Mains Practice Question

Q. Assess the effectiveness of the Anti-Defection Law in curbing political instability and promoting party discipline. **(150 words)**

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Approach

- Introduce the answer by mentioning about Anti-Defection Law
- Highlight the Effectiveness of Anti-Defection Law in curbing political instability and promoting party discipline.
- Delve into the limitations of Anti-Defection Law
- Conclude in a positive manner.

Introduction

The anti-defection law, outlined in the **Tenth Schedule of the Constitution**, was introduced to prevent frequent floor-crossing by legislators (popularly referred as Aaya Ram, Gaya Ram politics).

- Added to the Constitution through the **52nd Amendment Act in 1985**, it mandates the disqualification of elected legislators if they voluntarily switch parties or vote against their party's directives.

Body

Effectiveness of Anti-Defection Law:

- **Effectiveness in Curbing Political Instability:**
    - **Reduced Floor-Crossing**: Prior to the ADL, **frequent defections by legislators led to the collapse of governments and political uncertainty.**
        - The ADL has undeniably reduced instances of blatant defections motivated by immediate political gain, leading to:
            - **More Stable Governments:** Especially at the state level, **where coalition governments are more common**, the ADL has discouraged defections that could topple governments.
                - This fosters a more stable political environment conducive to policymaking and implementation.
            - **Stronger Coalitions**: By discouraging defections, the ADL encourages the formation of more stronger coalitions.
                - Parties have a **greater incentive to work together for the entire term**, knowing that defections would lead to disqualification and potential loss of power.
                - Stable coalitions can focus on long-term policy goals rather than short-term political maneuvering to prevent defections.
- **Effectiveness in Promoting Party Discipline:**
    - **Enforced Loyalty:** The threat of disqualification discourages legislators from openly rebelling against their party leadership on crucial issues. This fosters a sense of discipline

within parties:

- **Unified Public Image:** The ADL discourages public dissent within parties, projecting a more unified image to the electorate.
- **Whipping Mechanism:** Parties can use the ADL as a tool to **enforce their whip (voting instructions) on legislators.**
  - This ensures a more unified front on crucial bills, especially when the government's majority is slim.
- **Reduced Scope for Horse-Trading:** The ADL discourages individual legislators from bargaining with the opposition for personal gain in exchange for their vote.

Challenges and Limitations:

- **Split Decisions**: The power to decide on defection cases rests with the **Speaker/Chairperson of the house,** who may be from the ruling party. This raises concerns about bias and potential misuse of the law:
- **Selective Disqualification:** There have been instances where the Speaker disqualified some rebel MLAs but not others from the same party or delayed despite directed by Supreme Court to Speakers of assemblies and the Parliament to decide disqualification pleas within a period of three months except in extraordinary circumstances- *Keisham Meghachandra Singh vs The Hon'ble Speaker Manipur Legislative Assembly & Ors (2020)*.
- **Mergers vs. Defections**: The law allows exemptions for mergers. This can be misused as a **loophole to circumvent disqualification** for defections in masses.
  - **Engineering Mergers:** Parties facing potential defections can engineer mergers with smaller parties to avoid disqualification, undermining the spirit of the ADL.
- **Suppression of Criticism:** The fear of disqualification can discourage legislators from raising genuine concerns or offering constructive criticism of the party leadership.
- **Erosion of Inner-Party Democracy:** Overly strict enforcement of the ADL can stifle healthy debate within parties, hindering the democratic process of formulating policies and strategies

Conclusion

India needs significant reforms aimed at ensuring **impartial adjudication as recommended by 2nd ARC, stricter definitions of party mergers, and encouraging healthy inner-party discussions** to unlock the Anti-Defection Law's full potential and create a more **robust political environment in India.**