merger provision has become the only gateway to entice legislators into switching sides in order to form or bring down a government provided two-third of the members of the party supports the merger. Theoretically, with the anti-defection law and 91st amendment, defections should have been ousted from Indian politics. The harsh reality however is that defection continue to shape, mold and erode politics. The political parties now circumvent the law through merger provision and mass resignation. Enticing two-third legislators and making them cross the floors have now become a new normal³⁶. Paradoxically, the exception has bolstered engineered defections on the large scale, thereby becoming an instrument for escalating defections as opposed to preventing them.

However, it is pertinent to mention here that the merger exception incorporates a two-fold process. Firstly, the political party is required to merge with other political party. Secondly, from the original political party at least two-third members should affiliate themselves with the new party. Thus, the two-third threshold requirement is only meant to provide protection from disqualification after a genuine merger has been effected³⁷. It nowhere independently allows legislators to execute a merger on their own. This goes against the stark ground reality wherein "mergers" are primarily driven by legislative factions in the absence

³² PRS Legislative Research, *The Anti-Defection Law* (Discussion Paper, 2022), available at: https://prsindia.org/files/parliament/discussion_papers/The_Anti-Defection_Law.pdf (last visited on July 10, 2026).

³³ *Kihoto Hollohan v. Zachillhu*, AIR 1993 SC 412.

³⁴ *Kihoto Hollohan v. Zachillhu*, para 52, AIR 1993 SC 412.

³⁵ Manasa Murali and Rutu Muppidi, "A Critical Analysis of Anti-Defection Law Through an Economic Lens" VII GNLU Journal of Law & Economics 61 (2024).

³⁶ Shanthan Reddy, "Merger Exception to Defection – Obstacle or Facilitator? [Part I]", *Law and Other Things*, January 21, 2022, available at: <https://lawandotherthings.com/merger-exception-to-defection-obstacle-or-facilitator/> (last visited on July 10, 2026).

³⁷ Sourya Gopal Mukherji, "When Anti-Defection Law Starts Defending Defectors", *LiveLaw*, June 29, 2026, available at: <https://www.livelaw.in/lawschool/articles/antidefection-law-defending-defectors-539195> (last visited on July 10, 2026).

of any organizational merger by the original political party. This goes against the very spirit of Tenth Schedule³⁸.

To solve this problem, it has been recommended by the Law Commission of India that merger exception mentioned under paragraph 4 of the Schedule should be deleted³⁹. The experts advocate for a stricter approach to deal with defection as opted by Bangladesh under Article 70 of its Constitution wherein legislators get disqualified immediately when they leave the party or vote against their party⁴⁰ and by Kenya wherein merger exception becomes applicable only when the parent political party approves it and not solely by the approval of legislative factions⁴¹.

7. CONCEPT OF CONSTITUTIONAL MORALITY

The Apex court of India has time and again held that the constitutional authorities need to act in accordance with the norms and principles of the Constitution instead of arbitrariness. This protects the government offices from opportunistic politics. When a legislator defects from a defeating party to a triumphant party, he clearly makes a transaction-based calculation. In *Govt of NCT of Delhi v. Union of India*⁴², the court ruled that the constitutional morality acts as an instrument to promote democratic accountability, harmonious federalism and adherence to the constitutional offices.

Further, in *Navtej Singh Johar v. Union of India*⁴³, the court observed that constitutional morality occupies a higher place as compared to popular or social morality and this aspect requires the State to preserve and protect constitutional values like liberty, equality, dignity, and justice.

The constitutional morality calls for responsible governance in accordance with the principles enshrined in the Constitution, respect for will of electorates and hence discouragement of unethical defections, and institutional integrity and impartial constitutional conduct⁴⁴. This will ensure that democratic institutions are not misused to destroy democratic spaces.

8. RECENT INSTANCES OF POLITICAL DEFECTIONS

The main reason to enact the anti-defection law was to oust the evil of political defections. However, even after the enactment of the Bill defections have continued. The Law Commission in its 170th Report observed that the law had not brought the positive outcomes. Initially the split exception and subsequently, after the removal of split exception, the merger exception has been widely misused by the parties. Some of the recent instances of political defections are:

³⁸ Mayuri Gupta, "Tenth Schedule and the Merger Loophole", *South Asian Herald*, June 21, 2026, available at: <https://southasianherald.com/tenth-schedule-and-the-merger-loophole/> (last visited on July 10, 2026).

³⁹ Law Commission of India, *170th Report on Reform of the Electoral Laws*, Part III, ch. 4 (1999), available at: <https://lawcommissionofindia.nic.in/101-169/Report170.pdf> (last visited on July 10, 2026).

⁴⁰ The Constitution of the People's Republic of Bangladesh, art. 70

⁴¹ The Constitution of Kenya, 2010, art. 103(1)(e) and The Political Parties Act, 2011 (Cap. 7D), s. 11.

⁴² *Government of NCT of Delhi v. Union of India*, (2018) 8 SCC 501.

⁴³ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

⁴⁴ Justice M. Sundar, "Constitutional Morality", National Judicial Academy, available at: https://nja.gov.in/Concluded_Programmes/2023-24/P-1373_PPTs/Session%201-%20Constitutional%20Morality.pdf (last visited on July 10, 2026).

8.1 Trust Motion by United Progressive Alliance (2008)

During the 2008 confidence motion brought by United Progressive Alliance (UPA), about 21 MPs from different political parties cross voted in favor of UPA government defying the party whips⁴⁵.

8.2 Karnataka (2019)

Mass Resignation as a means to dissolve the government has been witnessed in the Karnataka Legislative Assembly in 2019. The seventeen MLAs from the then incumbent coalition government of INC and Janata Dal (Secular) relinquished their membership. The speaker didn't accept the resignations. However, meanwhile the government had to go through the no-confidence motion⁴⁶. The rebelling MLAs didn't vote in favour of ruling government, consequentially the government failed to prove its requisite majority. Later, the speaker rejected their resignations and even disqualified them from holding office till the end of the assembly tenure (2023). The MLAs reached Supreme Court⁴⁷. The court upheld the decision of Supreme Court as far as it disqualified them but nullified the term of the disqualification. Many of the disqualified MLAs joined hands with BJP and contested bye-elections owing allegiance to BJP.

8.3 Madhya Pradesh (2020)

One such incident of political defection took place in Madhya Pradesh in 2020 wherein 22 Members of Madhya Pradesh Legislative assembly from Indian National Congress (INC) resigned from their post resulting in the dissolution of the INC government. Subsequently, in the bye-elections many of these defecting legislators contested on Bharatiya Janata Party (BJP) ticket and won the elections⁴⁸.

8.4 Maharashtra (2022)

In 2022, 40 MLAs of Shiv Sena withdrew their support from the coalition government formed by INC, Nationalist Congress Party and Shiv Sena in Maharashtra. Initially, Shiv Sena had 55 MLAs. The rebelling MLAs joined hands with the opposition party, BJP, and formed the coalition government. Though more than 2/3rd of the MLAs left the party, but they didn't merge with any political party lately. Both the factions claim to be original Shiv Sena. Election Commission intervened and in its interim order forbid both the factions from using original Shiv Sena symbol and name of the parent Shiv Sena party⁴⁹.

8.5 Goa (2022)

The resort to merger provision had been resorted to by the MLAs of Goa. Out of 11, 8 MLAs of INC joined hands with BJP in the newly elected Goa Assembly⁵⁰. Since more than 2/3rd MLAs shifted, they were exempted from disqualification.

⁴⁵ Agencies, "21 MPs Cross-Voted During Parliament Trust Motion", *The Economic Times*, July 23, 2008, available at: <https://economictimes.indiatimes.com/news/politics-and-nation/21-mps-cross-voted-during-parliament-trust-motion/articleshow/3268020.cms> (last visited on July 10, 2026).

⁴⁶ Shrimanth Balasaheb Patil v. Hon'ble Speaker, Karnataka Legislative Assembly, (2020) 2 SCC 595.

⁴⁷ *Ibid*.

⁴⁸ Madhya Pradesh Vidhan Sabha, "MLAs Resigning their Membership in the 15th Legislative Assembly, Madhya Pradesh Vidhan Sabha", available at: https://mpvidhansabha.nic.in/15thvs_bi-election.pdf (last visited 10 July 2026).

⁴⁹ Election Commission of India, *Commission's Interim Order dated 08.10.2022 in Case of Dispute No. 1 of 2022 in regard with Shivsena*, Oct. 8, 2022, available at: <https://eci.gov.in/files/file/14449-commissions-interim-order-dated-08102022-in-case-of-dispute-no-1-of-2022-in-regard-with-shivsena/> (last visited on July 11, 2026).

⁵⁰ Mayura Janwalkar and Manoj C.G., "Congress Cracks in Goa, 8 of its 11 MLAs Join BJP", *The Indian Express*, Sept. 15, 2022, available at: <https://indianexpress.com/article/cities/goa/goa-congress-mlas-join-bjp-8149937/> (last visited on July 11, 2026).

8.6 Rajya Sabha Punjab

The merger exception was exploited again when 7 out of 10 Aam Aadmi Party Rajya Sabha MPs, including Raghav Chaddha and Swati Maliwal, left AAP and joined BJP⁵¹. The calculative move to cross the two-third threshold and get a safe haven has become new normal in politics.

8.7 West Bengal (2026)

Another glaring incident of blatant misuse of merger provision popped up in West Bengal in June 2026. A faction of 20 out of the total 28 Lok Sabha MPs walked out of the Trinamool Congress (TMC) party and claimed recognition as a separate unit. Subsequently, the faction extended support to National Democratic Alliance. This was marked by massive split in West Bengal Legislative Assembly wherein 40 out of 80 MLAs revolted⁵². The dramatic episode led to collapse of TMC without inviting any immediate penalty. The incident bears testimony to the fact that the lacunas in the law can be systematically exploited through well-orchestrated political strategies to satisfy ill motives.

The analysis of the above cases shows the failure of tenth schedule in achieving political stability and halting defections. The law has successfully deterred individual defections but has proved to be toothless in cases of mass defections. Further, the question, whether a merger of legislators alone qualifies for the protection under Paragraph 4, or whether the original political party itself must merge still remains unsolved.

9. JUDICIAL RESPONSES

Judiciary has time and again intervened to fill the lacunas of the Act and to ensure complete justice. Some of the prominent cases regarding anti-defection law are as follows.

9.1 Kihito Hollohan v. Zachillhu (1992)

One of the earliest and landmark cases in Indian judicial history that regulates judicial inquiry is *Kihoto Hollohan v. Zachillhu*⁵³. The constitutionality of Anti-defection law was challenged in this case. The court upheld the constitutionality of the Act and stated that the speaker acts as a tribunal while discharging decision making function under the Act. The decision of Speaker has been made subject of judicial review. However, this power can't be exercised unless the speaker makes the decision. By doing so, the court created a balance between legislative autonomy and judicial oversight.

9.2 Ravi S. Naik v. Union of India (1994)

In the pertinent case, wide interpretation was given to Paragraph 2(1)(a) of the Tenth Schedule. The Supreme court ruled that the expression "voluntarily giving up membership" is not merely restricted to formal submission of resignation letter but includes legislator's conduct and actions that prove relinquishment of party membership⁵⁴. This ruling bolstered the efficacy of the Act by ensuring that mere procedural technicalities doesn't protect the defecting legislators.

⁵¹ Nidhi Sinha, "Who Are the 7 MPs Who Resigned from AAP to Join BJP in Huge Jolt to Kejriwal's Party", *Republic World*, Apr. 24, 2026, available at: <https://www.republicworld.com/india/who-are-the-7-mps-who-resigned-from-aap-to-join-bjp-in-huge-jolt-to-kejriwal-s-party> (last visited on July 11, 2026).

⁵² DH Online, "Twin Revolts in TMC: Who Are the MLAs and MPs Who Left Mamata Banerjee's Camp Post Bengal Drubbing", *Deccan Herald*, June 9, 2026, available at: <https://www.deccanherald.com/india/west-bengal/twin-revolts-in-tmc-who-are-the-mlas-and-mps-who-left-mamata-banerjees-camp-post-bengal-drubbing-4032423> (last visited on July 11, 2026).

⁵³ AIR 1993 SC 412.

⁵⁴ (1994) 1 SCC 373.

9.3 G. Viswanathan v. Speaker, Tamil Nadu Legislative Assembly (1996)

The ruling of the court clarified that the expulsion from a political party does not ipso facto make the legislator independent member. For the purpose of 10th Schedule, the legislator is to be regarded as a member of original political party even after his expulsion⁵⁵. Accordingly, if the expelled member joins any other political party, he would attract disqualification under the Tenth Schedule. This verdict of the court filled a crucial gap in the law.

9.4 Rajendra Singh Rana v. Swami Prasad Maurya (2007)

Through this case, Supreme Court got the opportunity to strengthen judicial scrutiny and to eradicate arbitrariness in the decision-making process enshrined under tenth schedule. The court ruled that the decision on the disqualification applications must be taken objectively according to the principles enshrined in the Constitution⁵⁶. Before deciding on the split or merger contentions, the speaker must ensure that the statutory conditions have been met.

9.5 Keisham Meghachandra Singh v. Hon'ble Speaker, Manipur Legislative Assembly (2020)

The watershed moment in the journey of anti-defection law has been marked by this decision wherein the court stepped into the shoes of legislature and filled the loophole left by the legislature. The court observed the repetitive instances of delays by the Speakers in exercising their powers under paragraph 6. Accordingly, to ensure proper implementation of the Act the court recommended all the Speakers to decide such matters within the period of three months barring in extraordinary circumstances⁵⁷. The court also suggested that the decision-making power should be taken from Speakers and be given to independent tribunals.

9.6 Subhash Desai v. Principal Secretary, Governor of Maharashtra (2023)

The 2022 political crisis in Maharashtra entailing split in Shiv Sena led to this judgment. The court directed the deciding authorities to find out the real political party while determining the disqualification petitions. The speaker should consider party's constitution and institutional structure as well and not merely numerical majority within the legislature⁵⁸. The law clarified that the aim of the anti-defection law is to protect the integrity of the original political party and legislative majorities alone cannot bypass the same.

9.7 Padi Kaushik Reddy v. State of Telangana and Others (2025)

This case is related to defection of 10 Bharat Rashtra Samithi (BRS) MLAs into Congress party after 2023 Telangana Assembly elections. The BRS party filed the petition seeking disqualification of defecting legislators. The Supreme Court observed that the speaker had not acted upon the disqualification petitions for the last seven months. Even the notices were not issued to the MLAs. The court while directing the speaker to act within 3 months stated, "If we do not issue any directions, it will amount to allowing the Speaker to repeat the widely criticized situation of 'operation successful, patient dead'."⁵⁹

10. COMMITTEE REPORTS

The evil of defections has plagued the Indian society from a long time. The government didn't turn blind eye to the instances of defection that has been eroding India's political stability. Eventually, various

⁵⁵ (1996) 2 SCC 353.

⁵⁶ (2007) 4 SCC 270.

⁵⁷ (2020) SCC OnLine SC 55.

⁵⁸ 2023 INSC 516.

⁵⁹ (2025) 7 SCR 1879.

committees were set up by the government to study the menace of defection and suggest possible reforms. The Committees established are as follows:

10.1 Committee on Defections (1967)

Formed under the chairmanship of Y.B. Chavan, the Committee on Defections is one of the earliest attempts undertaken by the government to understand the root causes of defection and suggest possible reforms to eradicate the problem. Established in 1967, the committee recommended that there is a need to apply legislative measures to discourage defections⁶⁰. The Committee suggested that the legislators who leave their party or vote against the directions of the party should be disqualified. The decision-making power pertaining to disqualifications should vest in an independent authority instead of presiding officers alone⁶¹.

10.2 Dinesh Goswami Committee (1990)

Chaired by Dinesh Goswami, the committee suggested that the disqualification provisions should be attracted when a legislator voluntarily surrenders his party membership or votes or abstains from voting and thereby goes against the whip issued by the political party in relation to confidence or no-confidence motion⁶². The Committee further put forward that the scope of the party whip needs to be reduced so as to balance political discipline and legislator's individual freedom⁶³.

10.3 Law Commission Report (1999)

The Law Commission in its 170th Report put forth certain recommendations to cover the loopholes of the anti-defection law. The Commission suggested that the Election Commission should be made the adjudicating authority as against the Speaker/Chairman⁶⁴. Also, the commission discerned the extensive misuse of the split exception and eventually proposed its removal⁶⁵. These recommendations formed the basis of 91st Constitutional Amendment that removed the split exception but retained the decision-making power with the speaker subject to judicial review.

10.4 Constitution Review Commission (2000-2002)

Constitution Review Commission, headed by M. N. Venkatachaliah, was tasked with the work of strengthening anti-defection law⁶⁶. Even after the 52nd Constitutional Amendment, the defections continued. To ensure the effectiveness of the law, the commission suggested that the defecting legislators should not be allowed to hold ministerial offices or remunerative political posts until re-election. Further, the commission put forward that the disqualification procedure needs to be made more transparent and neutral⁶⁷.

⁶⁰ Committee on Defections, *Report of the Committee on Defections* (1969).

⁶¹ *Ibid.*

⁶² Committee on Electoral Reforms, *Report of the Committee on Electoral Reforms* (Legislative Department, Ministry of Law and Justice, Government of India, 1990).

⁶³ *Ibid.*

⁶⁴ Law Commission of India, *170th Report on Reform of the Electoral Laws* (May, 1999).

⁶⁵ *Ibid.*

⁶⁶ National Commission to Review the Working of the Constitution, *Report of the National Commission to Review the Working of the Constitution* (Government of India, Ministry of Law and Justice, 2002).

⁶⁷ *Ibid.*

10.5 Second Administrative Reforms Commission (2005)

Spearheaded by M. Veerappa Moily, the commission noted the partisan nature of speaker in deciding disqualification petitions⁶⁸. Accordingly, the commission suggested that the decision making power should be entrusted to Election Commission of India with the formal decision to be made by the President of India or the Governor, as the case may be, on the basis of advice tendered by the Commission. The Commission also stood for hasty disposal of defection cases⁶⁹.

11. INTERNATIONAL FRAMEWORK

The international framework pertaining to law of defections can be studied under two heads: countries with specific legislation on political defections and countries without legislations.

11.1 Countries with legislation

11.1.1 Singapore

The Constitution of the Republic of Singapore, 1965 unequivocally provides that if a Member of Parliament resigns from or is ejected from the political party or in any other way loses membership of the party on whose behalf one contested the elections then that member would be ousted from the legislature and would be unseated⁷⁰.

11.1.2 Kenya

The 1966 Constitutional Amendment of Kenya gave birth to the anti-defection regulatory framework in Kenya. The amendment provided that the members who relinquished their membership or joined hands with the other political party needed to vacate their seat instantly. The same principle has been carried forward in the Article 103 (1)(e) Constitution of Kenya, 2010 and is enforced through the Political Parties Act, 2011⁷¹. Thus, Kenyan law keeps a strict eye on the defections.

11.1.3 New Zealand

To fortify the proportionality of the Mixed Member Proportional electoral system, New Zealand brought Electoral (Integrity) Amendment Act, 2001 which forbid the members from switching their party allegiance whilst holding parliamentary seat⁷². The law provided that the seat would become vacant when the embarkation of a member undermined proportional representation attained at the election. However, the law lapsed in 2005 but was later reinstated⁷³.

11.1.4 Pakistan and Sri Lanka

Article 63 A of the Constitution of Pakistan and Article 99(13)(a) of *The Constitution of the Democratic Socialist Republic of Sri Lanka, 1978* contain anti-defection provisions⁷⁴. The law disqualifies the legislators who resign from their party membership or vote contrary to party directions on significant issues. Law of Sri

⁶⁸ Second Administrative Reforms Commission, *Report of the Second Administrative Reforms Commission* (Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Administrative Reforms and Public Grievances, 2009).

⁶⁹ *Ibid.*

⁷⁰ The Constitution of the Republic of Singapore, 1965, Article 46(2)(b).

⁷¹ The Constitution of Kenya, 2010, art. 103(1)(e), The Political Parties Act, 2011 (Kenya)

⁷² Electoral (Integrity) Amendment Act, 2001 (New Zealand). Public Act 105.

⁷³ Electoral (Integrity) Amendment Act 2018 (New Zealand).

⁷⁴ The Constitution of the Islamic Republic of Pakistan, 1973, art. 63A; The Constitution of the Democratic Socialist Republic of Sri Lanka, 1978, art. 99(13)(a).

Lanka provides the legislators with a remedy to file an appeal against the orders of disqualification in Supreme Court and by the time court gives the final verdict their seat remains intact in the legislature⁷⁵.

11.1.5 South Africa

South Africa underwent an intriguing journey passing through three phases as regards development of anti-defection law. At the outset, the Constitution of Republic of South Africa, 1996 took away the seat of legislator if he defected⁷⁶. The underlying reason behind this stringent provision was that the African law intertwined individual representation with political party association pursuant to the proportional representation system. However, this blanket disqualification was overridden by Constitution of the Republic of South Africa Second Amendment Act, 2002 and the Loss or Retention of Membership of National and Provincial Legislatures Act, 2002. The second phase marked by these statutory advancements regulated party-switching. The legislators were then allowed to switch their political parties within a confined period, called 'window period', without relinquishing their seat in the legislature⁷⁷. This system, however, led to political instability and widespread defections. Eventually, Fourteenth Amendment Act, 2008 was brought to rectify the wrongs. The Amendment, enforced in 2009, nullified the 'window period' and prohibited party defections. The law now disqualifies the legislators who defect to other parties⁷⁸.

11.1.6 Bangladesh

The strictest anti-defection law persists in Bangladesh. Article 70 of the Constitution of Bangladesh provides that the legislator who resigns from or acts against party directions invariably loses his seat⁷⁹. In addition to this, Election Commission of Bangladesh has been empowered to hear disputes relating to defections under the Member of Parliament (Determination of Dispute) Act, 1980⁸⁰. The automatic loss of seat acts as a deterrent and prevents defections, thus ensures party discipline and political stability in Bangladesh.

11.2 Countries without legislations

Not all the democratic countries have specific legislations on the anti-defection. Countries like United Kingdom, United States, Australia, Canada, Malaysia and Germany do not have such legislations. These countries manage defections through political conventions, constitutional principles, internal party discipline and voter accountability developed over a period of time⁸¹. Conventional parliamentary practices and party system are used to ensure party discipline in United Kingdom and Australia⁸².

Countries like United States and Canada place individual autonomy prior to party mandate and hence allow the legislators to switch parties without relinquishing their seats⁸³. On the same terms, Germany too doesn't have anti-defection law. Members of Bundestag enjoy free mandate under Article 38⁸⁴. These democratic

⁷⁵ The Constitution of the Democratic Socialist Republic of Sri Lanka, 1978, art. 99(13)(a) read with art. 128.

⁷⁶ The Constitution of the Republic of South Africa, 1996.

⁷⁷ Constitution of the Republic of South Africa Second Amendment Act, 2002 (Act 21 of 2002); Loss or Retention of Membership of National and Provincial Legislatures Act, 2002 (Act 22 of 2002).

⁷⁸ Constitution Fourteenth Amendment Act, 2008 (South Africa), Government Gazette Vol. 523.

⁷⁹ The Constitution of the People's Republic of Bangladesh, 1972.

⁸⁰ Member of Parliament (Determination of Dispute) Act, 1980.

⁸¹ Abhay Kumar, "International Aspect of Anti-Defection Law" VII *Indian Journal of Law and Legal Research* 2853 (2025).

⁸² The Political Parties, Elections and Referendums Act, 2000 (United Kingdom); James Jupp, *Australian Party Politics* (Melbourne University Press, Melbourne, 1964).

⁸³ Canada Elections Act, 2000 (Canada), pt. 18; Daniel M. Berman, "The Legislative Process in the U.S. Congress" *Journal of Constitutional and Parliamentary Studies* (1968).

⁸⁴ The Basic Law for the Federal Republic of Germany, 1949, art. 38(1).

nations work on the principle that political defections can be well managed through voter judgment and organizational accountability instead of legal sanctions by means of statutory provisions.

12. SUGGESTIONS AND RECOMMENDATIONS

The analysis of the case studies demonstrates that experience of India with anti-defection law is not positive. The defections instead of decreasing have increased. There is an urgent need to halt defections. For the same, following recommendations are proposed.

12.1 Ensuring the Timely Disposal of Anti-Defection Petitions

The efficacy of anti-defection law largely depends on the timely disposal of disqualification petitions. There is a need to incorporate statutory time line of three months as the maximum limit within which the deciding authority needs to submit the final decision⁸⁵. This will prevent unnecessary delay and wipe out arbitrariness, thereby ensuring time bound adjudication, credibility of law and discourage defections for tactical political advantages. Prompt decisions would also allow aggrieved party to avail the remedy of judicial review wherever necessary. Thus, adding fuel to the dead engine of anti-defection law.

12.2 Establishing an Independent Adjudicating Authority

Keeping in view the recommendations laid down in the 170th Law Commission Report, the Dinesh Goswami Committee and the Second Administrative Reforms Commission, there is a pressing need to divest the speakers and chairpersons of the decision-making powers⁸⁶. Though, the committees have propounded to entrust election commission with the above said powers but the paper suggests that the powers should be conferred on independent tribunals specifically set up for the same. Allocation of the powers to Election Commission could fructify only if impartiality and independence of the commission could be ensured. However, in today's date the role of election commission has also ignited debates. Thus, vesting adjudicating powers in independent tribunals would mitigate political bias and boost public confidence in the system.

12.3 Eliminating Loopholes and Strengthening Disqualification Provisions

The veil of legitimate mergers has led to floodgates of self-interest motivated defections. The primary reason of failure of anti-defection law is merger exception. Initially, the political parties took advantage of the split exception which was eventually removed. The only option available with the political parties to make horse trading successful is to allure two-third of the members of the political party and join hands with them. By doing so, they get successful in their ulterior motives without inviting any disqualification. This is the high time that the merger exception be removed at the earliest⁸⁷. Any legislator who wants to voluntarily leave the political party should be automatically disqualified and be barred from contesting elections for the remainder of the concerned legislative term. To eradicate transaction-based defections, the defecting legislators should be barred from voting in no-confidence motions. India needs to make the anti-defection law stricter so as to bring it in tune with the laws in South Africa and Bangladesh

⁸⁵ Sukhdarshan Singh, "Defection & Indian Politics in 21st Century" 8(2) *International Journal of Political Science and Governance* 250-253 (2026).

⁸⁶ Dinesh Goswami Committee, *Report on Electoral Reforms* (1990); Law Commission of India, "170th Report on Reform of Electoral Laws" (1999); Second Administrative Reforms Commission, "Ethics in Governance" Fourth Report (2007).

⁸⁷ Sourya Gopal Mukherji, "When Anti-Defection Law Starts Defending Defectors", *LiveLaw*, June 29, 2026, available at: <https://www.livelaw.in/lawschool/articles/antidefection-law-defending-defectors-539195> (last visited on July 10, 2026).

12.4 Promoting Internal Party Democracy and Ethical Political Culture

Often, the political defections are a result of internal party dissatisfaction owing to non-transparent and centralized decision making within the party. The situation demands that the political parties should institutionalize periodic internal elections and inhibit consensus-based decision making so as to ensure inclusivity within the party⁸⁸. There is a need to adopt ethical code of conduct to steer the party members regarding politically ethical behavior and discourage opportunistic defections.

12.5 Enhancing Electoral Reforms, Public Awareness, and Technological Monitoring

There is a need to bring well-suited electoral and governmental reforms to ensure effective working of the anti-defection framework. One substantial change that can solve the problem is to bring in a provision that would automatically conclude the tenure of the elected representative as soon as one tenders' resignation. That individual could return to voters for a new mandate. In case, the contestant gets requisite public support autonomously without the support of his former political party then there should be no bar in his re-election as an independent candidate or as a member of new political party in the seat so vacated or any other. This reform would ensure that the ultimate decision-making power lies in the hands of electorates and not party managers or president officers. At the same time, the citizens need to be made aware of their democratic rights, for the same voter education programs need to be conducted. Stricter regulations need to be brought to regulate campaign funding and ensure transparency so as to do away with allurements politics. In addition to this, technology should be mindfully applied to streamline public reporting mechanism of unethical practices.

13. CONCLUSION

A political party is like a laboratory of ideas, an ideological group wherein like-minded people bind themselves to concrete well-defined principles, beliefs and values to be advanced legislatively. The political party in a democratic set up is a carriage for the legislators to advance their visions for a better country. However, the recent trajectory of Indian politics brings forth the long parade of defectors who have bartered their initial political party for ministerial office in the Union or State Cabinet as the case may be. Hardly any defection in India has taken because of ideological breakthrough. The self-interest motivated defections betray the trust of voters who puts their confidence on the legislator based on their party affiliation and one fine day that legislator all of a sudden, switches to the anti-party. Though, India brought anti-defection law to curb the evil of defections but it has not achieved its objective. The enforcement of anti-defection law in India, even after bringing in the amendment, has been far from satisfactory. There is a need to make the law stricter and remove the merger exception. India needs to learn lessons from South Africa and Bangladesh. Further, the voids in the law needs to be addressed by incorporating time-limit within which the disqualification petitions need to be disposed of as well as vest decision making power in some independent authority. The automatic termination of the tenure of the elected representative on his resignation and option of re-election could contribute to greater accountability, transparency and efficiency in the system.

⁸⁸ Adv. Rohan Gupta, "Critical Analysis of Anti-Defection Law and Its Judicial Interpretation" VI(3) *International Journal of Advanced Legal Research* (2026).