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# MUZZLING THE MANDATE: A LEGAL APPRAISAL OF THE ANTI-DEFECTION FRAMEWORK

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## ABSTRACT

The Anti-Defection Law, primarily embodied in the Tenth Schedule of the Indian Constitution, was introduced in 1985 to address the political instability caused by the frequent "floor-crossing" of legislators, colloquially known as "Aaya Ram Gaya Ram" politics. This paper critically examines the efficacy of the law in curbing legislative opportunism and maintaining party discipline versus its unintended consequences on democratic accountability and the autonomy of individual legislators.

While the law successfully curtailed unprincipled power-grabbing, it has concurrently shifted the balance of power from individual representatives toward party high commands. By mandate, the law requires legislators to vote according to the party whip, effectively stifling internal dissent and reducing the role of members of parliament to mere instruments of party leadership.

Furthermore, the paper addresses the evolving trend of "mass defections" and the legal loopholes regarding mergers, which often circumvent the spirit of the law. By synthesising historical context, judicial precedents, and recent political developments, this study argues that while the Tenth Schedule is essential for systemic stability, it necessitates significant reform to protect the freedom of speech and expression of legislators. The paper concludes by proposing a shift toward a more nuanced framework that balances party discipline with the legislative prerogative to act in the best interest of the electorate.

**Keywords**: Anti-Defection Law, Tenth Schedule, Indian Constitution, Parliamentary Democracy, Floor-crossing, Legislative Autonomy, Party Whip, Political Stability.

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## 1. Introduction

The cornerstone of a healthy parliamentary democracy lies in the stability of the government and the unwavering accountability of elected representatives to the electorate. In the context of India, the political landscape of the 1960s and 1970s was characterized by a chaotic trend often dubbed "Aaya Ram, Gaya Ram"—a colloquialism describing the frequent and opportunistic floor-crossing by legislators. Driven by personal gain, ministerial berths, or fractured ideological loyalties, these defections undermined the mandate of the voter and threatened the stability of the executive. To remedy this institutional instability, the Tenth Schedule was inserted into the Indian Constitution through the Fifty-Second Amendment Act of 1985, commonly known as the Anti-Defection Law.[2]

The primary objective of this legislation was to curb the "evil of political defections" by disqualifying members of Parliament or state legislatures if they voluntarily gave up their party membership or voted against the party whip. By tethering individual legislators to their party line, the law aimed to enforce party discipline and ensure that the government remained stable during its term. It transformed the relationship between the representative and the party, centralizing authority within party hierarchies. However, nearly four decades since its inception, the law has become a subject of intense academic and judicial scrutiny, evolving from a shield for stability into a potential weapon for political manipulation.

As the political climate in India has shifted toward a more complex, multi-party landscape, the application of the Tenth Schedule has faced persistent criticisms. While it successfully curtailed individual, haphazard floor-crossing, it has paradoxically led to "en-masse" defections. The provision allowing for a "split" in a party—originally intended to permit legitimate ideological shifts—was often exploited until its amendment, yet even under current norms, the law struggles to address modern tactics like mass resignations used to topple governments. Furthermore, the role of the Speaker as the adjudicator in defection cases has become highly controversial. Critics argue that the Speaker, often an active member of the ruling party, functions more as a political actor than an impartial judge, leading to allegations of bias and judicial intervention.

[2] Paras Diwan, AYA RAM GAYA RAM: THE POLITICS OF DEFECTION, Journal of the Indian Law Institute Vol. 21, No. 3 (July-September 1979), pp. 291-312.

This research paper seeks to examine the dual nature of the Anti-Defection Law, exploring how it has simultaneously succeeded in providing government stability while failing to protect the essence of representative democracy. By analysing judicial precedents, legislative history, and contemporary case studies of government collapses, this study will investigate whether the Tenth Schedule has inadvertently stifled internal party dissent and reduced legislators to mere cyphers for their party leadership. Ultimately, this paper posits that while some form of regulation is necessary to prevent political opportunism, the current structure of the Anti-Defection Law requires urgent reform to balance party discipline with the constitutional duty of a legislator to represent their constituents, rather than just their party high command.

Beyond the initial legislative intent of curbing opportunism, the structural implementation of the Tenth Schedule has fundamentally altered the internal anatomy of Indian political parties. When the Anti-Defection Law mandates that a member must vote according to the party whip on all matters, it effectively creates a binary choice: toe the party line or face disqualification. This mechanism has unintentionally stifled the culture of internal deliberation that is essential for a robust democracy. In mature parliamentary systems, the role of a legislator involves representing the interests of their constituency, which may occasionally conflict with the national policy of their party. By silencing this dissent, the law risks transforming the legislature from a space of rigorous debate and consensus-building into a mere rubber-stamp chamber for the executive and the high commands of political parties.[3]

This legislative rigidity has profound consequences for the quality of lawmaking. When dissent is penalized, policy proposals—even those with significant flaws—are rarely challenged by members within the ruling coalition. Instead, the focus of political strategy shifts toward managing the numbers game. This shift has ushered in an era where the survival of the government is prioritized over the scrutiny of legislation. The consequence is a decline in the deliberative quality of the house, as the "whip" acts as a gag order rather than a tool for organized governance. Consequently, the electorate finds itself in a precarious position: they vote for a candidate expecting them to act as a watchdog, yet the candidate is legally bound to act as a loyalist to the party leadership. This creates a disconnect between the representative's mandate and their performance, fuelling public cynicism toward the political process.

[3] https://www.thehindu.com/opinion/lead/the-absurdity-of-the-anti-defection-law/article33935666.ece

Furthermore, the adjudication process under the Tenth Schedule has become a focal point of constitutional tension. The absolute power vested in the Speaker to decide on disqualification petitions—often without a fixed timeline—has been weaponized to serve partisan ends. There have been numerous instances where Speakers have sat on petitions for months, effectively allowing a government to survive on the support of members who have technically abandoned their party. Conversely, in other contexts, the office of the Speaker has been accused of acting with undue haste to disqualify dissenters. This inconsistency undermines the principle of the rule of law and places an immense burden on the judiciary. The Supreme Court has increasingly been forced to step in as a court of first instance, which raises questions about the separation of powers and the sanctity of the parliamentary floor as a self-regulating space.

As we move deeper into this analysis, we must grapple with the question of whether the Anti-Defection Law, in its current iteration, has outlived its utility. Is it possible to design a regulatory framework that prevents the "Aaya Ram, Gaya Ram" culture without stripping a legislator of their capacity to act according to their conscience? This paper will delve into these constitutional paradoxes, evaluating whether narrowing the scope of the whip—perhaps to only confidence motions or budget-related bills—could offer a viable middle ground. By reconciling the need for executive stability with the imperative of parliamentary independence, this study aims to contribute to the ongoing discourse on democratic reform in India, providing a roadmap for legislative measures that restore the dignity of the legislator and the sanctity of the vote.

## 2. Historical background

The Anti-Defection Law, enshrined in the Tenth Schedule of the Indian Constitution, stands as one of the most contentious pillars of Indian parliamentary governance. To understand its genesis and historical trajectory, one must move beyond the black-letter law and examine the socio-political exigencies of the late 1960s—a period when the nascent Indian democracy faced an existential crisis of legislative integrity.[4].

**The Genesis: The "Aaya Ram, Gaya Ram" Phenomenon**

[4] https://www.thehindu.com/news/national/understanding-the-tenth-schedule-explained/article67746169.ece , visited at 21:58 p.m. on 30th July 2026.

The period immediately following the Fourth General Elections of 1967 is widely regarded as the "dark age" of parliamentary morality in India. Before 1967, the Congress party dominated the political spectrum at both the Union and State levels, ensuring a degree of stability that masked the absence of robust anti-defection norms. However, the 1967 elections saw the Congress lose its absolute majority in several states.

The resulting political vacuum invited opportunistic shifting of party allegiances. The infamous phrase “Aaya Ram, Gaya Ram” originated in Haryana in 1967, following the actions of legislator Gaya Lal, who switched his party affiliation three times in a single fortnight. Between 1967 and 1968, roughly 438 instances of defection occurred across the country. Data from the 1969 Committee on Defections (chaired by Y.B. Chavan) revealed a symbiotic relationship between defection and ministerial power: in states like Bihar, Haryana, and Punjab, a significant percentage of defectors were immediately rewarded with Cabinet portfolios. This practice converted the legislative chamber into a marketplace, where individual mandates were treated as commodities to be traded for personal or partisan gain.[5]

**Failed Institutional Responses (1968–1984)**

The immediate reaction to the 1967 chaos was the formation of the Committee on Defections (1968), which recommended that a defector should be barred from holding a ministerial position for a certain period. Despite this, the political will to legislate remained elusive. In 1973, the 32nd Constitution Amendment Bill was introduced to curb defections, but it lapsed upon the dissolution of the Lok Sabha. The failure to codify these norms during the 1970s reflected a deeper constitutional tension: the conflict between the need for political stability and the right of an elected representative to exercise freedom of conscience.

**The 1985 Watershed: The Fifty-Second Amendment**

The landscape shifted dramatically in 1985. Following a landslide electoral victory, the Rajiv Gandhi government prioritized the enactment of the Constitution (Fifty-second Amendment) Act, 1985. The bill was presented as a panacea for the instability that had plagued Indian legislatures for nearly two decades.

The resulting Tenth Schedule was revolutionary in its severity. It introduced a system of mandatory disqualification for:

- Voluntary resignation from a party.

[5] M.P JAIN, Indian Constitutional law, P. No. 57, 9th edn.,2025

- Voting against the party whip (or abstaining) without prior permission.

Crucially, the 1985 version included an exception for "splits" (Paragraph 3), which protected a group if at least one-third of the party members defected. This was intended to recognize the difference between individual poaching and a genuine ideological rupture within a party. However, as critics later pointed out, this provision ironically incentivized mass defections, effectively legitimizing the very behaviour it sought to eliminate.

**Judicial Scrutiny and Constitutional Metamorphosis**

The 1985 Act contained a clause (Paragraph 7) that completely ousted the jurisdiction of the courts, effectively making the Speaker's decision on disqualification final. This triggered a constitutional crisis regarding the separation of powers. In the landmark case of **Kihoto Hollohan v. Zachillhu (1992)**[6], the Supreme Court of India upheld the validity of the Tenth Schedule but struck down the ouster clause. The Court ruled that the Speaker, while exercising power under the Tenth Schedule, acts as a tribunal; therefore, their decision is subject to judicial review under the doctrine of basic structure.

The law underwent another significant transformation with the 91st Constitutional Amendment Act (2003). Recognizing that the "split" provision (Paragraph 3) was being abused to facilitate "bulk defections," the 2003 amendment omitted it entirely. It also limited the size of the Council of Ministers to 15% of the total strength of the House, closing the financial incentive loop that had fuelled the 1967 crisis.[7]

**Contemporary Critiques and the Erosion of Dissent**

Historically, the Anti-Defection Law was designed to promote stability. By mandating that legislators vote exclusively as directed by the party "whip," the law has effectively subordinated the individual representative to the party high command. In the eyes of many constitutionalists, this has transformed the legislature from a deliberative body into a mere rubber-stamp institution. The historical irony is palpable: the law intended to save representative democracy from the "Aaya Ram, Gaya Ram" culture may have inadvertently facilitated the rise of the "High Command" culture, where the internal democratic processes of political parties are stifled by the threat of disqualification.

[6] 1992 SCR (1) 686, 1992 SCC SUPL. (2) 651

[7] https://indianexpress.com/article/opinion/columns/how-to-fix-the-anti-defection-loophole-7735959/ ,visited at 22:00 p.m. on 30th July 2026.

The historical journey of the Anti-Defection Law mirrors India's struggle to balance executive stability with parliamentary accountability. From the chaotic floor-crossing of the 1960s to the modern era of legally coerced consensus, the Tenth Schedule remains a testament to the complexities of the Westminster model in a multi-party landscape. It has undeniably curtailed the crass bribery of the 1960s.

## 3. The Validity of the Anti-Defection Law

Over the years, the Anti-Defection Law has faced numerous constitutional challenges. Through a number of rulings, the Supreme Court has continuously maintained its legitimacy in spite of these accusations.

The fact that the law limits elected officials' freedom of speech and expression is one of the main complaints.

The Court did clarify, nevertheless, that the law only forbids members from voting against the party whip on important issues. Their fundamental rights are preserved because it does not stop them from voicing their opinions or opposing the policies of their party.

The law's alleged abuse of central authority is another source of contention; detractors claim that it weakens the federal structure by enabling the Centre to disqualify elected officials. However, because the statute only deals with the disqualification of legislators who defect and does not interfere with state legislatures' authority, the Supreme Court upheld that it does not violate federal principles.

**Amendments to the Anti-Defection Law**

Since its creation, the Anti-Defection Law has undergone a number of constitutional revisions to strengthen its efficacy and rectify its initial shortcomings.

The following is a summary of the main revisions to the Constitution:

The 52nd Amendment Act, 1985 [8] added the Tenth Schedule, which established the Indian Constitution's anti-defection clauses. It outlined the procedure for dismissing lawmakers who leave their political party.

The 91st Amendment Act, 2003 [9] aims to reduce defection and stop the creation of unduly large Councils of Ministers. It sets a cap of 15% of the Lok Sabha's or State Legislative

Assembly's total number of ministers, including the Prime Minister or Chief Minister.[8]. Restricting them to 15% of the total number of members of the State Legislative Assembly or Lok Sabha. By prohibiting members who desert from having lucrative positions and making it more difficult for a party to unite with another, this amendment also bolstered anti-defection regulations. This amendment changed Articles 164[9] and 361B[10] of the Constitution and added something to Article 75[11].

## 4. Anti-Defection Law Exemption

The Anti-Defection Law contains various exceptions that permit flexibility in specific situations, even though its main goal is to prevent political instability brought on by party switching:

Legislators who are elected as independents and do not belong to any political party are free from the statute. They are not required to abide by any party directions and are free to cast their votes according to their own discretion.

Pre-Election Alliances: As long as the alliance stays together, lawmakers who switch their party affiliation to join a pre-poll alliance before elections are not disqualified.

Party Mergers: If at least two-thirds of the members of the original parties consent to the merger and join the newly formed party, they are not disqualified when two or more political parties combine to form a new organisation.

Party Splits: According to the legislation, elected officials are not disqualified if they join a faction that emerged from a split within their original party. This is only legitimate if the breakaway group consists of at least one-third of the party's members.

[8] https://www.legislative.gov.in/static/uploads/2025/07/1bc0ff014a6cd9946d181eb268f1259b.pdf , visited at 19:31 p.m , 28th July 2026.

[9] Constitution of India, Article 164-. (1) The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor:

[10] Constitution of India, Article 361B-A member of a House belonging to any political party who is disqualified for being a member of the House under paragraph 2 of the Tenth Schedule shall also be disqualified to hold any remunerative political post for duration of the period commencing from the
date of his disqualification till the date on which the term of his office as such member would expire or till the date on which he contests an election to a House and is declared elected, whichever is earlier.

[11] Constitution of India, Article 75-(1) The Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister.

Conscience Voting: Lawmakers are permitted to vote individually, even if it goes against the party whip, on issues of national importance, such as the election of the President or Vice-President or a vote of no-confidence.[12]

## 5. India's Democracy and the Anti-Defection Law:

The Anti-Defection Law, which was introduced in 1985, forbids Members of Parliament (MPs) and Members of Legislative Assemblies (MLAs) from switching parties or endorsing a vote of no confidence against their own party without the party's prior consent.

Instead of advancing the interests of their constituents, lawmakers are increasingly switching sides for personal benefit, which is why the law was created.

The way India's legislative system operates has been greatly impacted by this law. It has decreased the likelihood of frequent collapses and increased governmental stability by discouraging party switching. But it has also resulted in a reduction in the independence of elected officials, who are now required to adhere to party directions, restricting their ability to speak for themselves in the legislature.

Any member who willingly renounces their party membership or does not vote in accordance with the party whip during pivotal votes like confidence or no-confidence motions is subject to disqualification under the Anti-Defection Law, which is enshrined in the Tenth Schedule of the Constitution. Before deciding whether to disqualify a member, the presiding officer of the house must also give the accused member a chance to make their case.

Numerous significant Supreme Court cases have put the law to the test. In the 1992 case of **Kihoto Hollohan v. Zachillhu[13] and others [**11], the Court affirmed that the judgments made by the presiding officer are subject to judicial review while upholding the validity of the law. It underlined how crucial it is to provide lawmakers a fair trial before disqualifying them.

In **G. Vishwanathan v. Speaker, Tamil Nadu Legislative Assembly[14]** [12], another significant decision from 1996, the Court made it clear that the statute only applied to

[12] Krishna Kumar, Anupama Pandit Saxena and Kusumanjali Sharma," Anti-defection laws in India: A critical analysis", International Journal of Civil Law and Legal Research 2025; 5(2): 207-212.
[13] Kihoto hollohan,686 SCR at p. 5
[14] 2 SCC 353, 1996

members of political parties, not independents. Additionally, it decided that not casting a ballot does not amount to disobeying the party whip and, as a result, does not qualify for disqualification under the Act.

Overall, the Anti-Defection Law has limited the individual agency of lawmakers even if it has been crucial in preserving political stability and party discipline. The law continues to be a crucial tool for controlling political behaviour and maintaining the integrity of India's democratic institutions despite being under constitutional scrutiny.

## 6. Disqualification Grounds and Exceptions Under the Tenth Schedule

Articles 102(2)[15] and 191(2)[16] read alongside the Tenth Schedule of the Constitution, establish that lawmakers in Parliament and State legislatures face disqualification under specific circumstances:

**Primary Grounds for Disqualification**

**Voluntary Relinquishment of Party Ties**: An elected legislator put forward by a political party, or a nominated member who belongs to a party upon taking their seat, incurs disqualification if they willingly renounce their membership in that political party.

**Whip Violations**: Disqualification applies if a member votes or chooses not to vote in the legislature against instructions or a whip issued by their party, unless the party condones the action within fifteen days of the occurrence.

**Independent Legislators**: An independent candidate elected to a house is disqualified if they formally join any political party following their election.

**Nominated Members**: A nominated member faces disqualification if they affiliate with a political party after a period of six months has passed from the date they assume their seat.

[15] Constitution of India, Article 102(2)- A person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule.

[16] Constitution of India, Article 191(2)- Decision on questions as to disqualifications of members (2) Before giving any decision on any such question, the Governor shall obtain the opinion of the Election Commission and shall act according to such opinion.

As the Supreme Court highlighted in Rameshwar Prasad v. Union of India, the 91st Amendment tightened anti-defection rules by eliminating the one-third split exception, thereby barring mass shifting of loyalties and restricting legal party movement strictly to formal mergers under the Tenth Schedule.

## 7. Adjudicative Authority, Concurrent Claims, and Judicial Review Under the Tenth Schedule

### a. Handling Concurrent Pleas: Disqualification vs. Merger/Split

A major constitutional challenge arises when a Presiding Officer simultaneously receives a petition seeking a legislator's disqualification under Paragraph 2 (for voluntarily giving up party membership) and a counter-claim or defence invoking Paragraph 4 (claiming a merger) or historical split provisions.

This issue was closely examined by a five-judge Constitution Bench in **Rajendra Singh Rana v. Swami Prasad Maurya**.[17]. In that case, the Bahujan Samaj Party (BSP) moved to disqualify 13 members under Paragraph 2(1)(a), while a faction of 37 members simultaneously attempted to claim a legislative split. The Assembly Speaker chose to accept the split claim first while leaving the disqualification petitions pending.

The Supreme Court rejected the Speaker's approach, holding that:

Inseparable Proceedings: The framework of Articles 102[18] and 191[19], alongside the Tenth Schedule, treats these matters as a unified proceeding. A claim of a merger or split cannot be adjudicated in isolation from a pending disqualification application.

Defense Mechanism: A defense or plea of a merger/split is meant to shield a legislator from the penal consequences of Paragraph 2. It cannot be treated as an independent proceeding that supersedes or renders disqualification petitions infructuous.

[17] AIR 2007 SUPREME COURT 1305, 2007

[18] Constitution of India, Article 102- Disqualifications for membership. — (1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—

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[19] Constitution of India, Article 191- Disqualifications for membership. — (1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly or Legislative Council of a State

The Metaphor of Control: In essence, Paragraph 2 serves as the driving force of the anti-defection mechanism, whereas Paragraphs 3 (now repealed) and 4 act merely as the brakes or exceptions. Presiding officers do not possess the authority to process defenses independently of ongoing disqualification charges.

### b. Judicial Scrutiny and the Role of the Speaker (Kihoto Hollohan)

The constitutional validity of the Tenth Schedule was fundamentally evaluated in the landmark case of **Kihoto Hollohan v. Zachillhu[20].** A five-judge bench upheld the statute by a 3:2 majority, except Paragraph 7, which was struck down because it ousted judicial review without meeting the mandatory ratification requirements under Article 368(2)[21].

**Key Aspects of the Majority Ruling (Justice M.N. Venkatachaliah):**

**Severability of Paragraph 7**: The non-obstante clause in Paragraph 7 was ruled independent and severable from the rest of the schedule, leaving the remaining core provisions fully operational to combat political defection.

**Protection of Democratic Rights**: Paragraph 2 does not infringe upon a legislator's basic freedoms (such as speech, conscience, or dissent). Instead, it safeguards the integrity of parliamentary democracy by penalizing unprincipled floor-crossing.

**Tribunal Status and Judicial Review**: When deciding defection cases, the Speaker or Chairman functions as a Tribunal. Although Paragraph 6(1) states that their decisions are final, this finality cannot override the constitutional power of superior courts to exercise judicial review under Articles 136[22], 226[23], and 227[24].

[20] Kihoto Hollohan,686 SCR, at P. 5,10
[21] Constitution of India, Article 368(2)- An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, 4[it shall be presented to the President who shall give his assent to the Bill and thereupon] the Constitution shall stand amended in
accordance with the terms of the Bill:
[22] Constitution of India, Article 136- Special leave to appeal by the Supreme Court.
[23] Constitution of India, Article 226- Power of High Courts to issue certain writs.
[24] Constitution of India, Article 227- Power of superintendence over all courts by the High Court.

**Parameters of Interferenc**e: Judicial review is permitted only after the Speaker renders a decision, and it is strictly confined to jurisdictional errors, mala fides, perversity, violation of constitutional mandates, or breaches of natural justice (quia timet actions or pre-decision interventions are generally barred).

**Institutional Trust**: The majority viewed the Speaker as a vital guardian of legislative rights and privileges, assuming that the office operates with high integrity.

**The Minority Perspective (Justice J.S. Verma):**

In contrast, the minority raised deep concerns regarding institutional bias. Because a speaker's tenure relies entirely on the political backing of the majority party in the House, vesting them with quasi-judicial authority inherently invites suspicions of partiality.

Modern legal commentary frequently supports this minority stance, arguing that because a Presiding Officer's political survival depends on the ruling party, entrusting them with defection trials constantly risks perceived bias, prompting calls for an independent, external tribunal.

## 8. Conclusion and Reform Agenda

The Tenth Schedule gives institutional recognition to political parties, acknowledging that voters largely cast ballots based on party platforms and leadership. While party leaders hold the authority to report defections and request disqualifications under Paragraph 2, and the Speaker acts as the designated adjudicator under Paragraph 6 (subject to judicial review), structural flaws remain deeply embedded in the system.

The Loophole of Inaction: While courts can review a Speaker's final decision, they cannot easily remedy a Speaker's intentional delays or outright refusal to act. Although temporary measures (such as judicial timelines recommended in cases like Keisham Meghachandra Singh) offer some safeguard, relying on judicial stopgaps remains complex and legally sensitive.

The Conundrum of Dissent: A critical balance must be maintained. Anti-defection laws should penalize unprincipled floor-crossing and complete disregard for party principles, but they must not suppress legitimate dissent against arbitrary party leadership or muzzle representatives striving to voice constituent concerns.

**Proposed Reforms for the Tenth Schedule**

To overhaul the anti-defection framework and resolve its structural shortcomings, the following amendments are recommended:

1. **Removing the Speaker as Adjudicator:**

To eliminate partisan bias, adjudicatory powers under the Tenth Schedule should be stripped from the Speaker and transferred to an independent body. Viable alternatives include: Entrusting the decision to the President or Governor acting on the advice of the Election Commission of India (a model supported by the Law Commission and the Second Administrative Reforms Commission).

Establishing a dedicated three-member tribunal comprising retired Supreme Court judges or former High Court Chief Justices, where disputing parties select members and an independent chairperson is appointed by the executive head.

2. **Mandating Strict Timeframes:**

If the Speaker's office retains adjudicatory duties, Paragraph 6 should be amended to establish a rigid statutory deadline—such as 15 days from receiving the chief whip's complaint. Failure to decide within this period should automatically empower High Courts to step in and assume jurisdiction under Article 226.

3. **Restricting the Scope of the Whip**:

To protect freedom of speech and internal democracy, party whips should not be weaponized to crush legitimate criticism of party bosses. The application of whips should be legally restricted strictly to crucial matters determining government survival, such as confidence/no-confidence motions, Money Bills, and major policy votes, rather than being used to silence internal dissent.