ANNEXURE - A

THE CONSTITUTION (FIFTY-SECOND AMENDMENT) ACT, 1985

Statement of Objects and Reasons appended to the Constitution (Fifty-second Amendment) Bill, 1985 (Bill No. 22 of 1985) which was enacted as THE CONSTITUTION (Fifty-second Amendment) Act, 1985

STATEMENT OF OBJECTS AND REASONS

1. The evil of political defections has been a matter of national concern. If it is not combated, it is likely to undermine the very foundations of our democracy and the principles which sustain it. With this object, an assurance was given in the Address by the President to Parliament that the Government intended to introduce in the current session of Parliament an anti-defection Bill. This Bill is meant for outlawing defection and fulfilling the above assurance.

2. The Bill seeks to amend the Constitution to provide that an elected member of Parliament or a State Legislature, who has been elected as a candidate set up by a political party and a nominated member of Parliament or a State Legislature who is a member of a political party at the time he takes his seat or who becomes a member of a political party within six months after he takes his seat would be disqualified on the ground of defection if he voluntarily relinquishes his membership of such political party or votes or abstains from voting in such House contrary to any direction of such party or is expelled from such party. An independent member of Parliament or a State Legislature shall also be disqualified if he joins any political party after his election. A nominated member of Parliament or a State Legislature who is not a member of a political party at the time of his nomination and who has not become a member of any political party before the expiry of six months from the date on which he takes his seat shall be disqualified if he joins any political party after the expiry of the said period of six months. The Bill also makes suitable provisions with respect to splits in, and mergers of, political parties. A special provision has been included in the Bill to enable a person who has been elected as the presiding officer of a House to sever his connections with his political party. The
question as to whether a member of a House of Parliament or State Legislature has become subject to the proposed disqualification will be determined by the presiding officer of the House; where the question is with reference to the presiding officer himself, it will be decided by a member of the House elected by the House in that behalf.

3. The Bill seeks to achieve the above objects.

NEW DELHI: A. K. SEN.


THE CONSTITUTION (FIFTY-SECOND AMENDMENT) ACT, 1985

[15th February, 1985.]

An Act further to amend the Constitution of India.

BE it enacted Parliament in the Thirty-sixth Year of the Republic of India as follows:-

1. Short title and commencement.—(1) This Act may be called the Constitution (Fifty-second Amendment) Act, 1985.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of article 101.—In article 101 of the Constitution, in sub-clause (a) of clause (3), for the words, brackets and figures "clause (1) of article 102", the words, brackets and figures "clause (1) or clause (2) of article 102" shall be substituted.

3. Amendment of article 102.—In article 102 of the Constitution,—
(a) for the brackets, figure and words "(2) For the purposes of this article", the words "Explanation.-For the purposes of this clause" shall be substituted:

(b) the following clause shall be inserted at the end, namely:-

(2) "A person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule."

4. **Amendment of article 190.** In article 190 of the Constitution, in sub-clause (a) of clause (3), for the words, brackets and figures "clause (1) of article 191", the words, brackets and figures "clause (1) or clause (2) of article 191" shall be substituted.

5. **Amendment of article 191.** In article 191 of the Constitution,-

(a) for the brackets, figure and words "(2) For the purposes of this article", the words "Explanation.-For the purposes of this clause" shall be substituted;

(b) the following clause shall be inserted at the end, namely:-

(2) A person shall be disqualified for being a member of the Legislative Assembly or Legislative Council of a State if he is so disqualified under the Tenth Schedule."

6. **Addition of Tenth Schedule.** After the Ninth Schedule to the Constitution, the following Schedule shall be added, namely:--

**6 TENTH SCHEDULE.**

[Articles 102(2) and 191(2)]

Provisions as to disqualification on ground of defection

1. **Interpretation.-** In this Schedule, unless the context otherwise requires,-

(a) "House" means either House of Parliament or the Legislative Assembly or, as the case may be, either House of the Legislature of a State;

(b) "legislature party", in relation to a member of a House belonging to any political party in accordance with the provisions of paragraph 2 or
paragraph 3 or, as the case may be, paragraph 4, means the group consisting of all the members of that House for the time being belonging to that political party in accordance with the said provisions:

(c) "original political party", in relation to a member of a House, means the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2;

(d) "paragraph" means a paragraph of this Schedule.

2. Disqualification on ground of defection.—(1) Subject to the provisions of paragraphs 3, 4 and 5, a member of a House belonging to any political party shall be disqualified for being a member of the House—

(a) if he has voluntarily given up his membership of such political party, or

(b) if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention. Explanation.—For the purposes of this sub-paragraph—

(a) an elected member of a House shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member;

(b) a nominated member of a House shall—

(i) where he is a member of any political party on the date of his nomination as such member, be deemed to belong to such political party;

(ii) in any other case, be deemed to belong to the political party of which he becomes, or, as the case may be, first becomes, a member before the expiry of six months from the date on which he takes his seat after complying with the requirements of article 99 or, as the case may be, article 188.
(2) An elected member of a House who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being a member of the House if he joins any political party after such election.

(3) A nominated member of a House shall be disqualified for being a member of the House if he joins any political party after the expiry of six months from the date on which he takes his seat after complying with the requirements of article 99 or, as the case may be, article 188.

(4) Notwithstanding anything contained in the foregoing provisions of this paragraph, a person who, on the commencement of the Constitution (Fifty-second Amendment) Act, 1985, is a member of a House (whether elected or nominated as such) shall,-

(i) where he was a member of a political party immediately before such commencement, he deemed for the purposes of sub-paragraph (1) of this paragraph, to have been elected as a member of such House as a candidate set up by such political party;

(ii) in any other case, he deemed to be an elected member of the House who has been elected as such otherwise than as a candidate set up by any political party for the purposes of sub-paragraph (2) of this paragraph or, as the case may be, deemed to be a nominated member of the House for the purposes of sub-paragraph (3) of this paragraph.

3. **Disqualification on ground of defection not to apply in case of split.**

Where a member of a House makes a claim that he and any other members of his legislature party constitute the group representing as faction which has arisen as a result of a split in his original political party and such group consists of not less than one-third of the members of such legislature party,-

(a) he shall not be disqualified under sub-paragraph (1) of paragraph 2 on the ground-

(i) that he has voluntarily given up his membership of his original political party; or
(ii) that he has voted or abstained from voting in such House contrary to any direction issued by such party or by any person or authority authorised by it in that behalf without obtaining the prior permission of such party, person or authority and such voting or abstention has not been condoned by such party, person or authority within fifteen days from the date of such voting or abstention; and

(b) from the time of such split, such faction shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 and to be his original political party for the purposes of this paragraph.

4. Disqualification on ground of defection not to apply in case of merger.-
   (1) A member of a House shall not be disqualified under sub-paragraph (1) of paragraph 2 where his original political party merges with another political party and he claims that he and any other members of his original political party-

(a) have become members of such other political party or, as the case may be, of a new political party formed by such merger, or

(b) have not accepted the merger and opted to function as a separate group, and from the time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 and to be his original political party for the purposes of this sub-paragraph. (2) For the purposes of sub-paragraph (1) of this paragraph, the merger of the original political party of a member of a House shall be deemed to have taken place if, and only if, not less than two-thirds of the members of the legislature party concerned have agreed to such merger.

5. Exemption.- Notwithstanding anything contained in this Schedule, a person who has been elected to the office of the Speaker or the Deputy Speaker of the House of the People or the Deputy Chairman of the Council of States or the Chairman or the Deputy Chairman of the Legislative Council of a State or the Speaker or the Deputy Speaker of the Legislative Assembly of a State, shall not be disqualified under this Schedule.-
(a) if he, by reason of his election to such office, voluntarily gives up the membership of the political party to which he belonged immediately before such election and does not, so long as he continues to hold such office thereafter, rejoin that political party or become a member of another political party; or

(b) if he, having given up by reason of his election to such office his membership of the political party to which he belonged immediately before such election, rejoins such political party after he ceases to hold such office.

6. Decision on questions as to disqualification on ground of defection.-
(1) If any question arises as to whether a member of a House has become subject to disqualification under this Schedule, the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such House and his decision shall be final:

Provided that where the question which has arisen is as to whether the Chairman or the Speaker of a House has become subject to such disqualification, the question shall be referred for the decision of such member of the House as the House may elect in this behalf and his decision shall be final.

(2) All proceedings under sub-paragraph (1) of this paragraph in relation to any question as to disqualification of a member of a House under this Schedule shall be deemed to be proceedings in Parliament within the meaning of article 122 or, as the case may be, proceedings in the Legislature of a State within the meaning of article 212.

7. Bar of jurisdiction of courts.-Notwithstanding anything in this Constitution, no court shall have any jurisdiction in respect of any matter connected with the disqualification of a member of a House under this Schedule.

8. Rules.- (1) Subject to the provisions of sub-paragraph (2) of this paragraph, the Chairman or the Speaker of a House may make rules for giving effect to the provisions of this Schedule, and in particular, and without prejudice to the generality of the foregoing, such rules may provide for-

(a) the maintenance of registers or other records as to the political parties, if any, to which different members of the House belong;
(b) the report which the leader of a legislature party in relation to a member of a House shall furnish with regard to any condonation of the nature referred to in clause (b) of sub-paragraph (1) of paragraph 2, in respect of such member, the time within which and the authority to whom such report shall be furnished;

c) the report, which a political party shall furnish with regard to admission to such political party of any members of the House and the officer of the House to whom such reports shall be furnished; and

d) the procedure for deciding any question referred to in sub-paragraph (1) of paragraph 6 including the procedure for any inquiry which may be made for the purpose of deciding such question.

(2) The rules made by the Chairman or the Speaker of a House under sub-paragraph (1) of this paragraph shall be laid as soon as may be after they are made before the House for a total period of thirty days which may be comprised in one session or in two or more successive sessions and shall take effect upon the expiry of the said period of thirty days unless they are sooner approved with or without modifications or disapproved by the House and where they are so approved, they shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall be of no effect.

(3) The Chairman or the Speaker of a House may, without prejudice to the provisions of article 105 or, as the case may be, article 194, and to any other power which he may have under this Constitution direct that any wilful contravention by any person of the rules made under this paragraph may be dealt with in the same manner as a breach of privilege of the House.
**ANNEXURE - B**

**THE CONSTITUTION (NINETY-FIRST AMENDMENT) ACT, 2003**

_A Act_

_further to amend the Constitution of India._

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:-

<table>
<thead>
<tr>
<th>1. This Act may be called the Constitution (Ninety-first Amendment) Act, 2003.</th>
<th>Short title.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. In article 75 of the Constitution, after clause (1), the following clauses shall be inserted, namely:--</td>
<td>Amendment of article 75.</td>
</tr>
<tr>
<td>&quot;(1A) The total number of Ministers, including the Prime Minister, in the Council of Ministers shall not exceed fifteen per cent. of the total number of members of the House of the People.</td>
<td></td>
</tr>
<tr>
<td>(1B) A member of either House of Parliament belonging to any political party who is disqualified for being a member of that House under paragraph 2 of the Tenth Schedule shall also be disqualified to be appointed as a Minister under clause (1) for duration of the period commencing from the date of his disqualification till the date on which the term of his office as such member would expire or where he contests any election to either House of Parliament before the expiry of such period, till the date on which he is declared</td>
<td></td>
</tr>
</tbody>
</table>
Amendment of 3. In article 164 of the Constitution, after clause (1), the following clauses shall be inserted, namely:--

"(1A) The total number of Ministers, including the Chief Minister, in the Council of Ministers in a State shall not exceed fifteen per cent. of the total number of members of the Legislative Assembly of that State:

Provided that the number of Ministers, including Chief Minister in a State shall not be less than twelve:

Provided further that where the total number of Ministers including the Chief Minister in the Council of Ministers in any State at the commencement of the Constitution (Ninety-first Amendment) Act, 2003 exceeds the said fifteen per cent. of the number specified in the first proviso, as the case may be, then, the total number of Ministers in that State shall be brought in conformity with the provisions of this clause within six months from such date as the President may by public notification appoint.

(1B) A member of Legislative Assembly of a State or either House of the Legislature of a State having Legislative Council belonging to any political party who is disqualified for being a member of that House under paragraph 2 of the Tenth Schedule shall also be disqualified to be appointed as a Minister
under clause (1) for duration of the period
commencing from the date of his
disqualification till the date on which the term
of his office as such member would expire or
where he contests any election to the
Legislative Assembly of a State or either
House of the Legislature of a State having
Legislative Council, as the case may be,
before the expiry of such period, till the date
on which he is declared elected, whichever is
earlier.”.

4. After article 361A of the Constitution, the
following article shall be inserted, namely:—

‘361B. A member of a House belonging to any
political party who is disqualified for being a
member of the House under paragraph 2 of the
Tenth Schedule shall also be disqualified to
hold any remunerative political post for
duration of the period commencing from the
date of his disqualification till the date on
which the term of his office as such member
would expire or till the date on which he
contests an election to a House and is declared
elected, whichever is earlier.

Explanation.—For the purposes of this
article,—

(a) the expression “House” has the meaning
assigned to it in clause (a) of paragraph 1 of
the Tenth Schedule;

(b) the expression “remunerative political
Post” means any office—
(i) under the Government of India or the Government of a State where the salary or remuneration for such office is paid out of the public revenue of the Government of India or the Government of the State, as the case may be; or

(ii) under a body, whether incorporated or not, which is wholly or partially owned by the Government of India or the Government of a State and the salary or remuneration for such office is paid by such body, except where such salary or remuneration paid is compensatory in nature.

5. In the Tenth Schedule to the Constitution,—

(a) in paragraph 1, in clause (b), the words and figure “paragraph 3 or, as the case may be,” shall be omitted;

(b) in paragraph 2, in sub-paragraph (1), for the words and figures “paragraphs 3, 4 and 5”, the words and figures “paragraphs 4 and 5” shall be substituted;

(c) paragraph 3 shall be omitted.

**STATEMENT OF OBJECTS AND REASONS**

1. Demands have been made from time to time in certain quarters for strengthening and amending the Anti-defection Law as contained in the Tenth Schedule to the Constitution of India, on the ground that these provisions have not been able to achieve the desired goal of checking defections. The Tenth Schedule has also been criticised on the ground that it allows bulk defections while declaring individual defections as illegal. The provisions for exemption from disqualification in case of
splits as provided in paragraph 3 of the Tenth Schedule to the Constitution of India has, in particular, come under severe criticism on account of its destabilising effect on the Government.

2. The Committee on Electoral Reforms (Dinesh Goswami Committee) in its report of May, 1990, the Law Commission of India in its 170th Report on “Reform of Electoral Laws” (1999) and the National Commission to Review the Working of the Constitution (NCRWC) in its report of March 31, 2002 have, inter alia, recommended omission of said paragraph 3 of the Tenth Schedule to the Constitution of India pertaining to exemption from disqualification in case of splits. The NCRWC is also of the view that a defector should be penalised for his action by debarring him from holding any public office as a Minister or any other remunerative political post for at least the duration of the remaining term of the existing Legislature or until, the next fresh elections whichever is earlier. It is proposed to accept these suggestions.

3. The NCRWC has also observed that abnormally large Councils of Ministers were being constituted by various Governments at Centre and States and this practice had to be prohibited by law and that a ceiling on the number of Ministers in a State or the Union Government be fixed at the maximum of 10% of the total strength of the popular House of the Legislature.

4. In the light of the above, it is proposed to amend the Constitution by omitting paragraph 3 of the Tenth Schedule to the Constitution of India and to provide that the size of the Council of Ministers should not be more than 10% of the strength of House or Houses concerned whether Unicameral or Bicameral. However, in case of smaller States like Sikkim, Mizoram and Goa having 32, 40 and 40 Members in the Legislative Assemblies respectively, a minimum strength of seven Ministers is proposed.

5. The Bill seeks to achieve the objects mentioned above.

ARUN JAITLEY. NEW DELHI, (The 26th April, 2003.)
EXTRACTS FROM THE CONSTITUTION OF INDIA

* * * * *

TENTH SCHEDULE

[Articles 102(3) and 191(2)]

Provisions as to disqualification on ground of defection

1. Interpretation.—In this Schedule, unless the context otherwise requires,—

(b) "legislature party", in relation to a member of a House belonging to any political party in accordance with the provisions of paragraph 1 or paragraph 3 or, as the case may be, paragraph 4, means the group consisting of all the members of that House for the time being belonging to that political party in accordance with the said provisions.

* * * * *

2. Disqualification on ground of defection.—(1) Subject to the provisions of paragraphs 3, 4 and 5, a member of a House belonging to any political party shall be disqualified for being a member of the House—

* * * * *

3. Disqualification on ground of defection not to apply in case of split.—Where a member of a House makes a claim that he and any other members of his legislature party constitute the group representing a faction which has arisen as a result of a split in his original political party and such group consists of not less than one-third of the members of such legislature party,—

(a) he shall not be disqualified under sub-paragraph (1) of paragraph 2 on the ground party; or

(i) that he has voluntarily given up his membership of his original political

(ii) that he has voted or abstained from voting in such House contrary to any direction issued by such party or by any person or authority authorised by it in that behalf without obtaining the prior permission of such party, person or authority and such voting or abstention has not been condoned by such party,
person or authority within fifteen days from the date of such voting or abstention; and

(b) from the time of such split, such faction shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 and to be his original political party for the purposes of this paragraph.

* * * * *

LOK SABHA
ANNEXURE - C

TO BE INTRODUCED IN LOK SABHA

Bill No. 16 of 2010

THE CONSTITUTION (AMENDMENT) BILL, 2010

By

SHRI MANISH TEWARI, M.P.

A BILL

It is enacted by Parliament in the Sixty-first Year of the Republic of India as follows:

1. This Act may be called the Constitution (Amendment) Act, 2010.

2. In the Tenth Schedule to the Constitution,— (i) in sub-paragraph (1) of paragraph 2,—

(a) for the words "shall be disqualified for being a member", the words "shall cease to be a member" shall be substituted; Short title. Amendment of the Tenth Schedule.

(b) for clause (b), the following clause shall be substituted, namely:

"(b) if he votes or abstains from voting in such House with regard to a— (i) motion expressing confidence or want of confidence in the Council of Ministers,

(ii) motion for an adjournment of the business of the House,

(iii) motion in respect of financial matters as enumerated in articles 113 to 116 (both inclusive) and articles 203 to 206 (both inclusive),

(iv) Money Bill contrary to any direction issued by the political party to which he belongs or by any person or authority authorized by it in this behalf, without 10 obtaining, in either case, the prior permission of such political party, person or authority, and where the Chairman or, as the case may be, the Speaker of such House makes an announcement, as soon as possible, on receipt of a communication from the political party regarding issue of such direction as aforesaid, to the effect that—

(i) the political party or the person or authority authorized by it has issued a direction in respect of voting in regard to motions mentioned in this paragraph; and
(ii) the defiance of such direction by a member belonging to that political party shall result in automatic cessation of his membership from the House."

(iii) after sub-paragraph (1), the following sub-paragraph shall be inserted, namely:

"(1A) Notwithstanding anything contained in para 1 above, within fifteen days of a member having ceased to be so, he may, for restoration of his membership, apply to the Chairman or the Speaker, as the case may be, urging therein the reasons, in justification of his impugned voting or abstention therefrom, and the competent authority shall, within ten days of the receipt of the same, seek confirmation from the political party concerned, whether the said action of the member stood condoned and if so the same is received within fifteen days, the membership shall be restored forthwith;

Provided that in case of non-confirmation or non-receipt thereof, the Chairman or the Speaker, as the case may be, shall decide the matter within sixty days."

STATEMENT OF OBJECTS AND REASONS

The Tenth Schedule to the Constitution popularly known as Anti-Defection Law was added to the Constitution by the Constitution (Fifty-second Amendment) Act, 1985.

The 52nd Amendment to the Constitution heralded in an era of healthy parliamentary democracy and sought to put an end to the scourge of political defections that were plaguing our body politic. Since the coming into force of the Act, our parliamentary democracy has taken healthier roots and the entailing punitive provisions contained in the Tenth Schedule have managed to rein in defections to a great extent.

After quarter of a century of the enactment of the Tenth Schedule, it needs certain adaptations and further strengthening so as to be of greater relevance to our democratic process today. As against the need of the hour when the Tenth Schedule was brought in, the debate and voting in Parliament and State Legislatures has matured to such an extent as would merit revisiting some of the provisions of the said Schedule in order to streamline and
strengthen them further; albeit without losing sight of its salutary intent and purpose.

At present, the Tenth Schedule to the Constitution provides, inter alia, for disqualification of a member if he votes or abstains from voting in the House contrary to any direction issued by the political party to which he belongs to. The Tenth Schedule to the Constitution is lacking in the following two important aspects—

(a) the disqualification of a member of a House should be only on the grounds that if he votes or abstains from voting in the House with regard to a Confidence Motion, No-confidence Motion, Adjournment Motion, Money Bill or financial matters contrary to the direction issued in this behalf by the party to which he belongs to, and in no other case; and

(b) the Tenth Schedule is silent on the issue of disqualification in cases where a political party does not represent against a member who has acted contrary to the direction of the party to which he belongs to, while voting or abstaining from voting in the House, without prior permission of that political party.

It is, therefore, proposed to amend the Tenth Schedule to the Constitution with a view to provide for the following—

(a) a member shall incur loss of his membership only when he votes or abstains from voting in the House with regard to a Confidence Motion, No-confidence Motion, Adjournment Motion, Money Bill or financial matters contrary to any direction issued in this behalf by the party to which he belongs to, and in no other case;

(b) the Chairman or the Speaker of a House shall make an announcement in the House regarding any direction issued by a political party in respect of the aforesaid Motions, Bill or financial matters, as soon as possible, after such direction has been communicated to him by that political party. While making such announcement, the Chairman or the Speaker of House shall also specifically inform the members that the defiance of the direction issued by a political party by any member shall result in automatic cessation of his membership; and
(c) a member shall have the right to appeal against cessation of his membership to the Chairman or the Speaker, as the case may be, within a period of fifteen days from the date of such cessation and the appeal shall be disposed of within a period of sixty days from the date of its receipt by the Chairman or the Speaker of a House.

NEW DELHI;

MANISH TEWARI
February 4, 2010.

EXTRACT FROM THE CONSTITUTION OF INDIA

* * * * *

[TENTH SCHEDULE]

[Articles 102(2) and 191(2)]

Provisions as to disqualification on ground of defection

* * * * *

Disqualification on ground of defection.

2. (1) Subject to the provisions of paragraphs 4 and 5, a member of a House belonging to any political party shall be disqualified for being a member of the House—

(a) * * * * *

(b) if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs or by any person or authority authorized by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

LOK SABHA

A

BILL

further to amend the Constitution of India.

(Shri Manish Tewari, M.P.)

GMGIPMRND—411LS(S5)—24-02-2010.
ANNEXURE - D

The Members of Lok Sabha

(Disqualification on Ground of Defection) Rules, 1985

In exercise of the powers conferred by paragraph 8 of the Tenth Schedule to the Constitution of India, the Speaker, Lok Sabha, hereby makes the following rules, namely:-

**Short Title.** 1. These rules may be called the Members of Lok Sabha (Disqualification on Ground of Defection) Rules, 1985.

**Definitions.** 2. In these rules, unless the context otherwise requires-

(a) ‘Bulletin’ means the Bulletin of the House of the People (Lok Sabha);

(b) ‘Committee’ means the Committee of Privileges of the House of the People (Lok Sabha);

(c) ‘Form’ means a form appended to these rules;

(d) ‘date of commencement’, in relation to these rules means the date on which these rules take effect under sub-paragraph (2) of paragraph 8 of the Tenth Schedule;

(e) ‘House’ means the Hou of the People (Lok Sabha);

(f) ‘leader’, in relation to a legislature party, means a member of the party chosen by it as its leader and includes any other member of the party authorised by the party to act, in the absence of the leader, as, or discharge the functions of, the leader of the party for the purposes of these rules;

(g) ‘member’ means a member of the House of the People (Lok Sabha);

(h) ‘Tenth Schedule’ means the Tenth Schedule to the Constitution of India;

(i) Secretary-General’ means the Secretary-General to the House of the People (Lok Sabha) and includes any person for the time being performing the duties of the Secretary-General;
3. (1) The leader of each legislature party (other than a legislature party consisting of only one member) shall, within thirty days after the first sitting of the House, or, where such legislature party is formed after the first sitting, within thirty days after its formation, or, in either case within such further period as the Speaker may for sufficient cause allow, furnish the following to the Speaker, namely:

(a) a statement (in writing) containing the names of members of such legislature party together with other particulars regarding such members as in Form I and the names and designations of the members of such party who have been authorised by it for communicating with the Speaker for purposes of these rules;

(b) a copy of the rules and regulations (whether known as such or as constitution or by any other name) of the political party concerned; and

(c) where such legislature party has any separate set of rules and regulations (whether known as such or as constitution or by any other name), also a copy of such rules and regulations.

(2) Where a legislature party consists of only one member, such member shall furnish a copy of the rules and regulations mentioned in clause (b) of sub-rule (1) to the Speaker, within thirty days after the first sitting of the House or, where he has become a member of the House after the first sitting within thirty days after he has taken his seat in the House, or, in either case within such further period as the Speaker may for sufficient cause allow.

(3) In the event of any increase in the strength of a legislature party consisting of only one member, the provisions of sub-rule (1) shall apply in relation to such Information to be furnished by leader of a legislature party legislature party as if such legislature party had been formed on the first date on which its strength increased.

(4) Whenever any change takes place in the information furnished by the leader of a legislature party under sub-rule (1) or by a member under sub-rule (2), he shall, within thirty days thereafter, or, within such
further period as the Speaker may for sufficient cause allow, furnish in writing information to the Speaker with respect to such change.

(5) In the case of the House in existence on the date of commencement of these rules, the reference in sub-rule (1) and (2) to the date of the first sitting of the House shall be construed as a reference to the date of commencement of these rules.

(6) Where a member belonging to any political party votes or abstains from voting in the House contrary to any direction issued by such political party or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority, the leader of the legislature party concerned or where such member is the leader, or as the case may be, the sole member such legislature party, such member, shall, as soon as may be after the expiry of fifteen days from the date of such voting or abstention, and in any case within thirty days from the date of such voting or abstention, inform the Speaker as in Form II whether such voting or abstention has or has not been condoned by such political party, person or authority.

Explanation - A member may be regarded as having abstained from voting only when he, being entitled to vote, voluntarily refrained from voting.

Information etc. to be furnished by members. 4.(1) Every member who has taken his seat in the House before the date of commencement of these rules shall furnish to the Secretary-General, within thirty days from such date or within such further period as the Speaker may for sufficient cause allow, a statement of particulars and declaration as in Form III.

(2) Every member who takes his seat in the House after the commencement of these rules shall, before making and subscribing an oath or affirmation under article 99 of the Constitution and taking his seat in the House, deposit with the Secretary-General, his election certificate or, as the case may be, a certified copy of the notification nominating him as a member and also furnish to the Secretary-General a statement of particulars and declaration as in Form III.
Explanation - For the purposes of this sub-rule, "Election Certificate" means the certificate of election issued under the Representation of the People Act, 1951 (43 of 1951) and the rules made thereunder.

(3) A summary of the information furnished by the members under this rule shall be published in the Bulletin and if any discrepancy therein is pointed out to the satisfaction of the Speaker, necessary corrigendum shall be published in the Bulletin.

Resister of Informations to members - 5.(1) The Secretary-General shall maintain, as in Form IV, a register based on the information furnished under rules 3 and 4 in relation to the members.

(1) The information in relation to each member shall be recorded on a separate page in the Register.

Reference to be by petitions- 6.(1) No reference of any question as to whether a member has become subject to disqualification under the Tenth Schedule shall be made except by a petition in relation to such member made in accordance with the provisions of this rule.

(2) A petition in relation to a member may be made in writing to the Speaker by any other member;

Provided that a petition in relation to the Speaker shall be addressed to the Secretary-General.

(3) The Secretary-General shall,-

(a) as soon as may be after the receipt of a petition under the proviso to sub-rule (1) make a report in respect thereof to the House; and

(b) as soon as may be after the House has elected a member in pursuance of the proviso to sub-paragraph (1) of paragraph 6 of the Tenth Schedule place the petition before such member.

(4) Before making any petition in relation to any member, the petitioner shall satisfy himself that there are reasonable grounds for believing that a question has arisen as to whether such member has become subject to disqualification under the Tenth Schedule.

345
(5) Every petition,-

(a) shall contain a concise statement of the material facts on which the petitioner relies; and

(b) shall be accompanied by copies of the documentary evidence, if any, on which the petitioner relies and where the petitioner relies on any information furnished to him by any person, a statement containing the names and addresses of such persons and the gist of such information as furnished by each such person.

(6) Every petition shall be signed by a petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908), for the verification of pleadings.

Procedure—(7) Every annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

7. (1) On receipt of a petition under rule 6, the Speaker shall consider whether the petition complies with the requirements of that rule.

(2) If the petition does not comply with the requirements of rule 6, the Speaker shall dismiss the petition and intimate the petitioner accordingly.

(3) If the petition complies with the requirements of rule 6, the Speaker shall cause copies of the petition and of the annexures thereto to be forwarded,-

(a) to the member in relation to whom the petition has been made; and

(b) where such member belongs to any legislature party and such petition has not been made by the leader thereof, also to such leader, and such person member or leader shall, within seven days of the receipt of such copies, or within such further period as the Speaker may for sufficient cause allow, forward his comments in writing thereto to the Speaker.

(4) After considering the comments, if any, in relation to the petition, received under sub—rule (3) within the period allowed (whether originally or on extension under that sub—rule) the Speaker may either proceed to determine the question or, if he is satisfied, having regard to
the nature, and circumstances of the case that it is necessary or expedient so to do, refer the petition to the Committee for making a preliminary inquiry and submitting a report to him.

(5) The Speaker shall, as soon as may be after referring a petition to the Committee under sub-rule (4), intimate the petitioner accordingly and make an announcement with respect to such reference in the House or, if the House is not then in session, cause the information as to the reference to be published in the Bulletin.

(6) Where the Speaker makes a reference under sub-rule (4) to the Committee, he shall proceed to determine the question as soon as may be after receipt of the report from the Committee.

(7) The procedure which shall be followed by the Speaker for determining any question and the procedure which shall be followed by the Committee for the purpose of making a preliminary inquiry under sub-rule (4) shall be, so far as may be, the same as the procedure for inquiry and determination by the Committee of any question as to breach of privilege of the House by a member, and neither the Speaker nor the Committee shall come to any finding that a member has become subject to disqualification under the Tenth Schedule without affording a reasonable opportunity to such member to represent his case and to be heard in person.

(8) The provisions of sub-rules (1) to (7) shall apply with respect to a petition in relation to the Speaker as they apply with respect to a petition in relation to any other member and for this purpose, reference to the Speaker in those sub-rules shall be construed as including references to the member elected by the House under the proviso to sub-paragraph (1) of paragraph 6 of the Tenth Schedule.

Decision on petitions 8.1 At the conclusion of the consideration of the petition, the Speaker or, as the case may be, the member elected under the proviso to sub-paragraph (1) of paragraph 6 of the Tenth Schedule shall by order in writing—
(a) dismiss the petition, or

(b) declare that the member in relation to whom the petition has been made has become subject to disqualification under the Tenth Schedule, and cause copies of the order to be delivered or forwarded to the petitioner, the member in relation to whom the petition has been made and to the leader of the legislature party, if any, concerned.

(2) Every decision declaring a member to have become subject to disqualification under the Tenth Schedule shall be reported to the House forthwith if the House is in session, and if the House is not in session, immediately after the House reassembles.

(3) Every decision referred to in sub-rule (1) shall be published in the Bulletin and notified in the Official Gazette and copies of such decision forwarded by the Secretary-General to the Election Commission of India and the Central Government.

Directions as to detailed working of these rules- 9. The Speaker may, from time to time, issue such directions as he may consider necessary in regard to the detailed working of these rules.

FORM I

[See Rule 3(1) (a)]

Name of the Legislature Party: Name of the corresponding political party:

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of the Member (in block letters)</th>
<th>Father's / husband's name</th>
<th>Permanent Address</th>
<th>Name of the State from which elected</th>
<th>Name of the Constituency from which elected</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
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<td>(4)</td>
<td>(5)</td>
<td>(6)</td>
</tr>
</tbody>
</table>

Date: Signature of the leader of the legislature party.
FORM II

[See Rule 3(6)]

To

The Speaker,

Lok Sabha

Sir,

At the sitting of the House held on........................... (date) during voting on........................... (subject matter)..........................+ Shri M.P.
.................................................................+1 .................................................................(name of
(Division No).............................the member).........M.P., (Division member of............................. No), ........................................member of (name of political party), ......................................(name of the and member of...................... political party) and leader of/sole (name of legislature party) member of............................. (name of) had voted/abstained from voting, legislature party) voted/abstained from voting, contrary to the direction issued by ...................70(7) (+person/authority/party) without obtaining the prior permission of the said person/authority/party.

2. On (date)............................... the aforesaid matter was considered by.......................70(7) (+person/authority/party) and the said +voting abstention was + condoned/ was not + condoned by + him/it.

Date: 

Yours faithfully, (Signature).

70 Strike out inappropriate words/portions.
70(7) (Here mention the name of the person/authority/party, as the case may be, who had issued the direction).
FORM III

[See Rule 4]

1. Name of the member (in block letters):

2. Fathers/husband's name:

3. Permanent Address:

4. Delhi Address:

5. Date of election/nomination:

6. Party affiliation as on-

(i) Date of election/nomination:

(ii) The 28th February, 1985

(iii) Date of signing this form:

DECLARATION

I..................hereby declare that the information given above is true and correct. In the event of any change in the information given above, I undertake to intimate the Speaker immediately.

Signature/Thumb

Impression of member

Date:

---

To be filled in only by member elected or nominated before the 1st March, 1985, being the date of commencement of the Constitution (Fifty Amendment) Act, 1985. [This sub-column was relevant during Eighth Lok Sabha only]
FORM IV

[See Rule 5(1)]

<table>
<thead>
<tr>
<th>Name of the member (in block letters)</th>
<th>Father's name</th>
<th>Permanent address</th>
<th>Delhi address</th>
<th>Name of the state from which elected</th>
<th>Date of election nomination</th>
<th>Name of political party to which he party to which he belongs</th>
<th>Name of legislature</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
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<td>9</td>
</tr>
</tbody>
</table>
ANNEXURE - E

THE MEMBERS OF RAJYA SABHA (DISQUALIFICATION ON GROUND OF DEFECTION) RULES, 1985

In exercise of the powers conferred by paragraph 8 of the Tenth Schedule to the Constitution of India, the Chairman, Rajya Sabha, hereby makes the following rules, namely:-

1. These rules may be called the Members of Rajya Sabha (Disqualification on ground of Defection) Rules, 1985

Definitions.

2. In these rules, unless the context otherwise requires:-

(a) 'Bulletin' means the Bulletin of the Council of States (Rajya Sabha);

(b) 'Committee' means the Committee of the Privileges of the Council of States (Rajya Sabha);

(c) 'Council' means the Council of States (Rajya Sabha);

(d) 'Form' means a form appended in these rules;

(e) 'date of commencement', in relation to these rules, means the date on which these rules take effect under sub-paragraph (2) of paragraph 8 of the Tenth Schedule;

(f) 'leader', in relation to a legislature party, means a member of the party chosen by it as its leader and includes any other member of the party authorized by the party to act, in the absence of the leader as, or discharge the functions of the leader of the party for the purposes of these rules;

(g) 'member' means a member of the Council of States (Rajya Sabha);

(h) 'Tenth Schedule' means the Tenth Schedule to the Constitution of India;

(i) 'Secretary-General' means the Secretary-General to the Council of States (Rajya Sabha) and includes any person for the time being performing the duties of the Secretary-General. Information to be furnished by leader of legislature party.

3. (1) The leader of each legislature party (other than a legislature party
consisting of only one member) shall within thirty days from the date of commencement of these rules or, where such legislature party is formed after such date, within thirty days from the date of its formation, or, in either case, within such further period as the Chairman may for sufficient cause allow, furnish the following to the Chairman, namely:

(a) a statement (in writing) containing the names of members of such legislature party together with other particulars regarding such members as in Form-I and the names and designations of the members of such party who have been authorized by it for communicating with the Chairman for purposes of these rules;

(b) a copy of the rules and regulations (whether known as such or as constitution or by any other name) of the political party concerned; and

(c) where such legislature party has any separate set of rules and regulations (whether known as such or as constitution or by any other name), also a copy of such rules and regulations.

(2) Where a legislature party consists of only one member, such member shall furnish a copy of the rules and regulations mentioned in clause (b) of sub-rule (1) to the Chairman within thirty days from the date of commencement of these rules or, where he has become a member of the Council after such date, within thirty days from the date on which he has taken his seat in the Council or, in either case, within such further period as the Chairman may for sufficient cause allow.

(3) In the event of any increase in the strength of a legislature party consisting of only one member, the provisions of sub-rule (1) shall apply in relation to such legislature party as if such legislature party had been formed on the first date on which its strength increased.

(4) Whenever any change takes place in the information furnished by the leader of a legislature party under sub-rule (1) or by a member under sub-rule (2), he shall, as soon as may be thereafter and in any case within thirty days from the date on which such change has taken place or within such further period as the Chairman may for sufficient cause allow, furnish in writing information to the Chairman with respect to such change.

(5) Where a member belonging to any political party votes of abstains
from voting in the Council contrary to any direction issued by such political party or by any person or authority authorized by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority, the leader of the legislature party concerned or where such member is the leader, or as the case may be, the sole member of such legislature party, such member, shall, as soon as may be thereafter and in any case within thirty days from the date of such voting or abstention, inform the Chairman as in Form-II whether such voting or abstention has or has not been condoned by such political party, person or authority.

Explanation - A Member may be regarded as having abstained from voting only when he, being entitled to vote, voluntarily refrained from voting.

4. (1) Every member who has taken his seat in the Council before the date of commencement of these rules shall furnish to the Secretary-General within thirty days from such date or within such further period as the Chairman may for sufficient cause allow, a statement of particulars and declaration as in Form-III.

(2) Every member who takes his seat in the Council after the commencement of these rules shall, before making and subscribing an oath or affirmation under article 99 of the Constitution and taking his seat in the Council, deposit with the Secretary-General his election certificate or, as the case may be, a certified copy of the notification nominating him as a member and also furnish to the Secretary-General a statement of particulars and declaration as in Form-III.

Explanation.- For the purposes of this sub-rule “Election Certificate” means the certificate of election issued under the Representation of the People Act, 1951 (43 of 1951) and the rules made there under.

Register of member information as-

(1) The Secretary-General shall maintain as in Form-IV, a register based on the information furnished under rules 3 and 4 in relation to the members.

(2) The information in relation to each member shall be recorded on a
separate page in the register.

(3) A summary of the information furnished by the members under this rule shall be published in the Bulletin and if any discrepancy therein is pointed out to the satisfaction of the Chairman, necessary corrigendum shall be published in the Bulletin. References to be

6. (1) No reference of any question as to whether a member has become subject to disqualification by petitions. Under the Tenth Schedule shall be made except by a petition in relation to such member made in accordance with the provisions of this rule.

(2) A petition in relation to a member may be made in writing to the Chairman by any other member.

(3) Before making any petition in relation to any member, the petitioner shall satisfy himself that there are reasonable grounds for believing that a question has arisen as to whether such member has become subject to disqualification under the Tenth Schedule.

(4) Every petition,-
   a. shall contain a concise statement of the material facts on which the petitioner relies; and
   b. shall be accompanied by copies of the documentary evidence, if any, on which the petitioner relies and where the petitioner relies on any information furnished to him by any person, a statement containing the names and addresses of such persons and the gist of such information as furnished by each such person.

(5) Every petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908), for the verification of pleadings petitioner

(6) Every annexure to the petition shall also be signed by the and verified in the same manner as the petition.

7. (1) On receipt of a petition under rule 6, the Chairman shall consider whether the petition complies with the requirements of that rule.

(2) If the petition does not comply with the requirements of rule 6, the Chairman shall dismiss the petition and intimate the petitioner accordingly.
(3) If the petition complies with the requirements of rule 6, the Chairman shall cause copies of the petition and of the annexure thereto to be forwarded, made; and
(a) to the member in relation to whom the petition has been
(b) where such member belongs to any legislature party and such petition has not been made by the leader thereof, also to such leader; and such member or leader shall, within seven days of the receipt of such copies, or within such further period as the Chairman may for sufficient cause allow, forward his comments in writing thereon to the Chairman.

(4) After considering the comments, if any, in relation to the petition, received under sub-rule (3) within the period allowed (whether originally or on extension under that sub-rule), the Chairman may either proceed to determine the question or, if he is satisfied, having regard to the nature and circumstances of the case that it is necessary or expedient so to do, refer the petition to the Committee for making a preliminary inquiry and submitting a report to him.

(5) The Chairman shall, as soon as may be after referring a petition to the Committee under sub-rule

(6) intimate the petitioner accordingly and make an announcement with respect to such reference in the House or, if the House is not then in session, cause the information as to the reference to be published in the Bulletin.

(7) Where the Chairman makes a reference under sub-rule (4) to the Committee, he shall proceed to determine the question as soon as may be after receipt of the report from the Committee

(8) The procedure which shall be followed by the Chairman for determining any question and the procedure which shall be followed by the Committee for the purpose of making a preliminary inquiry under sub-rule (4) shall be, so far as may be, the same as the procedure applicable for the determination by the Committee of any question as to breach of privilege of the Council by a member, and neither the chairman nor the Committee shall come to any finding that a member has become subject to disqualification under the Tenth
Schedule without affording a reasonable opportunity to such member to represent his case and to be heard in person. Decision on

9. (1) At the conclusion of the consideration of the petition, the Chairman shall by order in writing—

(a) dismiss the petition, or

(b) declare that the member in relation to whom the petition has been made has become subject to disqualification under the Tenth Schedule, and cause copies of the order to be delivered or forwarded to the petitioner, the member in relation to whom the petition has been made and to the leader of the legislature party, if any, concerned.

(2) Every decision declaring a member to have become subject to disqualification under the Tenth Schedule shall be reported to the Council forthwith if the Council is in session, and if the Council is not in session immediately after the Council reassembles.

(3) Every decision referred to in sub-rule (1) shall be published in the Bulletin and notified in the Official Gazette and copies of such decision shall be forwarded by the Secretary-General to the Election Commission of India and the Central Government.

10. The Chairman may, from time to time, issue such directions, as he may consider necessary in regard to the detailed working of these rules.
FORM I

[See Rule 3(1)]

Name of the legislature party:

Name of the corresponding political party:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the Member (in block letters)</th>
<th>Father's/Husband's name</th>
<th>Permanent Address</th>
<th>Name of the State from which elected</th>
</tr>
</thead>
<tbody>
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</table>

Date:   Signature of the leader of the legislature party
FORM II
[See Rule 3 (5)]

To

The Chairman,
Rajya Sabha

At the sitting of the Council held on
(subject-matter)

Sir,

At the sitting of the Council held on __________(date) during voting on __________(subject-matter)___ _______ *Shri _________, M.P. (Division No___________), member of _______________ (name of political party), and member of _______________ (name of legislature party) had voted/abstained from voting, *I______________(name of the member), M.P. (Division No._________), member of ________ (name of political party), and leader of /sole member of ________ (name of legislature party) voted/abstained from voting, contrary to the direction issued by ________________$*$ (*person/authority/party) without obtaining the prior permission of the said *person/authority/party.

2. On ________________the aforesaid matter was considered by ________________$*$ (*person/authority/party) and the said voting/abstention was condoned*/was not condoned by him*/it. *I member), M.P. (Division No. member of).

Yours faithfully,

Date:

(Signature)
FORM III

[See Rule 4]

1. Name of the member (in block letters) :

2. Father's/Husband's name :

3. Permanent Address :

4. Delhi Address :

5. Date of election/nomination :

6. Party affiliation as on - :
   (i) date of election/nomination :
   (ii) the 28th February, 1985 :
   (iii) date of signing this form :

DECLARATION

I ________________ given above is true and correct, hereby declare that the information In the event of any change in the information above, I undertake to inform the Chairman immediately.

Signature / thumb
Date :
Impression of Member
<table>
<thead>
<tr>
<th>Name of the Member (in block letters)</th>
<th>Father's/ Husband's name</th>
<th>Permanent address</th>
<th>Delhi address</th>
<th>Name of the State from which elected</th>
<th>Date of election/ Nomination</th>
<th>Date of taking seat in the Council</th>
<th>Date of commencement of term of office</th>
<th>Name of political party to which he belongs</th>
<th>Name of legislature party to which he belongs</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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</tr>
</tbody>
</table>
ANNEXURE - F

The Haryana Legislative Assembly (Disqualification of Members on Ground of Defection) Rules, 1986

Short Title
1. These rules may be called the Haryana Legislative Assembly (Disqualification of Members on Ground of Defection) Rules, 1986.

Definition
2. In these rules, unless the context otherwise requires,
   (a) 'Committee' means the Committee of Privileges of the Haryana Legislative Assembly;
   (b) 'Form' means a form appended to these rules;
   (c) 'date of commencement' in relation to these rules means the date on which these rules take effect under sub-paragraph (2) of paragraph 8 of the Tenth Schedule;
   (d) 'House' means the Haryana Legislative Assembly;
   (e) 'Leader' in relation to a legislature party, means a member of the party chosen by it as its leader and includes any other member of the party authorized by the party to act, in the absence of the leader as, or discharges the functions of, the leader of the party for the purposes of these rules;
   (f) 'member' means a member of the Haryana Legislative Assembly;
   (g) 'Tenth Schedule' means the Tenth Schedule to the Constitution of India;
   (h) 'Secretary' means the Secretary to the Assembly and includes any person for the time being performing the duties of the Secretary.

Information to be furnished by leader of a legislature party paragraph 8(1)(b) and(c)
3.(1) The leader of each legislature party (other than a legislature party consisting of only one member) shall, within thirty days after the first sitting of the House, or, where such legislature party is formed after the first sitting, within thirty days after its formation, or, in either case within such further period as the Speaker may for sufficient cause allow, furnish the following to the Speaker, namely:-
   (a) a statement (in writing) containing the names of members of such legislature party together with other particulars regarding such members as in form 1 and
the names and designations of the members of such party who have been
authorized by it for communicating with the Speaker for purposes of these
rules;

(b) a copy of the rules and regulations (whether known as such or as constitution
or by any other name) of the political party concerned; and

(c) where such legislature party has any separate set of rules and
regulations (whether known as such or as constitution or by any other name),
also a copy of such rules and regulations.

(2) Where a legislature party consists of only one member, such member shall
furnish a copy of the rules and regulations mentioned in clause (b) of sub-rule
(1) to the Speaker, within thirty days after the first sitting of the House or,
where he has become a member of the House after the first sitting, within
thirty days after he has taken his seat in the House, or, in either case within
such further period as the Speaker may for sufficient cause allow.

(3) In the event of any increase in the strength of a legislature party consisting of
only one member, the provisions of sub-rule (1) shall apply in relation to such
legislature party as if such legislature party had been formed on the first date
on which its strength increased.

(4) Whenever any change takes place in the information furnished by the leader of
a legislature party under sub-rule (1) or by a member sub-rule (2), he shall,
within thirty days thereafter, or, within such further period as the Speaker may
for sufficient cause allow, furnish in writing information to the Speaker with
respect to such change.

(5) In the case of the House in existence on the date of commencement of these
rules, the reference in sub-rules (1) and (2) to the date of the first sitting of the
House shall be construed as a reference to the date of commencement of these
rules.

(6) Where a member belonging to any political party votes or abstains from voting
in the House contrary to any direction issued by such political party or by any
person or authority authorized by it in this behalf, without obtaining, in either
case, the prior permission of such political party, person or authority, the
leader of the legislature party concerned or where such member is the leader,
or as the case may be, the sole member of such legislature party, such
member, shall, as soon as may be after the expiry of fifteen days from the date
of such voting or abstention and in any case within thirty days from the date of such voting or abstention inform the Speaker as in Form II whether such voting or abstention has or has not been declared by such political party, person or the authority.

Explanation.- A member may be regarded as having abstained from voting only when he, being entitled to vote, voluntarily refrained from voting.

Information 4.(1) Every member who has taken his seat in the House before the date of commencement of etc. to be these rules shall furnished to the Secretary, within thirty days from such date or within furnished by such further period as the Speaker may for sufficient cause allow, a statement of member particulars and declaration as in Form III.

Paragraph 8(a) (2) every member who takes his seat in the House after the commencement of these rules shall, before making and subscribing an oath or affirmation under article 188 of the Constitution and taking his seat in the House, deposit with the Secretary, his election certificate and also furnish to the Secretary a statement of particulars and declaration as in Form III.

Explanation.- For the purposes of this sub-rule, “election certificate” means the certificate of election issued under the Representation of the People Act, 1951 (43 of 1951) and the rules made there under.

(3) A summary of the information furnished by the members under this rule shall be circulated to all the members of the House and if any discrepancy therein is pointed out to the satisfaction of the Speaker, necessary corrigendum shall be circulated to all the members of the House.

Register of information as to members paragraph 8(a)

5.(1) The Secretary shall maintain, as in Form IV, a register based on the information furnished under rules 3 and 4 in relation to the members. (2) The information in relation to each member shall be recorded on a separate page in the register.

References 6.(1) No reference of any question as to whether a member has become subject to disqualification to be by under the Tenth Schedule shall be made except by a petition in relation to such member petitions, made in accordance with the provisions of this rule. paragraph 8(a)(d). (2) A petition in relation to a member may be made in writing to the Speaker by any other member; provided that a petition in relation to the Speaker shall be addressed to the Secretary.
(3) The Secretary shall, as soon as may be after the receipt of a petition under the proviso to sub-rule (2), make a report in respect thereof to the House; and

(b) as soon as may be after the House has elected a member in pursuance of the proviso to sub-paragraph (1) of paragraph 6 of the Tenth Schedule, place the petition before such member.

(4) Before making any petition in relation to any member, the petitioner shall satisfy himself that there are reasonable grounds for believing that a question has arisen as to whether such member has become subject to disqualification under the Tenth schedule.

(5) Every petition—

(a) shall contain a concise statement of the material facts on which the petitioner relies; and

(b) shall be accompanied by copies of the documentary evidence, if any, on which the petitioner relies and where the petitioner relies on any information furnished to him by any person, a statement containing the names and addresses of such persons and the gist of such information as furnished by each such person.

(6) Every petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908), for the verification of pleadings.

(7) Every annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

Procedure 7.

Paragraph (8)(1)(d)

(1) On receipt of a petition under rule 6, the Speaker shall consider whether the petition complies with the requirements of that rule.

(2) If the petition does not comply with the requirements of the rule 6, the Speaker shall dismiss the petition and intimate the petitioner accordingly.

(3) If the petition complies with the requirements of rule 6, the Speaker shall cause copies of the petition and of the annexure there to be forwarded,—

(a) to the member in relation to whom the petition has been made; and

(b) where such member belongs to any legislature party and such petition has not been made by the leader thereof, also to such leader, and such
member or leader shall, within seven days of the receipt of such copies, or within such further period as the Speaker may for sufficient cause allow, forward his comments in writing thereon to the Speaker.

(4) After considering the comments, if any, in relation to the petition, received under sub-rule (3) within the period allowed (whether originally or on extension under that sub-rule), the Speaker may either proceed to determine the question or, if he is satisfied, having regard to the nature and circumstances of the case that it is necessary or expedient so to do, refer the petition to the committee for making a preliminary enquiry and submitting a report to him.

(5) The Speaker shall, as soon as may be after referring a petition to the committee under sub-rule (4), intimate the petitioner accordingly and make an announcement with respect to such reference in the House or, if the House is not then in session, cause the information as to the reference to be circulated to all the members of the House accordingly.

(6) Where the Speaker makes a reference under sub-rule (4) to the Committee, he shall proceed to determine the question as soon as may be after receipt of the report from the Committee.

(7) The procedure which shall be followed by the Speaker for determining any question and the procedure which shall be followed by the Committee for the purpose of making a preliminary inquiry under sub-rule (4) shall be, so far as may be, the same as the procedure for inquiry and determination by the Committee of any question as to breach of privilege of the House by a member, and neither the Speaker nor the Committee shall come to any finding that a member has become subject to disqualification under the Tenth Schedule without affording a reasonable opportunity to such member to represent his case and to be heard in person.

(8) The provisions of sub-rule (1) to (7) shall apply with respect to a petition in relation to the Speaker as they apply with respect to a petition in relation to any other member and for this purpose, reference to the Speaker in these sub-rules shall be construed as including references to the member elected by the House under the proviso to sub-paragraph (1) of paragraph 6 of the Tenth Schedule.
Decision on 8(1) At the conclusion of the consideration of the petition, the Speaker or as the Petitions case may be, the member elected under the proviso to Paragraph 8(1)(d) (1) of paragraph 6 of the Tenth Schedule shall by order in writing:-
(a) dismiss the petition; or
(b) declare that the member in relation to whom the petition has been made has become subject to disqualification under the Tenth Schedule, and cause copies of the order to be delivered or forwarded to the petitioner, the member in relation to whom the petition has been made and to the leader of the Legislature party, if any, concerned.
(2) Every decision declaring a member to have become subject to disqualification under the Tenth Schedule shall be reported to the House forthwith if the House is in session, and if the House is not in session, immediately after the House reassembles.
(3) Every decision referred to in sub-rule (1) shall be circulated to all the members of the assembly and notified in the Official Gazette and copies of such decision forwarded by the Secretary to the Election Commission of India, Chief Electoral Officer, Haryana and the State Government.
9. The Speaker may, from time to time, issue such directions as he may consider necessary in regard to the detailed working of these rules.

Directions as to detailed working of these rules paragraph 8.
FORM 1
[See rule 3(1)(a)]

Name of the
Name of the corresponding
Legislature Party
Political Party:

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of the Member</th>
<th>Father's Name</th>
<th>Husband's Name</th>
<th>Permanent address</th>
<th>Constituency from which elected</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date:
Signature of the leader of the legislative party.
FORM II
[See rule 3(6)]

To

The Speaker,
Haryana Vidhan Sabha.

Sir,

At the sitting of the House held on .........................(date) during voting on .........................(subject-matter)

<table>
<thead>
<tr>
<th>Member of the House</th>
<th>Number of the member, M.L.A. (Division No. .................)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(name of political party), and the number of</td>
<td>of the member, M.L.A. (Division No. .....................)</td>
</tr>
<tr>
<td>.............................................(name of legislature)</td>
<td>member of ..........................................................</td>
</tr>
<tr>
<td>name of the member, M.L.A. (Division No.</td>
<td>of political party and leader of that member of ...............</td>
</tr>
<tr>
<td>.........................)</td>
<td>name of political party</td>
</tr>
<tr>
<td>set abstained from voting</td>
<td>(name of legislature party) voted/abstained from voting</td>
</tr>
</tbody>
</table>

Contrary to the direction issued by .................... (+Person/authority/party) without obtaining the prior permission of the said (+person/authority/party).

2. On (date) ..................the aforesaid matter was considered by .................. (+person/authority/party) and the said voting/abstention was (+condoned/was not condoned) by (+him/her).

Date:

Yours faithfully

(Signature)

+Strike out inappropriate words/portion

*(Here mention the name of the person/authority/party, as the case may be, who had issued the direction).
FORM III  
[See rule 4(1) and (2)]

1. Name of the member (in block letters);
2. Father's/husband's name;
3. Permanent Address:
4. Present Address:
5. Date of Election:
6. Party affiliation as on-

(i) Date of election;
(ii) The 28th February, 1985;
(iii) Date of signing this form:

DECLARATION

I, .................................................. hereby declare that the information given above is true and correct.

In the event of any change in the information above, I undertake to intimate the Speaker immediately.

Date:

Signature/thumb

Impression of member.

*To be filled in only by members elected before the 1st March, 1985, being the date of commencement of the Constitution (52 Amendment) Act, 1985.
FORM IV

[See rule 5(1)]

<table>
<thead>
<tr>
<th>Name of the Member (in block letters)</th>
<th>Father's/ Husband's name</th>
<th>Permanent Address</th>
<th>Date of Birth</th>
<th>Name of the State from which elected</th>
<th>Date of election/ Nomination</th>
<th>Date of taking seat in the Council</th>
<th>Date of commencement of term of office</th>
<th>Name of political party to which he belongs</th>
<th>Name of legislature party to which he belongs</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
</tr>
</tbody>
</table>

By order of the Speaker

Haryana Vidhan Sabha
ANNEXURE – G

[Seventh Schedule]

The Constitution of Jammu and Kashmir

Provisions as to Disqualifivation on Ground of Defection

1. Interpretation. – In this Schedule, unless the context otherwise requires,
   (a) "House" means: either House of the Legislature of the State;
   (b) "Legislature party", in relation to a member of a House belonging to any political party in accordance with the provisions of paragraph 2 or paragraph 3 or, as the case may be, paragraph 4, means the group consisting of all the members of that House for the time being belonging to that political party in accordance with the said provisions;
   (c) "Leader" in relation to a Legislature party means a member of the party chosen by it as its leader and includes any other member of the party authorized by the party to act, in the absence of the leader, as, or discharge the functions of the leader for the purpose of this Schedule;
   (d) "Original Political Party", in relation to a member of a House, means the political party to which he belongs for the purpose of sub-paragraph (1) of paragraph 2;
   (e) "Paragraph" means a paragraph of this Schedule.


2. Disqualification on ground of defection. – (1) Subject to the provisions of paragraphs 3, 4 and 5, a member of a House belonging to any political party shall be disqualified for being a member of the House:
   (a) if he has voluntarily given up his membership of such political party; or
   (b) if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs or by any person or authority authorized by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of, such voting or abstention.

Explanation. – For the purpose of this sub-paragraph
(a) an elected member of a House shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member;

(b) a nominated member of a House shall,

(i) where he is a member of any political party on the date of his nomination as such member be deemed to belong to such political party;

(ii) in any other case, be deemed to belong to the political party of which he becomes, or, as the case may be, first becomes member before the expiry of six months from the date on which he takes his seat after complying with the requirements of section 64.

(2) An elected member of a House who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being a member of the House if he joins any political party after such election.

(3) A nominated member of a House shall be disqualified for being a member of the House if he joins any political party after the expiry of six months from the date on which he takes his seat after complying with the requirements of section 64.

(4) Notwithstanding anything contained in the foregoing provisions of this paragraph, a person who on the commencement of the Constitution of Jammu and Kashmir (Eighteenth Amendment) Act, 1987 is a member of a House (whether elected or nominated as such) shall,

(i) where he was a member of a political party, immediately before such commencement be deemed, for the purposes of sub-paragraph (1) of this paragraph, to have been elected as a member of such House as a candidate set up by such political party;

(ii) in any other case be deemed to be an elected member of the House who has been elected as such otherwise than as a candidate set up by any political party for the purposes of sub-paragraph (2) of this paragraph or as the case may be, be deemed to be a nominated member of the House for the purposes of sub-paragraph (3) of this paragraph.

3. Disqualification on ground of defection not to apply in case of split.- Where a member of a House makes a claim that he and any other member of his Legislature party constitute the group representing a faction which has arisen as a result of a split in his original political party and such
group consists of not less than one-third of the members of such Legislature party, 
(a) he shall not be disqualified under sub-paragraph 
(l) of paragraph 2 on the ground-
(i) that he has voluntarily given up his membership of his original political party;
(ii) that he has voted or abstained from voting in such House contrary to any direction issued, by such party or by any person or authority authorised by it in that behalf without obtaining the prior permission of such party, person or authority and such voting or abstention has not been condoned by such party, person or authority within fifteen days from the date of such voting or abstention; and

(b) from the time of such split, such faction shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (l) of paragraph 2 and to be his original political party for the purposes of this paragraph.

4. Disqualification on ground of defection not to apply in case of merger.- (1) A member of a House shall not be disqualified under sub-paragraph (l) of paragraph 2 where his original political party merges with another political party and he claims that he and any other member of his original political party-
(a) have become members of such other political party or, as the case may be, of a new political party formed by such member; or
(b) have not accepted the merger and opted to function as a separate group, and from the time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (l) of paragraph 2 and to be his original political party for the purposes of this sub-paragraph.

(2) For the purposes of sub-paragraph (l) of this paragraph, the merger of the original political party of a member of a House shall be deemed to have taken place if, and only if, not less than two-third of the members of the Legislature party concerned have agreed to such merger.

5. Exemption.-Notwithstanding anything contained in this schedule, a person who has been elected to the office of the Speaker or the Deputy Speaker
of the Legislative Assembly or the Chairman or the Deputy Chairman of
the Legislative Council shall not be disqualified under this Schedule,

(a) if he, by reason of his election to such office, voluntarily gives up the
membership of the political party to which he belongs immediately before
such election and does not, so long as he continues to hold such office
thereafter, rejoin that political party or becomes a member of another
political party;

(b) if he, having given up by reason of his election to such office his
membership of the political party to which he belonged immediately
before such election, rejoins such political party after he ceases to hold
such office.

6. Decision on questions as to disqualification on ground of defection.—(1) If
any question arises as to whether a member of the House has become
subject to disqualification under this Schedule, the question shall be
referred for the decision of the Leader of the Legislature party to which
such member belongs and his decision shall be final:

Provided that where the question which has arisen relates to a member
belonging to a Political party which has not elected any Leader of its Legislature
party, the question shall be referred for the decision of the Speaker or the
Chairman, as the case may be, and his decision shall be final:

Provided further that where the question which has arisen relates to a member
not belonging to any political party, the question shall be referred for the
decision of the Speaker or the Chairman, as the case may be, and his decision
shall be final.

(2) All proceedings under sub-paragraph (1) of this paragraph in relation to
any question as to disqualification of a member of a House under this
Schedule shall be deemed to be proceedings in the House within the
meaning of section 89.

7. Bar of jurisdiction of Courts.—Notwithstanding anything in this
Constitution, no Court shall have any jurisdiction in respect of any matter
connected with the disqualification of a member of a House under this
Schedule.

8. Rules.—(1) Subject to the provisions of sub-paragraph (2) of this
paragraph, the Chairman or the Speaker of the House may make rules for
giving effect to the provision of this Schedule, and in particular, and
without prejudice to the generality of the foregoing, such rules may provide for

(a) the maintenance of registers or other records as to the political parties, if any, to which different members of the House belong;

(b) the report which the leader of a legislature party in relation to a member of a House shall furnish with regard to any complaint - of the nature referred to in clause (b) of sub-paragraph (1) of paragraph 2 in respect of such member, the time within which and the authority to whom such report shall be furnished;

(c) the reports which a political party shall furnish with regard to admission to such political party of any members of the House and the office of the House to whom, such report shall be furnished; and

(d) the procedure for deciding any question referred to in sub-paragraph (1) of paragraph 6 including the procedure for any inquiry which may be made for the purpose of deciding such question.

(2) The rules made by the Chairman or the Speaker of the House under sub-paragraph (1) of this paragraph shall be laid as soon as may be after they are made before the House for a total period of thirty days which may be comprised in one session or, in two or more successive sessions and shall take effect upon the expiry of the said period of thirty days unless they are sooner approved with or without modifications or disapproved by the House and where they are so approved, they shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall be of no effect.

(3) The Chairman or the Speaker of the House may, without prejudice to the provisions of section 72 and to any other power which he may have under this Constitution direct that any willful contravention by any person of the rules made under this paragraph may be dealt with in the same manner as a breach of privilege of the House.