

Centralization of Political Power in India under the Anti-Defection Law

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ABSTRACT

Ironically, the Anti-Defection Law in India has undermined democratic ideals by consolidating political power among party leaderships, despite its intended purpose of reducing political instability caused by lawmakers' frequent party switches. The legislation drastically reduces the autonomy and independence of elected representatives by mandating rigid party discipline and tying lawmakers' votes to party directions. Because of this change, lawmakers will have less room to disagree, discuss, and advocate for their people. Another way power is concentrated is when the Speaker decides on defection cases at his discretion. This may lead to political judgments that benefit governing parties and undermine institutional checks and balances. As a result, the legislature is becoming less of a platform for diverse discussion and accountability and more of a rubber-stamping body. Central party orders in India sometimes trump regional demands, undermining cooperative federalism; this legislation has repercussions for India's federal system as a whole. A climate of fear and obedience among lawmakers has been fostered by the Anti-Defection Law, which, despite its good intentions, has aided in the homogeneity of politics and the decline of intra-party democracy. In order to revitalize democracy and decentralize political power in India's changing political environment, it is crucial to critically reevaluate the laws in light of this centralization, which threatens the principles of representative democracy, legislative independence, and constitutional balance.

Keywords: Political Centralization, Legislative Autonomy, Speaker's Bias, Parliamentary Democracy, Intra-Party Democracy.

INTRODUCTION

With the goal of promoting political stability, the Anti-Defection Law in India was enacted in 1985 as part of the 52nd Constitutional Amendment Act and subsequently incorporated in the Tenth Schedule of the Constitution. Its purpose was to prevent elected legislators from leaving their respective parties. The legislation has helped consolidate power, especially in party apparatuses and the executive branch, despite its original intent of preventing political opportunism and safeguarding the integrity of the election mandate. This unforeseen result has significantly affected the power balance in India's parliament, the independence of lawmakers, and the quality of democratic debate. A lawmaker loses their eligibility to serve as a legislator if they knowingly and willingly resign from their political party or vote against the party whip. Despite the provision's good intentions, which were to keep parties together and avoid instability caused by frequent defections, it has effectively taken away elected representatives' ability to make independent decisions by applying it universally to all votes, even those unrelated to government formation or confidence. The end effect of this is a system where the party hierarchy controls how legislators act, regardless of how divisive or important the policy issue is to individual districts.

The enforcement of the party whip is a prime example of this centralization. Theoretically, the role of the whip is to maintain discipline when it comes to important legislative concerns. When put into effect, however, it is often expanded to include ordinary legislative work, making party line voting mandatory in state legislatures and Parliament. This means that lawmakers can't really say what their people want or even disagree with one another. This has gradually eroded the legislative process, which relies on substantive discussion and negotiation to make policy, and deliberative democracy as a whole. A member of the governing party or coalition has typically served as Speaker of the House, which further complicates matters since he or she has the power to decide on disqualification under the Anti-Defection Law. The idea of impartiality in legislative functioning has been undermined by choices that are either politically biased or delayed as a result of this. Notable instances include the political upheavals in Maharashtra (2022–2023), Karnataka (2019), and Manipur (2017) show how Speakers have biased the application of the law, giving the governing parties more power and leaving less room for genuine opposition or disagreements within the party.

Another effect of the legislation is the consolidation of power at the national level among political parties. Electors are utterly reliant on party executives for ticket distribution, campaign finance, and internal promotions since top-level leaders often possess these powers. People are more likely to comply when they are afraid of being disqualified or politically marginalized if they disagree. The legislature loses its role as a place for honest policy debate and responsibility under such a system and becomes more of a rubber stamp for executive choices. There are some parliamentary democracies that have been more moderate. Members in the UK and Canada have a lot of leeway on other legislative issues since party whips can only call confidence votes. Although anti-defection measures exist in South Africa, internal discussion and autonomous legislative action are given more space. In contrast, India's strict adherence to anti-defection regulations shows a tendency towards an excessively centralized party structure.

On many occasions, the Supreme Court, numerous constitutional experts, and the Law Commission of India have voiced their reservations with the Anti-Defection Law's expansive powers. A number of people have proposed changing the legislation so that it only applies to votes that have an impact on the government's stability, such budget approvals and motions of no confidence. Some have argued that the Speaker should not have the authority to disqualify candidates, and that the power should instead rest with an impartial tribunal or the Election Commission. Centralizing political authority in India's varied and complex democracy weakens the entire essence of representative democracy, which is crucial in a country with strong regional identities, cultural heterogeneity, and concerns about local governance. The freedom of lawmakers to speak for region-specific interests or act according to personal conscience has been reduced by the Anti-Defection Law, which transforms them into agents of centralized party directives. Both the federal system of Indian government and legislative independence are profoundly affected by this.

THEORETICAL FRAMEWORK

Placing the topic within the larger framework of political theory and constitutional philosophy is necessary for conducting a critical analysis of the Anti-Defection Law's role in consolidating political power in India. Centralization of power, representative democracy, the conflict between party discipline and legislative independence, and the work of influential constitutional experts and political theorists are all included into this framework.

Political Centralization

When a small number of people or organizations, most often the top brass of political parties, amass an excessive amount of power and decision-making sway, this phenomenon is known as political centralization. The power to establish agendas, create policies, and decide legislative objectives is concentrated at the top, rather than spread out among the party's members or each elected representative. Political centralization limits the autonomy of elected lawmakers in parliamentary democracies, who should theoretically act independently of party hierarchies in debating, deliberating, and making decisions on behalf of their constituents.

For democracies, this consolidation spells disaster. Pluralism, or the inclusion and representation of many viewpoints, interests, and voices; and deliberation, or the free debate and contestation of ideas, are the ideal operating principles of a democratic society. Legislators run the danger of becoming rubber stamps for party leadership when authority is concentrated at the top, leaving little room for thoughtful discussion and impartial decision-making. The legislature endorses choices made by a small group of influential people rather than providing a platform for multiple opinions to debate and influence policy-making. Accountability, openness, and representation—the fundamental foundations of democracy—are undermined by this, which in turn lowers the standard of government.

Representative Democracy

Citizens in a representational democracy choose persons to represent them in the legislature via the electoral process. It is the duty of these elected representatives to express and defend the views and interests of their people within the bounds of the law. Representatives in a representative democracy are supposed to do more than just mouth the party line; they are supposed to think for themselves, assess policies objectively, and make choices that benefit the whole community.

This strategy rests on the premise that lawmakers will be honest and independent enough to stand up for what their constituents want even when it goes against the party line. This autonomy guarantees that lawmakers are mostly responsible to their voters, not only to party bosses. Nevertheless, this independence is severely curbed by the Anti-Defection Law, which mandates party allegiance via legal means. The rule severely limits lawmakers' ability to disagree or act on their consciences by making disqualification a possible consequence for those who vote or talk contrary to the party line. Not only does this legislative limitation make it harder for legislators to adequately represent their constituents, but it also contradicts a basic tenet of representative democracy: the idea that government officials should answer to the people, not just their party.

Party Discipline vs. Legislative Independence

One of the key dynamics of parliamentary systems of government is the conflict between the need for party discipline and the need for legislative independence. Party discipline is crucial for stable and consistent government, on the one

hand. When it comes time for important votes like budget approvals, motions of confidence, or big legislative changes, political parties may show their united front on important policy concerns. Governments are able to carry out their duties efficiently, free from the distractions caused by internal revolt or legislative anarchy, when there is strict party discipline. Conversely, legislative independence is critical to democracy's well-being. It is only fair that lawmakers, who represent a wide range of interests and perspectives, have the freedom to think for themselves, question party policy, and have fruitful debates without fear of retaliation. This autonomy guarantees that laws are thoroughly reviewed before being passed, encourages openness, and promotes responsibility.

By making it a legal requirement for lawmakers to comply with party directions with little space for disagreement, the Anti-Defection Law puts a heavy emphasis on party discipline. The concept of parliamentary independence is seriously compromised, but in the near term, political stability may be achieved. Instead of acting independently as representatives of the people, legislators become puppets of the party bosses. By silencing dissenting opinions and reducing room for internal party democracy, this undermines democratic government and the legislature's ability to serve as a check on the administration. Instead of serving the public interest, the legislature takes on the role of imposing party control and loses its deliberative function in such an atmosphere.

I. HISTORICAL EVOLUTION OF THE ANTI-DEFECTION LAW IN INDIA

Modern India's Anti-Defection Law developed as a legislative reaction to a serious political crisis characterized by widespread defections and instability; it was not originally a part of the country's constitutional structure. The frequent party flipping by elected members was one of the many obstacles that the democratic experiment in India encountered in the decades after independence. This method cast doubt on the honesty and responsibility of lawmakers and weakened democratic administrations.

Pre-1985: Political Opportunism and Instability

Many lawmakers in India's legislatures switched parties in search of better pay, more perks, or even ministerial posts in the '60s and '70s, when defections were commonplace. As a result of this occurrence, the administrations of many states fell and political stability was compromised. The 1967 defection of Haryana lawmaker Gaya Lal—who deserted three times in a single day—is one of the most notorious examples of this tendency. The expression "Aaya Ram, Gaya Ram" emerged from his deeds and grew to represent the era's opportunistic and unstable political culture. Many people wanted a legislative framework to deal with political defections because they saw them as dangerous for democracy and as acts of egotism.

The 52nd Constitutional Amendment Act, 1985: Introduction of the Tenth Schedule

In 1985, the 52nd Amendment Act was passed by the Indian Parliament in response to the increasing political instability brought about by defections. This act inserted the Tenth Schedule to the Constitution, which is often referred to as the Anti-Defection Law. Legislators who willingly left their party or who voted against party whips were disqualified under this rule, which aimed to reduce political opportunism.

Legislators were prohibited from leaving for personal or political benefit under the statute, which aimed to maintain political stability and strengthen party unity. Despite its success in lowering the frequency of defections, it drastically limited the room for disagreement inside political parties and bound lawmakers firmly to party orders. When two-thirds of a party's lawmakers joined forces with another party, or when one-third of a party's lawmakers deserted jointly (a split), the original rule included an exemption to disqualification. The intention behind these exclusions was to address valid party mergers and factionalism, but the result was the creation of loopholes. In order to rationalize mass defections while still nominally complying with the law, politicians would often use these clauses, thereby avoiding the legislation's intended purpose.

The 91st Constitutional Amendment Act, 2003: Closing the Loopholes

In 2003, the government passed the 91st Amendment Act, which severely restricted the Anti-Defection Law, in response to the abuse of the previous provisions. A significant loophole was closed with this change, which eliminated the rule permitting splits to escape disqualification. A further motivation for defectors to stay was removed when it forbade them from taking ministerial or other financially rewarding positions inside the administration.

Although the 91st Amendment tightened the laws to discourage opportunistic conduct, it unintentionally strengthened the grip of party leadership on power. It inhibited parliamentary independence and successfully concentrated power in the hands of party insiders by making disagreement more expensive for individual lawmakers.

Judicial Interpretation and Oversight

When it comes to understanding and implementing the Anti-Defection Law, the court has been important. The Supreme Court's decision in the seminal case of *Kihoto Hollohan v. Zachillhu* (1992) confirmed the Tenth Schedule's constitutionality but raised worries about the Speaker's office having too much authority as it was in charge of defection cases. Despite being discretionary, the Court found that the Speaker's actions might be reviewed by the courts. This decision put in place a crucial system of checks and balances, making sure the Speaker's authority couldn't be used

arbitrarily or without responsibility. Later decisions, such as *Rajendra Singh Rana v. Swami Prasad Maurya* (2007), upheld this approach by stressing that the Speaker must promptly and impartially consider defection petitions. However, from 2017 to 2019, political crises in states like as Manipur and Karnataka brought attention to the ongoing problems of partisanship and procedural delays in defection situations decided by Speakers. These incidents demonstrated how political engineers often used the legislation to consolidate control within party leadership and undermine institutional neutrality, rather than to reduce political instability.

II. MECHANISMS OF POWER CENTRALIZATION UNDER THE LAW

The Anti-Defection Law has codified a number of practices that, taken as a whole, limit lawmakers' autonomy and concentrate political power in the hands of party leaders. The following are the main mechanisms:

Unrestricted Use of the Party Whip

The party whip's role has grown from its original intent of maintaining party cohesion during budget approvals and confidence motions to include almost every aspect of legislation, including private member bills, debates over policies, and even discussions on social and moral problems. A legislator's personal beliefs and the interests of their constituents are rendered moot by this far-reaching application, which compels them to vote rigidly along party lines. Under these conditions, legislators lose their independence and become puppets of party bosses, in direct violation of their constitutional duty to serve the people.

Discretionary and Politicized Role of the Speaker

Cases involving defection are decided by the Speaker of the House of Representatives, who is usually chosen from the governing party. As a result, there is an inherent conflict of interest as the Speaker could tip the scales in their party's favor by delaying deliberations or handing down judgments that benefit their party. The strategic use of the Speaker's discretionary powers has been shown in a number of high-profile situations, such as the Karnataka crisis (2019) and the Maharashtra political conflict (2022). The absence of a set schedule for deciding instances of defection makes the situation more worse and leaves room for political interference.

Erosion of Intra-party Democracy

Party leadership has almost complete influence over lawmakers' political careers under the existing system. Party ticket rejection, expulsion, or disqualification is some of the consequences for those who disagree. So, even when party orders go against their values or the wishes of their constituents, the majority of lawmakers choose to comply rather than challenge. Democratic debate and internal party democracy are both weakened by this dynamic, which promotes a culture of dread and subordination within parties.

Diminished Role of Constituency Representation

Members of Congress are chosen to serve the people who live in their respective districts. But they often have to put party demands ahead of constituent concerns because of the Anti-Defection Law. This undermines the whole essence of electoral democracy, which is to give people a say in government by means of their elected representatives, by creating a gulf between the two. Public dissatisfaction and the erosion of democratic accountability are fostered by such a gap.

III. IMPLICATIONS FOR REPRESENTATIVE DEMOCRACY

Concerns over the representational nature of India's democratic framework are heightened by the Anti-Defection Law's concentration of political power. The key democratic expenses are discussed in more detail in the following sections:

Suppression of Dissent and Free Expression

Silencing lawmakers who disagree with the majority is a direct result of the Anti-Defection Law. If a lawmaker openly expresses a different opinion or votes differently from their party's official stance on important issues, they run the possibility of being disqualified from office. Rewarding obedience and penalizing critical thought, this repression of internal criticism fosters a political culture. Opposition is not only accepted in a democratic society; it is fundamental. It promotes open discussion, new approaches to governing, and responsibility. Legislative institutions experience intellectual stagnation as a result of the law's efforts to stifle opposition.

Undermining the Role of Legislative Debate

The decline of parliamentary debate is another major consequence. Since most lawmakers are compelled to stick to party positions that have already been set, discussions in parliament and assemblies have become more ceremonial and fruitless. Consequently, legislation is often enacted without considering their wider social or constitutional consequences, and modifications are hardly considered. Bills are approved with little to no debate. Legislators are relegated to the role of mere formalizers of executive decisions, rather than a venue for thorough examination of governmental activity. This diminishes institutional safeguards and lowers the standard of democratic government.

Inverted Accountability of Legislators

Another effect of the Anti-Defection Law is a change in responsibility, with lawmakers now answering more to party bosses than to the people they represent. The role of elected officials in upholding the wishes and addressing the concerns of their citizens is crucial to a robust representative democracy. But the current legal system forces lawmakers to obey party orders regardless of whether they run counter to popular opinion or local interests. A system of inverted accountability is established, where party allegiance takes precedence above duty to the people. Disillusionment with politics and voter alienation result, undermining democracy's representational character.

Weakening of Federal Principles and Regional Autonomy

Lastly, India's federalism is being undermined by the Anti-Defection Law. When national parties have sway in both houses of Congress, it's not uncommon for party decision-making to be centralized, which puts state-level leaders and problems on the back burner. Local officials are unable to fight for their states, while national leadership often disregards regional concerns. As a result, India's policies become too uniform and fail to take into account the country's many regions. This shift is pushing India's political system toward a unitary tilt, which goes against the spirit of cooperative federalism that the Indian Constitution upholds.

CONCLUSION

Despite its origins in a desire to keep the peace, the Anti-Defection Law has become a mechanism for consolidating control inside political parties and restricting the independence of MPs. It erodes the fundamental ideals of representative government, imposes strict party discipline at the expense of democratic debate, and downplays the importance of local issues. The bill has upset the delicate balance between parliamentary independence and executive accountability by giving too much power to party high commands and politically allied Speakers. There must be immediate change if our lawmakers are to continue serving as genuine representatives of the people and the Constitution is to remain intact. These include encouraging intra-party democracy, eliminating the adjudicatory function from partisan authorities, and restricting the whip's authority to important votes only. Parliament and state legislatures in India run the danger of becoming tools of the executive branch under the present Anti-Defection Law, rather than venues for public debate and responsibility. To keep democratic representation from being supplanted by centralized political power, it is crucial to promote decentralized, participatory political culture and strengthen institutional checks.

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