

POLITICAL DEFECTION AND PARTY LEADERSHIP DISPUTES: ASSESSING THE APPLICABILITY OF THE TENTH SCHEDULE TO DISSIDENT MEMBERS OF PARLIAMENT

AUTHOR – KARTHIKEYAN J* & GAYATHRI J**

* LAW GRADUATE FROM AMITY LAW SCHOOL NOIDA

** ADVOCATE FROM MADRAS HIGH COURT

BEST CITATION – KARTHIKEYAN J & GAYATHRI J, POLITICAL DEFECTION AND PARTY LEADERSHIP DISPUTES: ASSESSING THE APPLICABILITY OF THE TENTH SCHEDULE TO DISSIDENT MEMBERS OF PARLIAMENT, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 6 (9) OF 2026, PG. 884-894, APIS – 3920 – 0001 & ISSN – 2583-2344.

ABSTRACT

Political defections have consistently posed a challenge to the stability and integrity of India's parliamentary democracy. In response to the increasing frequency of legislators changing party allegiance for political gain, Parliament enacted the Constitution (Fifty-Second Amendment) Act, 1985, introducing the Tenth Schedule, commonly known as the Anti-Defection Law. While the legislation aimed to curb unprincipled defections, contemporary political developments have revealed significant constitutional dilemmas concerning intra-party disputes and rival claims to party leadership. These conflicts raise a fundamental legal question: whether Members of Parliament (MPs) who separate themselves from the official leadership of a political party can be disqualified under the Tenth Schedule for political defection. This article critically examines the constitutional framework, judicial interpretation, and contemporary challenges relating to dissident legislators. Through an analysis of landmark Supreme Court decisions and recent political controversies, the article evaluates the extent to which opposition to party leadership amounts to voluntary relinquishment of party membership. The study argues that while the Tenth Schedule remains essential for preserving governmental stability, its present framework requires substantial reform to reconcile party discipline with democratic dissent.

Keywords: Anti-Defection Law, Tenth Schedule, Political Defection, Party Leadership, Dissident MPs, Parliamentary Democracy, Judicial Review.

1. Introduction

Political parties constitute the backbone of parliamentary democracy. They aggregate public interests, formulate policies, contest elections, and provide stable governments. In a representative democracy such as India, the electorate generally votes not merely for individual candidates but also for the political party they represent. Consequently, frequent defections by elected representatives

undermine electoral mandates and destabilize governments.

The problem of political defections became particularly acute during the late 1960s and 1970s. The phrase "**Aaya Ram, Gaya Ram**" entered Indian political vocabulary after Haryana legislator Gaya Lal changed political parties multiple times within a short period¹⁷³². Such incidents exposed vulnerabilities in the

¹⁷³² The term was coined when Gaya Lal, a Member of the Legislative Assembly from the Hassanpur constituency (now Hodal) in Haryana,

constitutional system and generated widespread demands for legal regulation.

The Constitution (Fifty-Second Amendment) Act, 1985¹⁷³³ inserted the Tenth Schedule into the Constitution with the objective of preventing political defections. The Anti-Defection Law sought to discourage legislators from abandoning party affiliations for personal gain and to preserve political stability. The legislation introduced disqualification as a consequence for certain forms of political disloyalty. The constitutional validity of this framework was later upheld by the Supreme Court in *Kihoto Hollohan v. Zachillhu*¹⁷³⁴, which recognized the law as a legitimate mechanism to strengthen parliamentary democracy.

However, modern political disputes frequently involve rival factions within the same political party. Rather than formally resigning from party membership, legislators often challenge the authority of the recognized party leadership while claiming to represent the "real" political party. Such disputes raise difficult constitutional questions regarding the relationship between party dissent and political defection.

2. Historical Evolution of Anti-Defection Legislation

2.1 The Rise of Political Defections

The Fourth General Election of 1967 marked a turning point in Indian politics. For the first time, the dominance of the Congress Party weakened significantly, resulting in coalition governments across several states. This period witnessed unprecedented levels of political defections.

Numerous legislators switched party allegiance to obtain ministerial positions or other political advantages. The instability caused by these defections led to the collapse of several state governments and generated concerns regarding the integrity of representative democracy.

Recognizing the seriousness of the problem, Parliament established the Committee on Defections under the chairmanship of Y.B. Chavan in 1968¹⁷³⁵. The Committee recommended measures to discourage political defections and strengthen party discipline.

2.2 Constitutional Response

Several attempts to enact anti-defection legislation were made before the eventual adoption of the Constitution (Fifty-Second Amendment) Act, 1985.

The amendment introduced:

- The Tenth Schedule.
- Articles 102(2) and 191(2).
- A comprehensive framework for disqualification based on defection.

The legislation represented a significant constitutional innovation because it regulated the conduct of elected representatives after their election.

2.3 The Ninety-First Constitutional Amendment

Experience revealed that legislators frequently exploited loopholes in the original framework, particularly the "split" provision.

To address these concerns, Parliament enacted the Constitution (Ninety-First Amendment) Act, 2003.¹⁷³⁶ The amendment abolished the protection previously available to factions claiming a split within a political party and retained only the merger exception requiring support from two-thirds of legislators.

The amendment reflected Parliament's intention to strengthen anti-defection measures and prevent opportunistic political realignments.

3. Constitutional Framework of the Tenth Schedule

The Tenth Schedule establishes the legal basis for **disqualification on grounds of defection**.

¹⁷³³ Act 52 of 1985

¹⁷³⁴ 1992 SCR (1) 686

¹⁷³⁵ Chakshu Roy, *Indian Express*, July 25, 2019

¹⁷³⁶ Act 91 of 2003

3.1 Voluntarily Giving Up Membership

A legislator belonging to a political party shall be disqualified if he **voluntarily gives up membership** of that party.

Notably, the Constitution does not define the phrase "voluntarily gives up membership." This omission has required extensive judicial interpretation.

3.2 Violation of Party Whip

A legislator who **votes or abstains from voting contrary to party directions** without prior permission.

This provision seeks to ensure party discipline in legislative proceedings.

3.3 Independent and Nominated Members

Independent members are prohibited from joining political parties after election.

Nominated members may join a political party within six months of nomination but may incur disqualification thereafter if they change affiliation.

3.4 Merger Exception

protection where at least two-thirds of legislators agree to merge with another political party.

The merger exception reflects a compromise between political stability and democratic freedom of association.

4. The Constitutional Meaning of Political Defection

A central question under the Tenth Schedule concerns the meaning of political defection itself.

The Constitution does not merely punish formal resignation from a political party. Instead, it focuses upon conduct that demonstrates abandonment of party allegiance.

This broader approach recognizes that political actors may attempt to evade constitutional consequences through technicalities.

Consequently, courts have adopted a substance-over-form approach in determining whether defection has occurred.

The key issue therefore becomes whether the conduct of dissident legislators demonstrates continued loyalty to the political party or an intention to sever that relationship.

5. Judicial Interpretation of "Voluntarily Giving Up Membership"

5.1 *Kihoto Hollohan v. Zachillhu* (1992)¹⁷³⁷

The landmark decision in *Kihoto Hollohan v. Zachillhu* represents the constitutional foundation of anti-defection jurisprudence.

The petitioners challenged the constitutional validity of the Tenth Schedule on several grounds, including alleged violations of freedom of speech, democratic principles, and separation of powers.

The Supreme Court upheld the validity of the Anti-Defection Law while striking down Paragraph 7, which attempted to exclude judicial review. The Court held that judicial review constitutes part of the basic structure of the Constitution and cannot be excluded through ordinary constitutional amendment.

The Court observed that the objective of the Tenth Schedule was to combat unprincipled political defections and strengthen democratic governance. It further held that Speakers and Chairpersons function as tribunals when deciding defection disputes and remain subject to judicial review on limited grounds.

The significance of *Kihoto Hollohan* extends beyond constitutional validity. The judgment established the principle that anti-defection provisions must be interpreted in a manner that advances democratic stability while respecting constitutional safeguards.

¹⁷³⁷ 1992 SCR (1) 686

5.2 Ravi S. Naik v. Union of India (1994)¹⁷³⁸

The Supreme Court substantially expanded the meaning of "voluntarily giving up membership" in *Ravi S. Naik v. Union of India*.

The Court rejected the argument that disqualification requires formal resignation. Instead, it held that membership may be deemed abandoned through conduct demonstrating an intention to leave the political party. Actions inconsistent with continued party loyalty may therefore attract disqualification even without a written resignation.

The Court stated that the expression "voluntarily giving up membership" has a wider meaning than formal resignation.

This interpretation is particularly relevant in disputes involving dissident MPs. A legislator may continue to claim party membership while engaging in conduct that effectively repudiates party authority.

Consequently, the determination depends not on formal declarations but on objective evidence of political conduct.

6. Party Leadership Disputes and Dissident Legislators

The modern political landscape increasingly features disputes concerning party leadership rather than traditional defections.

Examples include:

- Rival factions claiming control of political parties.
- Challenges to officially recognized leadership.
- Formation of parallel legislative groups.
- Public repudiation of party authority.

In such situations, legislators frequently argue that they remain loyal to the political party while opposing its current leadership.

The constitutional question becomes whether opposition to party leadership amounts to opposition to the political party itself.

The answer depends upon factual circumstances. Mere criticism of party leaders cannot automatically constitute defection. Democratic governance requires space for internal disagreement and debate.

However, where legislators:

- Establish rival political structures;
- Defy authorized party directions;
- Collaborate with opposing political parties;
- Seek recognition as a separate legislative faction; or
- Attempt to form alternative governments,

their conduct may indicate voluntary relinquishment of party membership within the meaning of the Tenth Schedule. This approach flows directly from the reasoning adopted in *Ravi S. Naik*.

7. Rajendra Singh Rana and the Limits of Political Realignment

The Supreme Court further clarified anti-defection principles in *Rajendra Singh Rana v. Swami Prasad Maurya*¹⁷³⁹.

The dispute arose from claims that a group of legislators constituted a valid split under the Tenth Schedule. The Court emphasized that Speakers must carefully examine factual evidence before recognizing claims of political realignment.

The judgment reinforced judicial oversight of anti-defection proceedings and highlighted the dangers of partisan decision-making by presiding officers.

Importantly, the Court rejected attempts to circumvent constitutional requirements through procedural manoeuvres and reaffirmed that

¹⁷³⁸ 1994 AIR 1558

¹⁷³⁹ AIR 2007 SC 1305

constitutional substance prevails over political strategy.

8. The Shiv Sena Crisis and the Modern Understanding of Defection

The constitutional significance of party leadership disputes became particularly evident during the political crisis involving the Shiv Sena in Maharashtra. The dispute arose when a large faction of legislators led by Eknath Shinde challenged the authority of the party leadership headed by Uddhav Thackeray. Both factions claimed to represent the genuine political party, creating a complex constitutional controversy involving the Tenth Schedule, party organization, and legislative recognition.

The controversy highlighted a fundamental weakness in the anti-defection framework. Traditional anti-defection cases generally involve legislators leaving one party and joining another. In contrast, the Shiv Sena dispute involved legislators claiming continued membership in the same political party while rejecting the authority of its recognized leadership.

This distinction generated important constitutional questions:

1. Can legislators avoid disqualification by claiming to represent the “real” political party?
2. Does rebellion against party leadership amount to voluntarily giving up party membership?
3. What role should constitutional authorities play in determining rival claims to party identity?

These questions reached the Supreme Court and significantly influenced contemporary anti-defection jurisprudence.

9. Subhash Desai v. Principal Secretary, Governor of Maharashtra (2023)¹⁷⁴⁰

The Supreme Court's decision in *Subhash Desai v. Principal Secretary, Governor of Maharashtra*,

(2023) SCC Online SC 607, represents one of the most significant constitutional judgments concerning party leadership disputes.

The Court examined the legality of actions taken during the Maharashtra political crisis, including the Governor's decision to call for a floor test and the role of rival party factions.

9.1 Key Observations

The Court emphasized that political disagreements within a party do not automatically exempt legislators from the operation of the Tenth Schedule.

The judgment clarified that:

- The Tenth Schedule continues to apply even when rival factions claim legitimacy.
- Internal party disputes cannot become a mechanism for bypassing anti-defection principles.
- Legislative majorities cannot alone determine the organizational identity of a political party.

The Court distinguished between the political party as an organization and the legislative party consisting of elected representatives.

This distinction is crucial because the Tenth Schedule recognizes the authority of the political party rather than merely the numerical strength of legislators within the legislature.

9.2 Constitutional Significance

The judgment reaffirmed that constitutional democracy requires adherence to party structures and organizational processes.

Allowing legislative majorities to redefine party identity would undermine electoral mandates and encourage opportunistic political behavior.

The Court therefore sought to preserve the integrity of both parliamentary democracy and the anti-defection framework.

¹⁷⁴⁰ (2023) SCC OnLine SC 607, WP (C) 493 of 2022

10. Keisham Meghachandra Singh v. Speaker, Manipur Legislative Assembly (2020)¹⁷⁴¹

Another important development occurred in *Keisham Meghachandra Singh v. Speaker, Manipur Legislative Assembly*, (2020) SCC OnLine SC 55.

The dispute concerned delays in deciding disqualification petitions under the Tenth Schedule.

10.1 Problem of Delay

One of the most serious criticisms of the anti-defection law has been the prolonged delay in deciding petitions.

In several cases, Speakers have postponed decisions for months or even years, allowing legislators accused of defection to continue participating in legislative proceedings.

Such delays undermine the purpose of the Tenth Schedule because defecting legislators may influence government formation before their status is determined.

10.2 Supreme Court's Response

The Court held that Speakers should ordinarily decide disqualification petitions within three months unless exceptional circumstances justify delay.

The Court further suggested that Parliament should consider establishing an independent tribunal to adjudicate anti-defection disputes.

This recommendation reflects growing concerns regarding the impartiality and effectiveness of the current system.

11. The Reported Trinamool Congress Crisis and the Contemporary Relevance of the Tenth Schedule

The reported internal tensions within the All India Trinamool Congress (TMC) provide a useful contemporary context for examining the operation of the Tenth Schedule in cases involving party leadership disputes. Media reports suggested that a section of legislators

and Members of Parliament expressed dissatisfaction with the decisions of the party leadership and considered functioning as a separate group within Parliament. Although the precise political developments remain subject to change, the controversy raises important constitutional questions concerning the relationship between the political party and its elected representatives.

The central issue is whether legislators who challenge the authority of the recognized party leadership while continuing to claim allegiance to the same political party can avoid disqualification under the Anti-Defection Law. Historically, the Tenth Schedule was enacted to prevent legislators from undermining electoral mandates through opportunistic defections. However, modern political conflicts increasingly involve internal rebellions rather than straightforward defections to rival parties. Such situations blur the distinction between legitimate intra-party dissent and conduct amounting to voluntary relinquishment of party membership.

If dissident legislators merely express disagreement with party policies or leadership decisions, such conduct would ordinarily fall within the scope of democratic debate and cannot by itself constitute defection. Parliamentary democracy requires space for internal criticism and ideological discussion. However, the constitutional position may differ where legislators organize themselves as a separate bloc, reject the authority of the official party leadership, support rival political formations, or otherwise act in a manner inconsistent with continued loyalty to the political party that sponsored their election.

The Supreme Court's decision in *Ravi S. Naik v. Union of India* established that formal resignation is not a prerequisite for disqualification. Membership may be deemed to have been voluntarily relinquished where the conduct of a legislator demonstrates an intention to abandon party allegiance. Similarly, in *Rajendra Singh Rana v. Swami Prasad Maurya*,

¹⁷⁴¹ AIR ONLINE 2020 SC 54

the Court emphasized that actions supporting a rival political arrangement may themselves constitute sufficient evidence of defection. Applying these principles, the constitutional inquiry in any future dispute involving dissident TMC legislators would focus not on formal declarations but on the actual conduct of the members concerned.

The reported TMC controversy also highlights the significance of the distinction between a political party and a legislature party. Following the Constitution (Ninety-First Amendment) Act, 2003, the defence of "split" is no longer available under the Tenth Schedule. Consequently, a group of legislators cannot avoid disqualification merely by demonstrating numerical superiority within the legislature party. The only constitutional exception available is merger under Paragraph 4 of the Tenth Schedule, which requires compliance with specific constitutional conditions.

The importance of this distinction was reaffirmed by the Constitution Bench of the Supreme Court in *Subhash Desai v. Principal Secretary, Governor of Maharashtra* (2023). The Court observed that the legislature party does not possess an independent constitutional existence separate from the political party. To permit legislators to redefine party identity solely on the basis of numerical strength would undermine the objectives of the Anti-Defection Law and encourage political instability. The judgment therefore rejected the proposition that legislative majority alone can determine which faction constitutes the "real" political party.

From a broader constitutional perspective, the reported Trinamool Congress developments illustrate the evolving nature of political defections in India. Whereas earlier cases typically involved legislators openly joining rival parties, contemporary disputes often involve competing claims regarding party identity and leadership. These developments demonstrate that the future effectiveness of the Tenth Schedule will depend upon the ability of constitutional institutions and courts to

distinguish genuine political dissent from conduct that effectively amounts to political defection. The controversy therefore serves as a valuable case study in understanding the continuing relevance and challenges of India's anti-defection framework.

12. Speaker's Role Under the Tenth Schedule

The Speaker occupies a central position in anti-defection proceedings.

Paragraph 6 of the Tenth Schedule confers authority upon the Speaker or Chairman to determine questions relating to disqualification.

Although this arrangement was intended to preserve parliamentary autonomy, it has generated considerable controversy.

12.1 Concerns Regarding Neutrality

The Speaker is typically elected with support from a political party and may continue to maintain political affiliations.

Consequently, anti-defection decisions often attract allegations of bias.

Critics argue that political considerations may influence:

- Timing of decisions.
- Interpretation of evidence.
- Recognition of party factions.
- Disqualification proceedings.

These concerns have intensified demands for institutional reform.

12.2 Judicial Review

The Supreme Court in *Kihoto Hollohan v. Zachillhu* held that Speakers function as tribunals when exercising powers under the Tenth Schedule.

Accordingly, their decisions remain subject to judicial review on grounds such as:

- Mala fide exercise of power.
- Violation of constitutional principles.
- Procedural irregularity.

- Perversity of findings.

Judicial review therefore serves as an important safeguard against arbitrary decision-making.

13. Comparative Perspectives on Anti-Defection Laws

A comparative examination of anti-defection laws across different democratic jurisdictions reveals that India has adopted one of the most stringent constitutional approaches to regulating party defections.

In the United Kingdom, which serves as the constitutional model for India's parliamentary system, Members of Parliament are generally free to vote against their party leadership and may even resign from their political parties without automatically losing their parliamentary seats. Political accountability in the United Kingdom is largely enforced through electoral processes rather than constitutional sanctions. Legislators who change their political affiliations remain answerable to their constituents during the next election. This approach prioritizes individual legislative independence and freedom of political expression.

South Africa initially experimented with a constitutional system permitting "floor crossing," whereby elected representatives could change party affiliations under specified conditions without losing their seats. The rationale behind this policy was to allow political realignments and encourage democratic flexibility. However, concerns soon emerged that floor crossing encouraged political opportunism, weakened party systems, and undermined electoral mandates. Consequently, South Africa abolished the floor-crossing mechanism in 2009. The South African experience demonstrates that unrestricted legislative mobility can create instability and erode public confidence in representative institutions.

Bangladesh, by contrast, has adopted an even stricter approach than India. Article 70 of the Constitution of Bangladesh provides that a Member of Parliament loses their seat if they vote against the political party that nominated them.

While this framework promotes party discipline and governmental stability, critics argue that it severely restricts legislative independence and weakens parliamentary deliberation. The comparative experience of these jurisdictions highlights the persistent challenge faced by constitutional democracies: balancing party cohesion and political stability with the autonomy and accountability of elected representatives. India's anti-defection regime occupies a middle ground between these competing models but continues to struggle with issues relating to intra-party democracy and legislative freedom.

14. Arguments Supporting the Disqualification of Dissident Members of Parliament

Several constitutional and democratic considerations support the application of the Tenth Schedule to dissident Members of Parliament who challenge the authority of their political party while continuing to retain their legislative positions. First, the principle of electoral mandate requires recognition that voters frequently cast their ballots not merely for individual candidates but for the political party, its leadership, ideology, and electoral promises. When legislators subsequently abandon the party platform on which they were elected, they effectively undermine the trust reposed in them by the electorate. The anti-defection law therefore serves as a mechanism for preserving the integrity of the democratic mandate.

Secondly, the disqualification of defectors contributes significantly to governmental stability. India's political history demonstrates that defections have often been motivated by the pursuit of ministerial offices, political patronage, or strategic advantages rather than genuine ideological differences. Such defections have repeatedly led to the collapse of elected governments and prolonged periods of political uncertainty. By imposing constitutional consequences for disloyal conduct, the Tenth Schedule seeks to discourage opportunistic political behavior and promote stable governance.

Thirdly, the anti-defection framework helps combat corruption in public life. Political defections are frequently accompanied by allegations of inducements, financial incentives, or promises of political office. Such practices undermine public confidence in democratic institutions and create perceptions that elected representatives can be bought or influenced for personal gain. The anti-defection law functions as a deterrent against such conduct and reinforces standards of political accountability.

Finally, constitutional morality requires elected representatives to honour the commitments made to voters at the time of elections. The Supreme Court has repeatedly emphasized that democratic governance depends not only on legal rules but also on ethical principles and institutional integrity. Legislators who seek election under a party banner but subsequently abandon that affiliation without obtaining a fresh electoral mandate may be viewed as violating the spirit of representative democracy. From this perspective, the disqualification of dissident MPs is necessary to protect the legitimacy and credibility of democratic institutions.

15. Arguments Against Automatic Disqualification

Despite its objectives, the anti-defection law has attracted substantial criticism from constitutional scholars, political scientists, and legal commentators. One of the most significant criticisms concerns its impact on democratic dissent and freedom of expression within political parties. Parliamentary democracy is premised upon debate, deliberation, and the exchange of competing viewpoints. If legislators face disqualification merely for expressing disagreement with party leadership, the result may be the suppression of legitimate criticism and the weakening of internal party democracy. Political parties may gradually become centralized organizations dominated by a small leadership group with limited accountability to ordinary members.

A related criticism concerns the concentration of power in party leadership. The Tenth Schedule often transforms party whips into powerful instruments of control, compelling legislators to support party decisions irrespective of their personal convictions or the interests of their constituents. Critics argue that this undermines the representative role of Members of Parliament by reducing them to agents of party leadership rather than independent lawmakers. The anti-defection law may therefore weaken the deliberative function of Parliament and diminish the quality of legislative debate.

Another concern relates to the ambiguity surrounding party leadership disputes. Contemporary political controversies frequently involve rival factions claiming legitimacy within the same political party. In such situations, determining which faction represents the official party position becomes a complex constitutional exercise. Automatic disqualification may therefore produce unjust outcomes where legislators genuinely believe that they are acting in the interests of the original political party rather than defecting from it. The Shiv Sena and Nationalist Congress Party disputes illustrate the difficulties involved in distinguishing between legitimate internal party struggles and constitutional defections.

Furthermore, critics argue that the anti-defection law undermines the principle of representative democracy by prioritizing party loyalty over constituent interests. Legislators are elected to represent the concerns and aspirations of their constituents, and there may be circumstances in which party directives conflict with local interests or public welfare. A rigid anti-defection regime may prevent elected representatives from acting according to conscience, thereby weakening democratic accountability. For these reasons, many scholars advocate a narrower application of the law, restricting disqualification to votes that directly affect the survival of governments rather than extending it to all forms of political disagreement.

16. Reforming the Anti-Defection Framework

The experience of nearly four decades of anti-defection jurisprudence demonstrates the need for significant institutional and legislative reforms. One of the most widely supported proposals is the establishment of an independent adjudicatory body to determine questions of disqualification. At present, the Speaker or Chairman of the House exercises this authority under Paragraph 6 of the Tenth Schedule. However, repeated allegations of partisan decision-making have undermined public confidence in the neutrality of this arrangement. Transferring adjudicatory powers to an independent constitutional tribunal, preferably headed by retired judges of the Supreme Court or High Courts, would enhance transparency, impartiality, and institutional credibility.

Another important reform involves the introduction of strict timelines for deciding defection petitions. Delays in adjudication often enable legislators accused of defection to continue influencing legislative proceedings and government formation for extended periods. Such delays defeat the purpose of the Tenth Schedule and create opportunities for political manipulation. Statutory or constitutional provisions requiring the disposal of petitions within a specified period, such as three months, would strengthen the effectiveness of the anti-defection framework.

Reforms should also address the excessive scope of the party whip. Many constitutional experts recommend limiting the operation of the whip to votes affecting the stability of the government, including confidence motions, no-confidence motions, Money Bills, and major constitutional amendments. Such an approach would preserve governmental stability while allowing legislators greater freedom to express their views on ordinary legislative matters. This reform would strengthen parliamentary deliberation and promote a healthier balance between party discipline and legislative independence.

Finally, clearer legal standards are required to address disputes involving rival claims to party leadership. Recent controversies involving the Shiv Sena, Nationalist Congress Party, and Trinamool Congress demonstrate that the existing framework does not adequately define the relationship between the political party and the legislature party. Legislative clarification regarding the recognition of party leadership, organizational structures, and merger requirements would reduce uncertainty and minimize litigation. Ultimately, a reformed anti-defection framework must seek to preserve political stability without sacrificing democratic dissent, legislative accountability, and internal party democracy. Such reforms would strengthen both the constitutional legitimacy and practical effectiveness of the Tenth Schedule.

17. Conclusion

The Tenth Schedule remains one of the most significant constitutional innovations in India's democratic framework. Enacted to combat political defections and preserve governmental stability, it has substantially altered the relationship between legislators and political parties.

Judicial decisions such as *Kihoto Hollohan v. Zachillhu*, *Ravi S. Naik v. Union of India*, *Rajendra Singh Rana v. Swami Prasad Maurya*, *Keisham Meghachandra Singh v. Speaker, Manipur Legislative Assembly*, and *Subhash Desai v. Principal Secretary, Governor of Maharashtra* collectively establish that political defection is determined by conduct rather than formal resignation.

Accordingly, Members of Parliament who challenge or separate themselves from the official leadership of a political party may incur disqualification where their actions indicate voluntary relinquishment of party membership. Mere dissent or criticism does not constitute defection. However, conduct demonstrating allegiance inconsistent with continued party membership may attract constitutional consequences.

The challenge for constitutional law lies in balancing two competing values: governmental stability and democratic dissent. While political stability requires mechanisms to prevent opportunistic defections, democratic governance also demands space for disagreement within political parties.

A reformed anti-defection framework should therefore preserve party discipline while protecting legitimate dissent, ensuring that constitutional democracy remains both stable and representative.

References

1. Constitution of India, Tenth Schedule.
2. [Chakshu Roy, Indian Express, July 25, 2019](#)
3. Constitution (Fifty-Second Amendment) Act, 1985.
4. Constitution (Ninety-First Amendment) Act, 2003.
5. Kihoto Hollohan v. Zachillhu, 1992 Supp (2) SCC 651.
6. Ravi S. Naik v. Union of India, AIR 1994 SC 1558.
7. G. Viswanathan v. Speaker, Tamil Nadu Legislative Assembly, (1996) 2 SCC 353.
8. Jagjit Singh v. State of Haryana, (2006) 11 SCC 1.
9. Rajendra Singh Rana v. Swami Prasad Maurya, (2007) 4 SCC 270.
10. Nabam Rebia v. Deputy Speaker, Arunachal Pradesh Legislative Assembly, (2016) 8 SCC 1.
11. Keisham Meghachandra Singh v. Speaker, Manipur Legislative Assembly, (2020) SCC Online SC 55.
12. Subhash Desai v. Principal Secretary, Governor of Maharashtra, (2023) SCC Online SC 607.
13. M.P. Jain, *Indian Constitutional Law* (9th ed., LexisNexis).
14. V.N. Shukla, *Constitution of India* (Eastern Book Company).
15. D.D. Basu, *Introduction to the Constitution of India*.
16. Granville Austin, *Working a Democratic Constitution*.
17. B. Shiva Rao, *The Framing of India's Constitution*.
18. Law Commission of India Reports on Electoral Reforms.
19. National Commission to Review the Working of the Constitution (NCRWC), Report, 2002.
20. Subhash C. Kashyap, *Parliamentary Procedure, Law and Practice*.
21. P.D.T. Achary, *Parliamentary Democracy in India*.