



Polity Class Notes for IAS and PCS

Chapter no: 30

Anti defection law (ADL)

Anti defection law (ADL)	
➤	It is related to disqualified of MP/MLA and Ist implemented by West Bengal
➤	It was added by 52th Amendment 1985, 10 th Schedule, Later 91 st Amendment act 2003, change in 10 th Schedule, it omitted exception provision i.e. disqualification on ground of defection not apply in case of split. It is applicable to both parliament and state legislature.
➤	Speaker (Presiding officer) in loksabha /state legislative assembly and Chairman (Presiding officer) in Rjayasabha /state legislative council has Power of Disqualification under anti defection bill of Member of Parliament but Judicial review possible on decision of speaker.
Provisions for disqualification of MOP	
➤	Member of parliament (MOP/MLA), became disqualified if <ul style="list-style-type: none"> • If he voluntary give up his membership of such party • If he votes opposite from voting in such house contrary to any direction issued by his political party without permission party • <u>For Independent Member</u>, elected member became disqualified to MOP/MLA, if he joins any political party after election. • <u>For Nominated Member</u>, became disqualified for MOP/MLA, if he join any political party after expiry 6 months (it mean ,six months to join a political party, after being nominated)
Exception of anti-defection bill	
➤	Anti defection bill not apple, If member goes from his party as a result of merger of party with a voter party <ul style="list-style-type: none"> • If a merger take place when 2/3 of member of party have agreed to such merge. • If a member after being elected as presiding offer of house, voluntary given up membership of his party or rejoin it after he ceased to hold the office.
91st Amendment	
➤	Central council of minister should not be more than, 15% of total strength of Lok Saha (Art 75)
➤	Same as state assembly, but CM, include minister not less than 12
➤	If he disqualified MOP, then disqualified as Minister
➤	<u>10th Schedule</u> – exempting disqualified in case of split by 2/3 rd of member of party has been deleted, it mean, defectors have more protection on ground of split (split condition was not based of disqualified MOP)



Other link for study of UPSC-UPPCS

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