Polity & Governance · GS - II

Examine the role of the Speaker in enforcing the anti-defection law. How can delays in deciding disqualification petitions undermine parliamentary democracy?

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 04/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Tenth Schedule; Speaker’s quasi-judicial role; political defections; judicial review; delayed disqualification; democratic accountability; reasonable timelines; institutional reforms.

Model Answer

Introduction

The anti-defection law, introduced through the 52nd Constitutional Amendment Act, 1985, aims to curb political defections and promote stability in representative institutions. The Speaker or Chairman adjudicates disqualification petitions under the Tenth Schedule.

Role and Challenges

The Speaker examines allegations of defection and determines whether a legislator is liable for disqualification. However, prolonged delays can allow legislators facing allegations to continue exercising their powers and may undermine electoral mandates. Political affiliations can also raise concerns regarding impartiality.

Judicial Oversight and Reforms

The Supreme Court has affirmed that Speakers must decide disqualification petitions expeditiously and that constitutional courts can intervene to address undue delays. In the absence of exceptional circumstances, three months has been indicated as the outer limit for deciding such petitions.

An independent adjudicatory mechanism, clearer procedural timelines and transparent hearings could strengthen impartiality. Adequate safeguards must also protect natural justice and the right of legislators to present their defence.

Conclusion

Timely and impartial decisions are essential to preserve legislative integrity. Reforming the adjudication mechanism can strengthen democratic accountability while respecting constitutional principles.

BECOME IAS
AI POWERED UPSC PREP