



Whip in India

The Supreme Court has recently said that the dissident legislators of Karnataka cannot be compelled to participate in the current Assembly session. It is against the previous orders of SC on the anti-defection law.

- Under the **Tenth Schedule** (anti-defection law) a political party has a constitutional right to issue a whip to its legislators.
- SC in **Kihoto Holohan vs Zachillhu case, 1992** held that the application of the Tenth Schedule is limited to a vote on “motion of confidence” or “no-confidence” in the government or where the motion under consideration relates to a matter which was an integral policy and programme of the political party.
 - Paragraph 2(1)(b) provides for a lawmaker’s disqualification “if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs”.

Whip

- The concept of the whip was inherited from colonial British rule. It is used in parliamentary parlance often for floor management by political parties in the legislature.
- A whip is a written order that political party issue to its members for being present for an important vote, or that they vote only in a particular way. The term is derived from the old British practice of “whipping in” lawmakers to follow the party line.
- They are vital in maintaining the links between the internal organisation of the party inside the Parliament. A whip is also an important office-bearer of the party in the Parliament.
- In India, all parties can issue a whip to their members. Parties appoint a senior member from among their House contingents to issue whips. This member is called a Chief Whip, and he/she is assisted by additional Whips.
- **Constitutional status:** The office of ‘whip’, is mentioned neither in the Constitution of India nor in the Rules of the House nor in a Parliamentary Statute. It is based on the conventions of the parliamentary government.
- **Non-applicability of Whip:** There are some cases such as **Presidential elections** where whips cannot direct a Member of Parliament (MP) or Member of Legislative Assembly (MLA) on whom to vote.

Types of Whips

- **The One-line whip** to inform the members about a vote. It allows a member to abstain in case they decide not to follow the party line.
- **The Two-line whip** is issued to direct the members to be present in the House at the time of voting. No special instructions are given on the pattern of voting.
- **The Three-line whip** is issued to members directing them to vote as per the party line. It is the strictest of all the whip.

Functions of Whip

- The whip plays a crucial role in ensuring the smooth and efficient conduct of business on the floor

of the House.

- He is charged with the responsibility of ensuring the attendance of his party members in large numbers and securing their support in favour of or against a particular issue.
- He ensures discipline among party members in the House.
- He identifies the signs of discontent among MPs and informs the respective leaders of their party.
- He or she acts as a binding force in the party and responsible for maintaining the internal party organisation in the Parliament and.
- **Violation of whip:** If an MP violates his party's whip, he faces expulsion from the House under the Anti Defection Act.
 - The only exception is when more than a third of legislators vote against a directive, effectively splitting the party.

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