

Anti-Defection Law - A Tussle Between Law and Ideology

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Abstract: *This article will analyse the "Anti-defection Law in India". Moreover, the author would be examining the contentious provisions of this act, while taking in account of its significance and criticism, and its recent development. Here, author would give a brief evolution of the act and then move on to its effects on the democracy of India. While discussing this act, the author would be also analysing the recent trends and its effect on the governance of the country and its effect upon the functioning of the democracy. Also, the author would be highlighting the tussle between freedom of speech and dissent in party politics. Author would also be focusing on the linkage between corruption and defection, and how defection betrays the electorates. The delay in deciding the matters relating to the defection by the presiding officer, designated by this act, and the power of the judicial courts in this regard would also be looked upon while resorting to relevant precedents set out by the Hon'ble appellate court of this country. Pertinently, Author would touch upon the issue of application of the law in the country and to what extent it has been successful in preventing the political defection.*

Keywords: Anti-Defection law, Tenth Schedule, Right to Dissent, Accountability, Horse-trading

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