

Q. What is Anti-defection law? There is a dire need to reform the law. Critically analyse.

Ans. The famous phrase "Aaya Ram Gaya Ram" was once synonymous with Indian legislators.

To overcome rampant defections which terminally damaged the government, the Anti-defection law was inserted in the Constitution by the 52nd Amendment Act in 1985.

A legislator is deemed to be disqualified if he either voluntarily gives up the membership of his party or disobeys the directive of the party leadership.

The final decision of disqualification is with the Speaker/Chairman of the house. The decision is subject to judicial review.

The law has been quite effective in controlling the evil of defection.

However, there have been certain shortfalls :-

- ① The law has suppressed the democracy within party and now dissent is treated as defection.
- ② It has increased bossism in party and now the legislators are answerable to the party rather than people.
- ③ The concept of disqualification of independent member and non-disqualification of nominated member is contentious.

(4) It bars retail defection but permits wholesale defection.

(5) The Speaker/Chairman of the house making decision on defection matters has been under controversy for long.

(6) Certain phrases "voluntarily giving up membership" is susceptible to interpretation.

The law needs pruning and customisation in the wake of defections in Goa, Karnataka etc.

To improvise the law we can:-

- (1) Set up a committee with members of non-political background and judicial experience to settle the cases of defection.
- (2) Defection should not be made ^{haven of} opportunistic politics. Defecting legislators must with proper reason provide for defection.
- (3) The difference of treatment of nominated and independent member should be done away with.

The Anti-defection law was termed as an effort to clean the public life. Its misuse for political gains is defeat for the democracy. We must put all efforts to identify such opportunistic politicians and weed them out.