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Anti Defection Laws And Need Of The Hour

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Abstract

After adoption of Constitution, first General Election was conducted in 1951-52. It was a great chance to elect our representatives for first time. Undoubtedly, it is very expensive to conduct election in our country. After tracking the election expenditure, the General Election of 2024 is on track to break the past records and it has become the most expensive electoral event in the world. According to a poll expert, the estimated expenditure is expected to reach a staggering Rs. 1.35 Lakh Crore. It is more than double the Rs 60,000 Crore spent in 2019. Hence, the usefulness of election expenditure must be proven. Hence, It is required to make our elected representatives more accountable, so that they could live up to public expectations. Keeping the election expenses in mind, It is essential to make stern regulations to curb ill practices of horse trading and defection of our leaders. It will minimise the risk of political instability and unethical practices in politics.

Introduction

There was a time of one party dominance in the Government. The era of Alliance Government started after 1989. Indeed, Issue of horse trading and defection has been a great challenge over the years. Soon after the age of coalition government, it became a potential threat to the stability of the Government. In turn, it has badly affected the development of the country. Indeed, political stability plays a vital role in the economic development. Today, it is highly required to create such a system, capable enough to imbibe virtues in our leaders. In the changing scenario, it is the need of the hour to make more stringent anti-defection policy to curb the instability and chaos prevailing in the existing political system. The efforts to topple the various popularly elected Governments in the past is a major cause of concern and raising the finger towards the existing trends of political shortfall. In such scenario, it is paramount to make it more stringent, so that it could be able to check the prevailing crisis in Indian politics. It is needed to make it more effective so that it could meet the ongoing challenges of the present days.

Anti –defection Law 1985 (52nd Amendment of Constitution)

- The Tenth Schedule of the Indian Constitution is designed to prevent political defection prompted by the lure of office and material benefits. This rule was passed by Parliament in 1985 and reinforced in 2002.
- The 10th Schedule of the Indian Constitution popularly referred to as the “ Anti-Defection law “ which was Inserted in 1985 by the 52nd Amendment of the Constitution.

- Defection has been defined as, “to abandon a position or association often to join an opposing group.”
- The anti-defection law was enacted to ensure that a party member could not violate the mandate of the party and in case he does so, he will lose membership of the house. The law applies to both Parliament and State Assembly.

Areas of Thrust

- Collegiums system of nominating top post of Election Commissioner
- Reforms in Election Funding
- Changes in Existing pattern of Elections.
- Giving up the politics of Caste and Religion
- One Nation one Funding

Major Recommendations

It is the shortfall of the existing law that our political leaders do not even hesitate to leave the political party for their career, ambitions and to grab positions. Hence, it is important to ensure the stability of the Government. It is essential to think unbiased over on the issues that led to defection in Indian politics. The curb would be effective only after analysing the potential threats of the political arena. Major players of the evil is Caste and Creed politics, Divisive politics, unawareness among the Electors, Vast expenditure incurred in elections and faulty political funding process of the country. Even though many factors are playing their crucial role in switching over the political allegiance of the leaders. Nevertheless, faulty political funding is a significant issue of prevailing corruption in the politics. It is such an issue, which has been not paid proper attention of the Government till date. All political parties have enjoyed it, as long as they remains in power. Donors of political funding deserves extra privileges and preferential treatment in the Government regime. The Government bows down before their fund raisers and makes policies in favour of them. It affects the development of the country and also increases inflation. But, after defeat they themselves suffer the consequences. Hence, it is the need of the hour to introduce a healthy practice in political fund raising. It should be quite transparent and more clearer. There should be one responsible agency to accept all the political funds, and it should never go directly in the hands of political parties. It will be a revolutionary reform in the politics of the country and having tremendous potencies in curbing the ongoing political corruptions. The Election conducting body will provide an equal platform to all political parties in terms of contesting elections. This will facilitate equal opportunities to all political parties in spreading their agenda. This will benefit to smaller parties, who generally struggles because of inappropriate funds. Also, the ruling party will not be able to misuse its power for its own gain. It will be a boon for those political parties who are unable to expand their ideals, values due to lack of money. This single reform will make the political parties more accountable and responsible in spreading their political ideology, which will be a sigh of relief for the citizens.

Apart from that, defection should be made illegal and the practice of this should be abolished. Any kind of defection could not be legitimised as most of them are result of the power lust of the politicians. Our leaders are elected under party banner. Hence, any differences among the party leaders should be amicably resolved in a Democratic manner by the party leadership. If a particular leader, or a segment is still not satisfied on some important issues on rational grounds, he should contest election as an Independent candidate in the next upcoming elections. The fate will be decided by the people of the country. For this, they should submit an affidavit to their parent political party as well as to the ECI. There should be a provision of calling them back by their respective Constituencies, which has elected them. The runner-up candidates should be called to perform in the left over years without any further by poll. These suggested steps would rinse the dirty politics and make it more clearer and clean. It is the need of the hour and to be done as earlier possible.

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