CHAPTER - I

INTRODUCTION

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CHAPTER - I

Introduction

1.1 Conceptual Framework

Politics is the perennial pursuit of power. As such politics has great attraction for most people who aspire to come to seats of political authority. Access into the corridors of political power has always been a thrilling and enchanting experience. But, politics is the most hazardous of all professions and it involves great uncertainty and insecurity. In spite of this, politics is still preferred by many as the noblest career. Probably with the best motive in mind to do best to the fellow beings, people get into the profession of politics. Persons in such profession do form associations, carry on political activities and try to get into or to retain power.\(^1\) Capturing of power is the ultimate goal and in a democratic society, the people or the electorate is the ultimate source of political power.

On the other hand Parliamentary form of Government, as it has been rightly said, is one of the most effective forms of democratic political system that the human ingenuity has so far devised to ensure the rule of the people for their own good. However, Parliamentary governments are essentially party governments. This system recognises and encourages the formation and growth of political parties. People professing common faith and common belief agreeing upon common schemes form political parties. There are countries like great Britain where the entire electorate is divided into some clear cut political camps. In such countries the verdict of the people generally becomes clear and formation of Government becomes easier.

\(^1\) Kashyap S.C. Politics of Defection, National, 1969, p.1
In multiparty states parliamentary form of government faces many hurdles in the way of its working. In order to prevent political instability in democratic societies, party system has been preferred, because the party possesses a cohesive unity. Its members are normally well-knitted, integrated and united. They fight a common battle for all important common issues. But, the whole tragedy is that the parties are losing their homogeneity. They are disintegrated and party factions are rampant. The evils of factionalism, groupism and schism have afflicted most of the political parties in the multiparty states. Such evils are further aggravated by the mushroom growth of political parties in the provincial states.  

Normally Political parties and candidates approach people for support with the pledge that they are not masters but they will act as the humble servants of the people. Power is sometimes compared with a treacherous woman, who is loved by many and who shifts loyalty from one to another. Lovers of power who succeed in getting her favour are never satisfied and want more of it. Persons who can not achieve power through constitutional methods try to get it by hook or crook. However, in a democratic society, the process of popular elections only provides a pageantry for political power and does not ensure that the politicians will remain the servants of the people and people usually vote for the candidate of a political party whose election manifesto best appeals them. After the election, the elected representative is to act in accordance with his manifesto and to represent the views of the voters of his constituency in the forum to which he is sent. The power thus given to the elected politicians must not be exercised to the detriment of the people. On the other hand, after the election in order to gain

2. Pattnaik B.K., Politics of Floor Crossing in Orissa, Santosh Publication, Orissa, p.38.
power, most of the elected representatives leave their original political party and join the ruling party without giving due regard to the mandate of the people. Hence, a representative who tries to satisfy his personal and partisan interest loses his representative character and his membership may justly be considered as unethical and immoral. Moreover, in the absence of any alternative remedy available to the electorates like the right to "recall" the already elected representatives, this kind of act by the legislators can be said to defeat the purpose for which the right to franchise has been granted to the citizens and thereby curtails the civil liberties of the people.

The Indian Political System is in the making. The Law has done the most for the conduct of free and fair election which is the *sin quo non* to the democratic society. But, before the passage of Anti-Defection Act, it had not done anything to respect the mandate of the people after the elections are over which has made the democracy a mockery as it depends mostly on the whim and caprice of the individual elected representatives who shifts loyalties at their sweet will. It is being argued that since our civil liberty which is also a part of human rights ensures us a free and fair election, we should have a fair and representative government which commands the support of majority of electorates and as in Indian Parliamentary Democracy the "right to recall" is not granted to us, a free hand to defect against the mandate of the electorate should not be provided to the elected representatives.

However, defections are not unusual in democracies. They are inevitable symptoms of party system and especially of multiparty system. Advanced countries like Britain, Australia, Canada, New Zealand etc. have also experienced defections particularly in the early stages of their institutionalisation of conflicts of political power. Although, everywhere, it is considered an extraordinary step for a legislator to quit the party
on whose ticket he is elected to the legislature, he has, nonetheless, a perfect constitutional and legal right to do so. Edmund Burke (1729-97) who was elected as member of Parliament for Bristol in 1774 in his famous Bristol address on November 3, 1974 enunciated the doctrine that a member of Parliament is a representative of the people and not a delegate of the constituency which elects him and that in his actions he must be guided above by his own judgement and conscience. Sir Robert Peel (1788-1850) did not accept Burke's doctrine of representation. He held that the acts of a member of Parliament inside the House must be governed by the mandate he received from his constituents at the time of his election. Having received such a mandate he was obliged to carry it out even if changed circumstances dictated him a different course of action. But, Peel himself deviated from his policy while he was Prime Minister.

On the other hand, the arch conservative philosopher, Edmund Burke, who enunciated the trusteeship theory of representation and who unequivocally rejected any idea of a mandate, argued that Parliament was "not a congress of ambassadors from different and hostile interests --- but a deliberative assembly of one nation, with one interest, that of the whole - where nor local purposes nor local prejudices ought to guide, but the general good, resulting from the general reason of the whole".

The idea of the representative having a right, and even a duty, to exercise an independent judgement, is a notion that is out-of-step with modern electoral realities. A representative chosen by the people of a particular constituency should presumably speak for the constituency. Describing the representative as a 'delegate' the famous Labour Party

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6. Ibid.
leader, Aneurin Bevan, rightly argued, "A representative person is one who will act in a given situation in much the same way as those he represents would act in that same situation. In short, he must be of their kind . . . Election is only one part of representation. It becomes full representation only if the elected person speaks with the authentic accents of those who elected him . . . he should share their values that is, be in touch with their realities." 

Since the Bevanite argument appears more persuasive than the Burkean view, it is imperative while designing a robust democracy, that constituents should have a major say in the selection of candidates. Whether it is through the system of primaries, as the US Presidential elections, or the selection of Labour Party candidates in British Parliamentary elections (one-third by local constituents, one third by the Trade Union Congress and one third by the Parliamentary wing of the party), the constituents should have an important say in the selection of candidates by political parties.

In India and other South Asian countries, the various political parties select their candidates purely through a system of patronage doled out by the party high commands. Those candidates, who often contest from several constituencies simultaneously, have no organic link with their constituents which instead of protecting the civil liberties of the electorates, promotes anarchism of the political party basses in India. Further, since those legislators have got no attachment to their constituencies, they fall pray to the political horse trading and floor crossing which breeds political, social and moral corruption in India.

8. Ibid.
1.2 The Problem:

To counter the practice of horse trading and floor crossing and to brid healthy Democratic tradition, the Anti-Defection Law was passed 1985. But, before the passing of the Anti-Defection Act of 1985, the politics of defection has become part and parcel of Indian Political life, and it seemed that just as birds can't remain without flying, the Indian Legislators could not help without defecting. But after the passage of the Act, instead of finding some ways of democratising the wide powers of the office of the Speaker, the law has conferred more unbridled, discretionary and even penal powers to it. Many parliamentarians and legal luminaries rightly feared that the high office of the Speaker is going to be the centre of all political controversies in future and that his impartiality would always be under the cloud of suspicion.

The Anti-Defection Law raises vital issues of importance which involves the future of Parliamentary democracy in India. Legislator's right to free speech and vote, right to be governed by a responsible and accountable Govt., sanctity of judicial review, independence of judiciary, separation of the executive from the legislative power and of the judicial from both, vesting of vast penal powers in a non-judicial authority and above all amendability of basic structure of the constitution are some of the basic issues which are to be answered.

Besides these, some specific issues to be covered which relate to the office of Speaker to which the law has conferred more unbridled, discretionary and even penal powers. In practice, it would become an impossible task for the Speakers to maintain impartiality as their position are always dependent upon the majority support of the political parties. By, the creation of a permanent Parliamentary Judicature in the matter of disqualification of members by a temporary majority of 1985,
Parliament does not usurp the domain and power of judiciary but also directly affects the power and privileges of the elected representatives.

The Indian Constitution does not define a 'political party' neither does the prime enactment governing the matter of election i.e. the People's Representation Act, 1951. It is only the Election Symbols' (Reservation and Allotment) Order, 1968, that mentions a 'political party' that too merely for the purposes of allotment of symbols. The Supreme Court of India in its all important judgements over the dispute of allotment of symbol has refrained itself from defining a 'political party'. Ironically the Tenth Schedule for the first time without defining a political party uses terms like 'legislature party' and 'any political party'.

This is against the fundamental character of representation under the Constitution of India. The provisions of the Constitution unmistakably indicate that the pivot of the system is 'individual' and not 'party'. The provisions of the Constitution of Parliament under Article 79 to 81, and the Constitution of Legislature of States under Article 168 to 171 make references to 'individual members' or the elected representatives only. Article 84 and Article 173 lay down qualification for membership of Parliament and State Legislature respectively. Also Article 99 and 188 prescribe oath, upon all individuals and there is no mention of parties. The Tenth Schedule by bringing an alien notion of political party alters the basic scheme of Parliamentary representation. The Anti-Defection Law also infringes the fundamental rights of elected representatives guaranteed by Article 19(i) (a) i.e. freedom of association.

The Law must answer the test of "reasonable classification". The classification becomes reasonable if it bears nexus with the object of the law. How does an individual defection fulfils the object of the law

while group defection is permissible. Is the object of the law to prevent only individual defections? The answer is that the object of the law is to cleanse the public life and secure the stability of parliamentary democracy. Can a group defection strengthen the parliamentary democracy? Adequate answers may not be available to support the classification made in dividing line between those which are defections and those which are not. The guidelines are neither clear nor bear any nexus with the object of the Act.

The question is who can resolve these issues? Can the Parliament do it? Can the Speaker or a Privilege committee do it? Or can the Government do it? These are the real problems which need to be answered.

1.3 Definition:

In this context it is pertinent to know the exact meaning and connotation of the word 'defection'. The term defection simply means desertion or abandonment or running away from duty. However, in politics, its ramifications include many situations like changes of allegiance from one party or group to another, shifting of loyalty or allegiance from one party or group to another. It also means repudiation of the label under which a legislator successfully contests his election and crossing the floor inside the legislative chamber. A political defector may indulge in severance of connection from one party for the sake of joining another party, or living like an independent or even founding a new party or a pressure group, leaving a party and then coming back to its fold in the fashion of marching and counter-marching and the like. Hence a proper definition of this term should cover all such possible manifestations in order to be widely, if not universally acceptable.11

11. Johary J.C., Reflections on Indian Politics, p.34.
Different terms have been used for defection. Crossing or changing of floors, carpet crossing, political turn-coatism, the politics of musical chairs, the politics of opportunism, the politics of defection etc. have been used to describe the phenomenon of legislators changing their political party affiliations in large numbers. Some political commentators differently characterise it as the 'politics of deviation', 'politics of instability', the 'politics of confusion' or the 'politics of transition'. But these words and terms do not mean the same thing. They are used to connote the same phenomenon. It appears that in the coinage of these words and terms the authors have exhibited their love for rhetorics rather than the accurate analysis of the meaning of political defections.

The traditional term for political defection is floor crossing. It had its origin in the British House of Commons where the sitting arrangement is such that the ruling party and the opposition members sit facing each other. When we talk of floor crossing or changing the floor of the House, what is meant is that a legislator moves over from the side of the Government to the opposition side or vice-versa. In this situation, besides his own, the fortunes of at least two other parties—one of them being the ruling party may be involved. Such floor-crossing is a recognised phenomenon in parliamentary practices. But, the concept of floor-crossing pre-supposes a system of political polarisation which does not exist in India. Also, there can be no crossing the floor of the House outside or away from the floor of the House while by far a large number of present day changes in the political affiliations of legislators in India are being effected outside the Houses of the Legislatures and often far away on the streets, at Raj Bhabans, outside the state in the Union Capital, through signed memoranda and counter-memoranda and in many other ways. There is also the problem of the many changes of affiliations by legislators from one party to another on the same side of the House, i.e. the legislators leaving one constituent party of a Coalition Ministry and
joining another constituent party in the same Coalition Ministry or of leaving one party in the opposition side itself. Therefore in the Indian Context, because of the multiple dimension of the politics of defection, the term floor crossing can't obviously comprehend all these facts of the phenomenon.12

Change of party affiliation or allegiance as such can be made by any party member at any time without his being a member of any legislature and as such a change would not have any effect in either the party position in any House or on the Government of the day. It might also be done on the eve of the elections upon refusal of a party-ticket.

Nigerian Parliament used to the term 'carpet-crossing' as a synonym for 'de^tion'. The term 'carpet-crossing' is actually relevant in Nigeria because there are separate carpets for the treasury and opposition benches and a person wanting to change side has to cross the carpet.13 Politics of confusion or of instability may be brought about by many means other than change of party affiliation by legislators.

In military vocabulary, the term 'de^tion' is used to describe the desertion or running away of a soldier from duty. Running away from one's own country to another on strong political differences with the Government or to escape some punishment is also called defection. In a broader sense, the word defection would denote the act of abandonment of one's leader or side or cause or of departure or severing of one's association with a particular party, person or group. In the present context, however, a political defector is a person who repudiates the label under which he contested an election. According to Webster's dictionary, the term 'de^tion' gives no certain indication of motive though at times, loss of confidence may be indicated. The difference

between defection and desertion is that the later suggests a base motive and also presupposes an oath of allegiance or duty or an obligation to guard, protect or support.¹⁴

A person may resort to defection out of personal disillusionment, disgust, disappointment or as a result of what is often termed as the prodding of conscience. But, after leaving the party with which one has been associated, one may well choose to remain unattached. There are also other situations involving independent members e.g. where an independent member joins one of the parties with a view to strengthening it, it has already formed the government or of enabling it to form a government by ousting the government of the day. On a strict construction, these situations would not be covered by the term defection.¹⁵ However, the Anti-Defection Law of India covers this aspect also within the text of its legislation.

Hence, there is no precise definition of the term 'defection'. Dr. Subash Kashyap in his "Politics of Defection" says, unless otherwise stated, the term defection in his study should be understood to mean any change of political label and should include all such cases as (i) that of leaving a particular party after being elected as a legislator on its ticket and joining any other party, (ii) of resigning from the party but remaining an independent thereafter, (iii) of joining a particular political party being elected as an independent.¹⁶ Legislators who vote against their party in the legislature on the basic issues without actually resigning from the party should nonetheless be deemed to be defectors. Irrespective of its dictionary meaning here, the term 'defection' would thus mean and include both an act of dissociation with one party or choosing an independent platform as also of developing a new political

¹⁵. Pattnaik B.K. Supra f.n. 2, p.43.
allegiance either by joining outright the other party or by voting with it and against one's own party. It would cover changes of party affiliation both from the opposition to the Government side or vice-versa as also changes as between the Parties on the same side of the House, i.e. between the Constituent units of a Coalition government or between the different parties sitting on the opposition benches.

Defection, as Mr. Seervai pointed out, is defined in the dictionary to mean "falling away from a leader, party, religion or duty; desertion to another country". According to a study by the Ministry of Home Affairs, "defection" means the transfer of allegiance by a legislator from one party to another political party or an identifiable group.\textsuperscript{17} It is worth mentioning that prior to the setting up of the Committee on Defections in 1968 two Union Ministry- Home and law had drawn up two separate reports on the practice of defection. On the paper on defection, the Law Ministry Paper has defined the term for the purpose of the said paper as:

"Defection will be taken to mean transfer of allegiance by a legislator from one political party to another political party or identifiable political group. Defection is also taken to occur when a legislator, without a formal transference of political allegiance or party label, votes against the policy sponsored by one's own party or group in the legislature. In this sense of the term, a legislator who defects to a political party or group and returns subsequently to his own political party or group commits double act of defection."\textsuperscript{18}

However, the Committee on Defections which was appointed by the Lok Sabha under the Chairmanship of the then Home Minister, Y.B. Chawan, defined the term 'defection' in the following terms.

\textsuperscript{17} Johari J.C., Supra f.n. 11.
\textsuperscript{18} This definition also finds mention at page 46 of the Proceeding of the Committee on Defections, 1968 published by the Government of India, Ministry of Home Affairs.
"An elected member of a legislature who had been allotted a reserved symbol of any political party shall be deemed to have defected if, after being elected as a member of either House of Parliament or of a Legislative Assembly or Legislative Council of a State or a Union Territory, he voluntarily renounces allegiance to, or association with such political party, provided his action is not in consequence of a decision of the said political party.  

According to Madhu Limaye, the most satisfactory definition of defection was the one drafted by Jayaprakash Narayan, who was also the member of the Y.B. Chavan's Committee. It said:

"An elected member of a legislature who had been allotted the reserved symbol of any political party can be deemed to have defected, if after being elected, he voluntarily renounces allegiance to, or association with, such political party, provided his action is not in consequence of decision of the party concerned".

Thus defection in politics covers a wide range of activity of the defectors, each amounting to the act of political desertion, they are:

a) leaving a party and joining another;
b) leaving a party, joining another and then returning to the original party;
c) leaving a party to become a non-party man;
d) leaving a party but continuing to support the same as a liberal politician;
e) leaving a party to form another party or group;
f) leaving a party, founding another and then merging it with the same or with some other party.

The act of defection begins with the shifting of one's political allegiance culminating in the severance of his connection from a party with any motive whatsoever.21

In spite of the plethora of definitions of the term 'defection' as discussed above, the Anti-Defection Act does not contain any specific definition of the term 'defection' and left it to the Speaker/Judiciary to decide.

1.4 Objectives:

The objectives of this paper is -

1.4.1 to identify the elements that constitutes the phenomenon of political defections;

1.4.2 to describe briefly historical parallels from other democracies;

1.4.3 to give a rapid interpretative account of the process of defections as witnessed in this country in the period before and after the Fourth General Election;

1.4.4 to advance possible hypothesis on the factors that give rise to the phenomenon;

1.4.5 to make analysis and discuss the pros and cons of the Anti-Defection Law after the same has been passed;

1.4.6 to discuss the relevancy of the Anti-Defection Law after studying important cases in the Legislative Assemblies and Parliament and its effect;

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1.4.7 to analyse the effect of judicial interpretation of the Anti-Defection Law and to make an in-depth study on the widening gap between the legislature and the judiciary over the said Law; and

1.4.8 to make recommendations on the nature of responses to the phenomenon on the part of political parties, the government, the legal luminaries and the constitutional experts.

1.5 **Hypothesis** :

For the purpose of study of the Anti-Defection Law, the following hypothesis has been propounded and put to test.

1.5.1 **Major** :

1.5.1.1 Anti-Defection Law even though is an instrument of anarchism of our elected representatives at the hands of their party bosses to choke their conscience in the name of discipline, still then acts as a protector of the will of the electorate and their civil liberties;

1.5.2 **Minor** :

1.5.2.1 Political horse-trading and floor crossing breeds political, social and moral corruption in India and acts as an antithesis to the mandates of the people;

1.5.2.2 Anti-Defection Law failed to fulfil its objectives because of the provisions of 'split' and 'merger' and also leaving the party organisation outside the preview of the Anti-Defection Law;

1.5.2.3 Anti-Defection Law has degraded the position of the office of the Speaker and also widened the gap between the Legislative and the Judiciary.
1.6 Methodology:

1.6.1 The Study makes use of both historical and analytical evaluative method. It traces the controversies between the legislature and the judiciary with regard to the adjudicating powers of the Speaker or Chairman vis-a-vis the supremacy of judicial decisions. Besides, the study also critically analyses the evolution and consequences of defection politics in India.

1.6.2 The case-study method has been predominantly used to analyse and discuss the legislation and its interpretation when applied to actual facts and circumstances.

1.6.3 Comparative method has also been adopted to compare the laws of Defection in India with relative laws in other democratic countries of the world. The laws of those countries have been examined and their suitability to Indian contest have also been suggested.

1.6.4 Interview & field study have also been adopted to get an empirical analysis of the behaviour of the legislators and their reactions to the Anti-Defection laws and its procedures.

1.6.5 Content analysis of relevant literature on this subject has been adopted on a doctrinaire approach. This shall include books and monographs, magazines, journals and periodicals, articles, newspaper reviews etc. Evaluation has been made on the basis of the critical analysis of the materials gathered from relevant literatures.

1.7 Selection of the Area:

Anti-Defection Law has been taken up for study because in the present day political system when the hung parliament and unstable
legislatures have become the order of the day, this Law assumes the
centre stage in deciding the fate of Parliamentary Democracy in India.
Further the area is selected for study because (i) this Law is new in
origin; (ii) it is an unexplored field; (iii) it has not attracted sufficient
attention of the scholars and researchers in India as it should have been
and it is because of this reason that this law does not find mention in
most of the text books on Constitutional Law. Any study in such
unexplored, neglected area is likely to be appreciated not only because
of its pioneering nature but also because of its significance.

1.7.1 Arena included and Arena excluded

It has not been possible on my part to make the study by taking
the whole of India including 25 States and 7 Union Territories as the
field of research and therefore a Census on Indian defection politics and
its repercussions could not be undertaken. On the other hand, this
study becomes a sample one but samples which are worth considering
and which are relevant to the study intended to be made.

1.8 Research Planning:

In this phase the research design is finalised. The entire study has
been divided in to VIII chapters according to the relevancy and its
respective importance to the theme keeping in view the objectives, arena
and hypothesis etc. The brief introduction to the different chapters are
given hereunder.

1.8.1 The Chapter-I deals with the introduction to the subject which
covers the following sub-headings:

1.8.1.1 Conceptual frame work - Under which the concept of
Democracy, Parliamentary Form of Government, Party
system and its role under the Parliamentary Democracy,
definition and meaning of Defection as practised in different democracies of the world are discussed.

1.8.1.2 **Scope and objective** - It involves discussions on future of Parliamentary Democracy in India, Legislator's right to free speech and vote, Citizens right to be governed by responsible and accountable Government, sanctity of judicial review, independence of judiciary, separation of the executive from the legislative power and judicial power from both, vesting of vast penal powers in a non-judicial authority i.e. the Speaker and above all amendability of the basic structure of the Constitution.

1.8.1.3&4 The Hypothesis taken for study and the methodology adopted are already discussed in the preceding pages.

1.8.2 **Chapter - II** The Problem of Political Defection

1.8.2.1 **Historical Background** (a) Why defection occurs, (b) can defection from a political party on conflict of principles be made penal, (c) Role of Power, money, muscle and high official posts. (d) Defection incidence in other democracies like Great Britain, France etc. and the reason for the same are discussed.

1.8.2.2 **Incidence of Defection : An Analysis** All major cases of defections across the country, the reason behind the same and consequences ensured starting from the 1st case of defection till the date of enactment of AD Law are discussed under four different heading each dealing with a particular period. They are (a) Pre-independence period, (b) Past independence period (i) 1st phase 1950
1.8.3 Chapter - III Factors responsible for the growth of Defection politics and efforts to prevent it.

1.8.3.1 Causes and Motivation: Under this chapter the following points have mainly been covered extensively. They are - (a) Role of Political parties, (b) Role of Caste & Regional feeling, (c) Role of Congress Party as the largest umbrella party, (d) Role of Political leaders like Mrs. Gandhi, (e) Role of Money, Power etc., (f) Role of ideology, (g) Role of family disputes as in G.M. Shah's Case, NTR's case.

1.8.3.2 Impact of Defection: The impact of defection causing (a) Political instability and (b) Holding of Premature election at the cost of heavy expenditure from Public Exchequer along with (c) some statistical datas are discussed and analysed.

1.8.3.3 Attempt to Check Defection through legislation: Under this point coverage have been given to (a) 1968 Committee's recommendations, (b) Constitution (32nd Amendment Act), 1972, (c) Lawyer's Committee's recommendation, 1977, (d) Janata Governments proposal of 1978, (e) Rajib Gandhi's final draft plan and the Anti-Defection Law of 1985 which was enacted by virtue of Constitutin 52nd (Amendment) Act.

1.8.4 Chapter-IV The Anti-Defection Law, 1985: Analysis & Interpretation

1.8.4.1 Prelude: (a) Draft proposal, (b) All party meeting and (c) Historic Legislation along with its text.
1.8.4.2 **Analysis and Interpretation**: of each and every paragraphs of the Anti-Defection Law, 1985 as well as Rules framed thereunder (The provisions of this law are not numbered as articles or Sections but in paragraphs).

1.8.5 **Chapter V** Comparative Study of Defection politics and Anti-Defection Law with other major Democracies of the World:
Under this chapter a comparative study as well as analysis is made with regard to (i) The advance Democratic Countries, (ii) the SAARC countries (mostly with neighbours) and (iii) African and other underdeveloped countries.

1.8.6 **Chapter VI** Statistical and Empirical analysis of Defection
This chapter is divided into three sub-headings namely (i) Interviews, (ii) questionnaires and (iii) field studies and for this purpose the legislators are taken as target group. On the basis of those data collected through questionnaires etc., an indepth analysis is made and the findings are given in detail alongwith graphic representations.

1.8.7 **Chapter-VII** Judicial Review on Speakers Ruling against Defectant Legislators

1.8.7.1 **Cases of Major Defections** from 1985 till date with the decision taken by the Speakers on those cases are analysed with suggestions.

1.8.7.2 **The interpretation given by the judiciary and its various orders** with regard to the different aspects of Anti-Defection Law, particularly (a) Decision of the Punjab and Haryana High Court, (b) decision of the Supreme Court on the Law and (c) other Higher Courts are covered under this.
1.8.7.3 **The concern of Speakers** and attempt made are different quarters to amend the law are also covered.

1.8.7.4 **Role of Speakers** under the Anti-Defection Law has been re-defined with suggestions for making the office of Speakers an ideal one.

1.8.8 **Chapter-VIII** Finally, in the last chapter a brief appraisal is made, hypothesis is put to test and suggestions for making the law more effective through amendments are suggested.

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