I have immense pleasure while submitting my thesis on "Problems of Defections and Indian Constitution - A study of emerging Trends" to Maharshi Dayanand University Rohtak for Ph.D. programme.

My objective while writing this thesis has been to gauge out judicial trends available on law of defection. By now the Hon'ble Supreme Court in Kihoto Hollohan case (1992) Suppl.2 SCC 651 and Punjab & Haryana Court in Prakash Singh Badal case AIR 1987 P&H 263 has upheld the validity of the Constitution (52nd Amendment) Act, 1985 and there have been cases after the validity test even by the Speaker/ Chairman of the House-Lok Sabha/Legislative Assembly and Rajya Sabha/Legislative Council, as the case may be, as well as, by various High Courts.

The entire work has been divided into Introduction and Six Chapters. The Introduction, First Chapter and Second Chapter, are purely doctrinal in its nature. Third, Fourth and Fifth Chapters are purely non doctrinal which are based on the personal interaction with members of Parliament and members of State Legislature. The sixth chapter relates to conclusion and suggestions.
INTRODUCTION

The introduction to the present work deals with the highlighting of the problem of defection. I have analysed the problem of defection in other democracies, e.g. British Democracy, Australian Democracy, American Democracy and Indian Democracy. I have analysed Historical Background of the Anti Defection Law in India in brief, the Committee on Defection which was headed by the then Home Minister Y.B. Chavan. The committee submitted its report to the House in 1969. After the report of the committee, the Constitution (thirty Second amendement) bill, 1973 which was introduced before the House of People on 16th May, 1973. The bill of 1973 lapsed due to the dissolution of the House of People on January 18, 1977.

After the coming into power, the Janta Party Government appointed a Committee headed by the then Home Minister, Charan Singh. On the basis of the recommendations of the said committee, the Constitution (forty eighth amendement) bill, 1978 which was introduced before the Lok Sabha on August 28, 1978, but was withdrawn by the Government hastily.

Rajiv Gandhi, in Congress election manifesto for the election to Lok Sabha in 1984 promised to enact a legislation to curb the politics of defection. The Constitution (fifty second amendement) Act, 1985 was enacted by the Parliament on 30-31 January, 1985. The President of India assented the said bill on February
The evil of political defection has been a matter of national concern. There has always been a thinking that when a representative of the people is elected on the ticket of a particular party. He got elected to the House concerned in view of the ideology or philosophy of the concerned party on whose ticket he has contested the election. It has often been suggested that if this evil of floor crossing is not combated, it is likely to undermine the very foundations of our democracy and principles which sustain it.

I have analysed the difference between Dissent and Defection and the freedom of speech and expression.

I have analysed some recent examples like Telugu Desam Party - its Split and Merger, Janta Dal - its Splits and Mergers and State Legislatures and the defection therein.

Chapter I Nature and Definition of Defection

This chapter have been devoted to define as to what is defection and who is defector. The House has also been
discussed to understand as to how the Anti Defection Law is applicable to the members of the Legislature.

Party
I have analysed the political party and the party system in India and Abroad. The party has two organisational wings - political party and legislature party. Every member of political party is interested to get elected to the legislature party. The Constitution (fifty second amendment) Act, 1985 and the party and the application of the Act of 1985.

Party Whip
Since the Anti Defection Law is applicable if the direction of a party is defied by the legislators/parliamentarian or if the elected members resign from the party. The direction is issued by the party in the form of a whip, to understand the concept of Whip, I have analysed American, Australian and British Position and whip of the ruling party and the opposition and its Indian position.

Chapter II Constitutional Provisions

Which deals with the Parliamentary Form of Government which have been adopted by our Constitution makers. I have analysed various Constitutional provision relating to defection i.e. Constitution (fifty second amendment)
Chapter III  Role of Presiding officers under Anti Defection Law

Since the Constitution (fifty second amendment) Act, 1985 has empowered the presiding officer of the House concerned. The Speaker has been adjudged as presiding officer of the House of the People/Legislative Assembly and the Chairman as presiding officer of the Council of States/Legislative Council by the Constitution of India.

This chapter has been devoted to examine the various powers vested in Speaker/Chairman under the Tenth Schedule. I have examined the decisions taken by the Speaker/Chairman under the Tenth Schedule to the Constitution.

The Supreme Court has laid down that the presiding officer of the House concerned act as Tribunal. The power of Review by the Presiding officer of the House concerned under the Tenth Schedule to the Constitution.

Role and Power of Deputy Speaker under Anti Defection law has also been examined.

Chapter IV  Split, Mergers and Anti Defection Law
This chapter has been devoted to examine paragraphs 3 & 4 of the Tenth Schedule to the Constitution which provides for exemptions to the main rule of defection under paragraph 2 of the Tenth Schedule. The powers of the presiding officers and the action taken by them.

Chapter V Judicial Review and Anti Defection Law: The judicial Review is one of the basic feature of the Constitution of India which provides for impartial and independent Judiciary. The Supreme Court has laid down that the finality clause enacted under paragraph 7 of the Tenth Schedule is invalid, because the power of judicial review of the specialised tribunals' can not be taken away except by complying the provisions of Article 368. Which confer the power to amend the Constitution of India.

Chapter VI Conclusion and Suggestions
The last chapter deals with conclusion and suggestions. To complete the work, list of abbreviations, table of cases and bibliography and annexures are also appended.

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