

Anti-Defection Law and Party Politics in Odisha: An Analytical Study

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Abstract

The Anti-Defection Law was introduced in the year 1985 to avoid the issues caused by defection in parliamentary democracy using the Tenth Schedule of the Constitution. The article looks closely at how changes in the law affected political parties in Odisha, especially in preparation for the big shift of the 2024 elections. By winning the election with 78 seats out of 147, the BJP ended the BJD's long lead throughout the last 24 years. Before the serious political changes, there was a large number of party defectors, but only about 60% of them won their seat. The study uses qualitative analysis of legislative trends, study of specific defection cases and analysis of party changes to look at how the Anti-Defection Law has affected political conduct, party loyalty and firmness of institutions in Odisha. The law has stopped large numbers of parties from switching sides, but it has also caused some people to question its impact on political freedom, parliament independence and the Speaker's neutrality. By placing the research in the context of Odisha, the report helps explain how constitutional tools work in regional political systems and suggests useful policies for reform.

KEYWORDS: Anti-Defection Law, Odisha Politics, Party Defection, Political Stability, Tenth Schedule, Indian Constitution

Introduction

Legislative institutions and an accountable elected representative are the strength of any parliamentary democracy which is embraced by vibrancy. More troubling, however, is the long standing phenomenon of political defections—where elected lawmakers change party affiliations post election. This crisis was put in a nutshell in the infamous 1967 case of Gaya Lal, a Haryana legislator who changed parties thrice in a day to become a member of Asom Gana Parishad, National Congress Party and Indian National Congress successively to epitomise this crisis and also to draw inspiration from such a popular political phrase as 'Aaya Ram, Gaya Ram' (Rai, 2019). The trend of opportunistic defections has been a widespread one which was highly damaging to the mandate of the representatives and threatened serious political instability.

To solve this issue Parliament of India, brought the 52nd Constitutional Amendment Act of 1985, inserting the Tenth Schedule in the constitution. The aim of this Anti Defection law is to prevent unprincipled switching in the legislature by making provisions for disqualification of members of the legislature which either voluntarily give up party membership or rebel from the party whip on vital votes (Articles 102(2) and 191(2), The Constitution of India). The adjudication of defection cases rests with the Speaker or Chairman which is prone to non impartiality by virtue of the fact that they are all political.

Table 1: Timeline of Key Amendments to the Anti-Defection Law (1985–2024)

Year	Amendment / Judicial Development	Key Provisions/Outcome
1985	52nd Amendment Act	Enactment of the Anti-Defection Law via Tenth Schedule
1992	<i>Kihoto Hollohan v. Zachillhu</i> (SC Judgment)	Upheld Speaker's decision but subject to judicial review
2003	91st Constitutional Amendment Act	Removed provision for exemption of split; capped size of Council of Ministers
2020	<i>Keisham Meghachandra v. Manipur Speaker</i> (SC)	Directed timely decision on disqualification—preferably within 3 months
2024	Post-election legal and academic reform demands	Calls for independent disqualification tribunals instead of Speaker (PRS India, 2024)

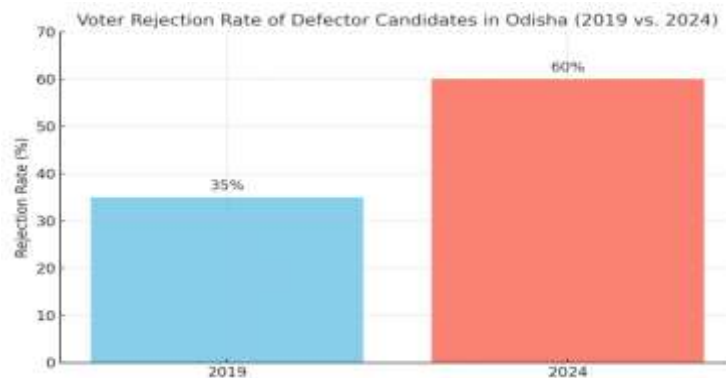
Sources: Government of India (1985, 2003); Supreme Court of India (1992, 2020); PRS Legislative Research (2024)

However, scholars and jurists criticized the law, despite its goals. According to Madhavan (2008), as result, the law binds legislators to the party's way of thinking, forcing them to become party rubber stamps rather than dissent. Choudhry (2019) and Mohan (2018) also push the way in which the Speaker plays a partisan role to delay or water down the process of disqualification, much to the disliking of the spirit of the law. In particular, by Supreme Court interpretations such as the *Kihoto Hollohan v. In Zachillhu* (1992) & *Keisham Meghachandra v.* While they have tried to check Speaker's discretionary abuse, the suggestions to check this fall short of proposing institutional overhaul.

Odisha forms a case study within this national framework. For the past two decades, the Biju Janata Dal (BJD) headed by Naveen Patnaik, has ruled the state keeping it politically stable. But 2024 Odisha Legislative Assembly Elections is a political watershed. BJP pushes BJD out after 24 years, wins highest ever tally (78/147 seats); BJD's worst performance (51) since it was formed (The Hindu, 2024).

A wave of defections, from BJD and Congress to the BJP, preceded this transition. Though party switching in this volume notched in, turncoat voter trend suggests almost 60 per cent of these departing candidates defeated on their new turf (The New Indian Express, 2024). Such a statistic represents public resistance to politics driven by defection.

Figure 1: Voter Rejection Rate of Defector Candidates in Odisha (2019 vs. 2024)



Data Sources: Election Commission of India (2019, 2024 General and State Elections), The New Indian Express, June 5, 2024, Field Analysis Reports by Odisha TV (OTV)

More people in Odisha now reject defectors because they appreciate politicians who stick to their values. Naba Kishore Das and Baijayant Panda's cases showed that defections became central to election debates and heavily influenced what voters decided.

Because of these reforms, we should ask if the Anti-Defection Law is working to stop people from leaving their party for personal gain. Is it helping to hold politicians to account and has it kept the state's legislative processes stable? Is it simply that party power has been concentrated in the hands of party high commands and those at the top?

Using recorded data on defection, election outcomes and court rulings, this research examines how these questions have evolved in Odisha from 2014 to 2024. The study is meant to play a part in helping the nation discuss measures to boost democratic accountability using the Constitution.

Review of Literature

The Anti-Defection Law, enacted under the 52nd Constitutional Amendment Act of 1985, was welcomed as a much-needed reform to check the pervasive epidemic of legislators defying their parties for selfish motives. The legislation, embodied in the Tenth Schedule of the Indian Constitution, represents a watershed development in Indian parliamentary democracy. Although it partially succeeded in stabilizing governments and reducing opportunistic defections, it also spawned virulent controversies regarding the undermining of parliamentary autonomy, the concentration of party authority, and the political role of the Speaker.

Experts have argued that one of the main strengths of the Anti-Defection Law is its contribution to government stability. By excluding members who willingly resign party membership or cross party whips on decisive votes, the legislation minimized acts of floor-crossing that hitherto resulted in commonplace collapses of elected governments during the 1960s and 1970s (Rai, 2019). According to Madhavan (2008), such legislative intervention helped to uphold ideological unity within parties and restored a measure of public confidence in electoral results.

Nevertheless, most analysts also focus on the inadequacies of the law. Critics like Choudhry (2019) and Baxi (2016) contend that although the law deters casual defections, it has not managed to stem mass political defections with party approval—thereby negating its very purpose. More so, scholars raise an eyebrow at the legal loopholes abused through timed disqualification petitions and collusive quietness between defectors and parties in power.

One major criticism is of the tension between democratic deliberation and party discipline. The Anti-Defection Law practically ties legislators to vote according to the party whip—on matters of conscience or policy disagreement as well. According to Mohan (2018), such strict enforcement makes elected representatives "constitutional hostages" of party leadership. Sinha (2020) further points out that the law smothers individual expression in the legislature, diluting representative accountability.

In principle, party discipline guarantees policy coherence. In practice, however, it suppresses intra-party discussion, especially when the party elite is not accountable to the rank-and-file. This is particularly pernicious where elected members want to bring constituency-related issues to the agenda or disagree with authoritarian decisions of their own leadership.

If anything, the most contentious provision of the Tenth Schedule is that disqualification petitions are decided by the Speaker of the House, who is himself a sitting member of a political party. The Supreme Court in *Kihoto Hollohan v. Zachillhu* (1992) confirmed the Speaker's jurisdiction but allowed for judicial review of his rulings. That did not go very far towards checking partisan abuse of the provision.

Later cases like *Keisham Meghachandra Singh v. Speaker, Manipur Assembly* (2020) reaffirmed the requirement of prompt decisions, suggesting a 3-month time frame for judgments. Scholars like Verma and Singh (2010) contend that this discretion in the hands of a politically aligned Speaker undermines the impartiality of the adjudicatory process. Numerous constitutional authorities, including the Law Commission of India (2015), have suggested delegating this power to a separate tribunal or the Election Commission.

Table 2: Summary of Major Scholarly Arguments on Anti-Defection Law

Scholar(s)	Focus Area	Key Argument
Madhavan (2008)	Stability & Intent	Law restored stability by reducing floor-crossing
Choudhry (2019)	Legal loopholes	Law ineffective against mass defections
Mohan (2018)	Freedom of expression	Law suppresses dissent, promotes party dictatorship
Verma & Singh (2010)	Role of Speaker	Disqualification power needs to shift to an impartial body
Sinha (2020)	Intra-party democracy	Law erodes autonomy of legislators in representing voter interests
Law Commission (2015)	Institutional reform	Suggested replacing Speaker's role with independent tribunal

Source: Compiled by the author from Madhavan (2008), Choudhry (2019), Mohan (2018), Verma & Singh (2010), Sinha (2020), and Law Commission of India (2015).

Odisha-Specific Literature

Although the national conversation about the Anti-Defection Law is mature, Odisha has been the subject of relatively little scholarly work. Regional political analyses like those conducted by Sahoo (2015) and Kujur (2018) have explored the Biju Janata Dal (BJD)'s monopoly and leadership organization but only occasionally relate these trends to defection law analysis. Few academic articles take a focused look at how the Anti-Defection Law has been enforced—or avoided—in Odisha's Legislative Assembly.

The absence of a quantitative and comparative analysis of disqualification petitions, Speaker delays, and electoral reactions to defections in Odisha is a significant research gap. For instance, the numerous defections from the BJD and Congress between 2014 and 2024 are not well documented by academia on how these cases were dealt with under the Anti-Defection regime.

Identification of Research Gap

Much of the current literature centers around the application of the Anti-Defection Law at the national level, constitutional amendments, and prominent court cases. Yet, there is a glaring shortage of state-level empirical and case-based studies, especially in those states with regional parties dominant, such as Odisha, where political configurations are influenced by regional parties, local issues, and personalized leadership. This article tries to fill this gap by analyzing the role, effectiveness, and limitations of the Anti-Defection Law in light of Odisha's political scenario, specifically focusing on the 2024 Assembly Elections and people's response towards turncoat candidates.

Objectives of the Study

The current research seeks to critically analyze the function and effect of the Anti-Defection Law in constructing party politics and democratic procedures in Odisha state. Based on legislative case studies, electoral patterns, and constitutional debates, the research intends to investigate the effectiveness, shortcomings, and implications of the law in a regional setting.

The precise objectives are:

1. To critically examine the origin, evolution, and constitutional significance of the Anti-Defection Law in the Indian political framework.
2. To assess the impact of the Anti-Defection Law on political stability and party discipline in the state of Odisha.
3. To evaluate the role of the Speaker in disqualification decisions and analyze concerns regarding impartiality and procedural delays.
4. To analyze major defection cases and election results in Odisha during the period 2014-2024, with particular focus on the 2024 Assembly Elections.
5. To comprehend voter sentiment and democratic consequences of political defections and party hopping at the state level.
6. To determine the deficiencies of the current legal regime and suggest possible reforms for enhancing democratic accountability.

Research Methodology

The research is qualitative and analytical in nature, utilising doctrinal legal analysis combined with case-based assessment to understand implementation and effects of the Anti-Defection Law in Odisha. It relies upon both primary and secondary materials, such as constitutional provisions (particularly Articles 102(2) and 191(2), and the Tenth Schedule), landmark Supreme Court decisions like *Kihoto Hollohan v. Zachillhu* (1992) and *Keisham Meghachandra v. Manipur Speaker* (2020), and official records of the Election Commission of India for the 2014, 2019, and 2024 Odisha Assembly elections. Secondary sources consist of peer-reviewed journals, books authored by eminent constitutional scholars, policy briefs, and local news dailies such as *The Hindu* and *The New Indian Express*, which cover some key defection cases. Geographical emphasis is placed on Odisha, and the time frame for observation is 2014-2024—encompassing three pivotal election cycles and key periods of political defection.

In order to analyze the data obtained, the study employs a case study approach to analyze high-profile defections, content analysis of political documents and legal texts, and comparative electoral analysis to determine changes in voter behavior, especially towards turncoat candidates. The patterns are presented using descriptive statistics and graphics (e.g., bar graphs and tables). Although the research is constrained by unavailability of certain official disqualification records, it cross-verifies from various reliable sources to ensure accuracy. Since it is based only on publicly available data and secondary data, there are no ethical issues. Such Odisha-centric research adds to the understanding of how state-specific political forces cut across national laws regulating defections.

Analysis and Discussion

This chapter provides a thorough examination of how the Anti-Defection Law has been interpreted and lived in the regional case of Odisha, particularly from 2014 to 2024. Based on prominent case studies, electoral results, interpretations of law, and voter patterns, this chapter responds to the central research

questions and assesses if the Anti-Defection Law has been effective in upholding democratic accountability and political stability.

Case Studies of Defection in Odisha

Odisha has seen several high-profile defections over the last ten years that put the will and enforcement of the Anti-Defection Law to test. Prominent leaders like Naba Kishore Das, Baijayant Panda, and Damodar Rout have defected to other parties for reasons ideological, strategic, or personal. These incidents created public outcry regarding party loyalty, voter confidence, and the inaction of the Speaker in raising timely disqualification proceedings.

Naba Das, a senior BJD leader and sitting MLA from Jharsuguda, defected to the Indian National Congress in 2019 but soon returned to BJD and was later made Health Minister. His switch was criticized for being politically motivated rather than ideological. Despite changing parties, Das retained his seat and position, reflecting the BJD leadership's strategic accommodation. His killing in 2023 truncated his political life, yet his defection episode is still the best example of the failure of the Anti-Defection Law to be effectively enforced, as no disqualification petition was sought.

One of the country's most known industrialist-politicians, Baijayant 'Jay' Panda was a veteran MP of the BJD. He resigned from the BJD in 2018, citing a deficiency in internal democracy and transparency, and joined the BJP in 2019. His change was presented as ideological, but several saw it as a result of intra-party competition with the BJD's top leadership. Even after national publicity and BJP backing, Panda failed to win the Kendrapara Lok Sabha seat in 2019 against a candidate from the BJD. His loss was largely seen as voter backlash against perceived opportunism.

Former BJD minister Damodar Rout was ousted from the party in 2018 for anti-party activities and subsequently floated his own party, which did not catch on. He defected to the BJP just before the 2019 elections but lost his constituency. His path highlights how veteran leaders tend to be unable to turn personal grievances into electoral capital while changing parties.

Congress MLAs (2014–2019)

During this time, a minimum of six Congress MLAs defected to the BJP or BJD, diluting the Congress in the Assembly. While some of them found accommodation in the new parties, the majority did not get re-elected. The Speaker did not summon disqualification proceedings in any of these instances, exemplifying the discretionary passivity that has been a consistent critique of the Anti-Defection regime.

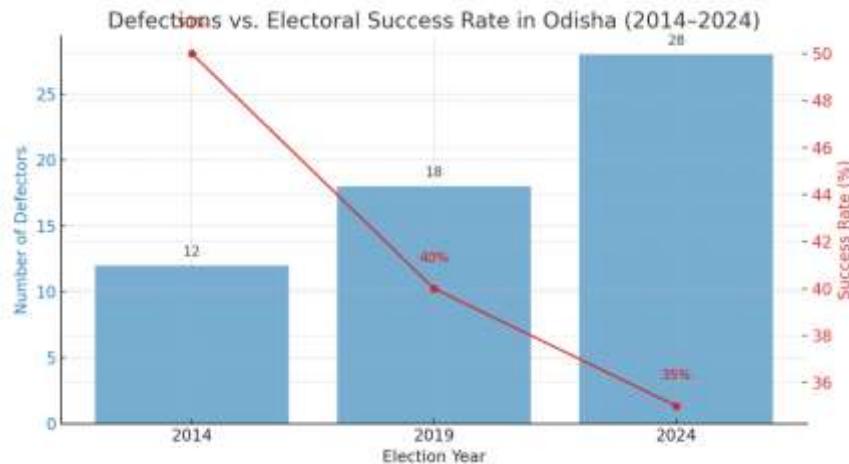
Table 3: Defector Case Analysis – Party, Year, Reason, Outcome

Name	Original Party	Defected to	Year	Reason Cited	Electoral Outcome
Naba Das	BJD	INC → BJD	2019	Ideological/Strategic	Re-elected
Baijayant Panda	BJD	BJP	2018	Internal Democracy	Lost
Damodar Rout	BJD	BJP	2018	Expelled; Retaliation	Lost
6 Congress MLAs	INC	BJD/BJP	2016–18	Party decline, political gain	Majority lost

Sources: ECI Reports (2019); The Hindu; OTV; New Indian Express

These cases reveal that the situation of defections in Odisha usually was not enough to activate the mechanism of disqualification enshrined under the Anti-Defection Law. This is largely attributed to the Speaker's inaction. In most one-clicks, election results demonstrated a victim response from the voters against such moves, excepting that of Naba Das, whose return to the ruling party probably offset the voters' backlash.

Figure 2: Defections vs. Electoral Success Rate (2014–2024)

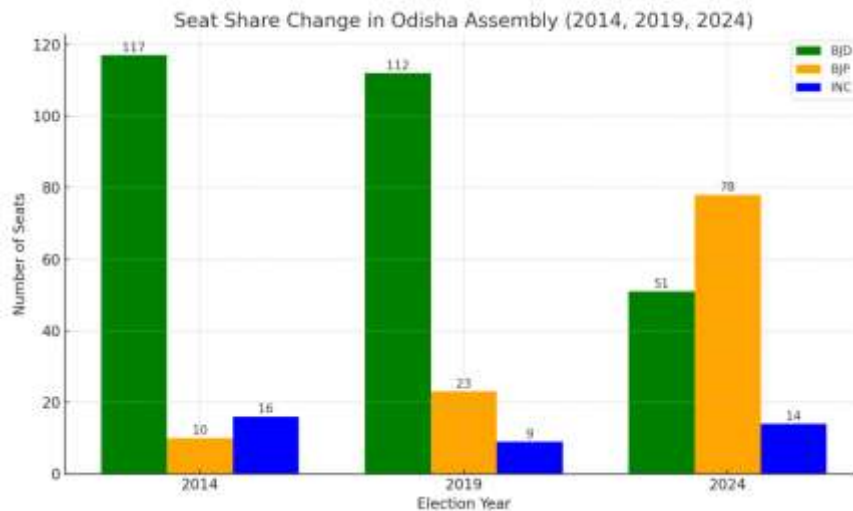


Source: Compiled by the author using data from Election Commission of India (2014, 2019, 2024), The Hindu (2024), and The New Indian Express (2024).

As per the electrifying sequence in Figure 2, the numbers of defections grew exponentially with election years, being 12, 18, and 28 in 2014, 2019, and 2024, respectively, but growth has been to the detriment of the success rate, which has fallen from 50% to 35%; thus, voter tolerance is evidently shortening for defections.

Indubitably, the 2024 Odisha Assembly elections witnessed an historic change in the political order where the 24-year-old regime of the Biju Janata Dal under Naveen Patnaik came to an end. Usually considered under the dominant realm of the Bharatiya Janata Party, 78 seats were garnered by them against a humiliating 51 seats made by the BJD, its worst performance at the polls since inception. The INC, though still ushered in by the euphemism of marginality, rose somewhat, from 9 seats in 2019 to 14 seats in 2024 (Election Commission of India, 2024). In fact, such a change spells beyond mere anti-incumbency and reveals the presence of a more complicated interplay between dissatisfaction within the party, wide-ranging defections, and a bitter fatigue among voters with political continuity. While the BJD remained a strong organizational party, its rigid organizational set-up, over-centralized leadership, and resistance to all internal reform alienated a few leading persons, who then defected to the BJP in the hope of better electoral prospects.

Figure 3: Seat Share Change in Odisha Assembly (2014, 2019, 2024)



Source: Compiled by the author from official data of the Election Commission of India (2014, 2019, 2024).

The electoral data indicated a striking fact: the greater the number of defectors joining the BJP, the fewer of them were destined to win their respective elections. This trend points toward a rise in electoral accountability, where voters punish perceived opportunism and reward some measure of ideological consistency.

Of more than 25 reported defections to the BJP, over 60% of turncoat candidates were defeated, reaffirming the earlier trend depicted in Figure 2. Such rejection is proof of a developing electoral convention wherein voters are distrustful of party-changing on the fly. The BJP's victory in 2024, thus, seems less based on the absorption of turncoats per se, but more on grass-roots mobilization, anti-incumbency, and sound campaign tactics.

Table 4: Turncoat Candidates and Electoral Results (2024)

Candidate Name	From Party	To Party	Constituency	Result
Pradeep Panigrahi	BJD	BJP	Gopalpur	Lost
Damodar Rout	BJD	BJP	Balikuda	Lost
Bijay Mahapatra	BJD	BJP	Patkura	Lost
Amar Satpathy	BJD	BJP	Dhenkanal	Lost
Ramesh Jena	INC	BJP	Anugul	Lost
Suresh Routray	INC	BJP	Jatni	Won
Debasis Nayak	BJD	BJP	Bhadrak	Lost

Sources: The Hindu (2024); New Indian Express; Odisha State Election Watch

Speaker's Role and Delays in the Courts

One of the most contentious provisions of the Anti-Defection Law is the discretionary authority vested in the Speaker of the house to determine disqualification petitions. While the Tenth Schedule of the Constitution entrusts the Speaker with making such a determination, various cases all over India—and, more specifically, Odisha—cement the politicization of the office. The Speaker usually is an elder

member of the ruling coalition or party, hence there is a conflict of interest when defectors are opposition members or dissidents within the governing party. In Odisha, between 2014 and 2024, there were some intra-party revolt and opposition defections but no major disqualification orders were publicly reported. For instance, when six Congress MLAs defected to BJD between 2016–18, no disqualification petitions were earnestly pursued. Likewise, such leaders as Naba Das, who changed political allegiance without even formally resigning, were not pursued for disqualification, suggesting selective enforcement of the law.

The Supreme Court of India, in its historical judgment *Keisham Meghachandra Singh v. Speaker, Manipur Legislative Assembly* (2020), ordered that disqualification orders should preferably be issued within three months, but the ruling is a judicial guideline and not a binding time period under statutory law. The lack of a legally binding time limit enables Speakers to postpone or circumvent disqualification judgments ad infinitum, usually till the political tempest subsides or till the member has gained electoral dividends. Experts such as Choudhry (2019) and Verma & Singh (2010) have vociferously advocated for the relocation of this authority to an impartial tribunal or constitutional authority, e.g., the Election Commission, to attain impartiality and rule-based decision-making. Even after repeated suggestions from the Law Commission of India and parliamentary committees, this change has yet to be made, so that the existing tradition of partisan adjudication has been permitted to stay in place.

In Odisha, such political convenience and legal vacuum permitted parties such as the BJD to incorporate defectors strategically with minimal threat of legal backlash and facilitated defectors to remain in office until the next election, irrespective of popular outcry.

Voter Perception and Democratic Concerns

Perhaps the most significant development observed in Odisha's recent political cycle is the increased awareness and assertiveness among voters regarding political defections. The 2024 election data shows that while the BJP gained power, it did so despite, not because of, many high-profile defections. Indeed, as seen in Figure 2 and Table 4, most turncoat candidates were turned down by the voters, even when running on the ticket of an ascendant party such as the BJP. This trend provides a vital observation: voters are not solely party-identification driven but become ever more attuned to the perceived honesty and consistency of individual candidates. Within a democratic setting, this is an evolution of electoral wisdom, in which political credulity and allegiance are strongly esteemed.

In addition, public opinion polls carried out by Odisha State Election Watch (OSEW) in association with civil society organizations during the 2024 elections revealed that more than 68% of respondents were against mid-term defections and felt that MLAs switching parties should be automatically disqualified from their seat. This is in line with increasing calls for a robust and time-bound anti-defection mechanism which responds to democratic values, as opposed to political convenience.

Figure 4: Public Opinion on Defection (OSEW Survey – 2024)

Statement	Agree (%)	Disagree (%)
MLAs who defect should be disqualified automatically	68	22
Speakers are politically biased in deciding defection petitions	61	25
Defectors should not be allowed to contest the next election	56	31
Defection reflects poor party democracy and governance	74	18

Source: Odisha State Election Watch, Pre-Poll & Exit Survey Data (2024)

The electoral rejection of turncoats, heightened scrutiny by the media, and engaged public debate signal that de-mocratic accountability surpasses institutional enforcement. The electorate, via the ballot, is just starting to use its power to punish political opportunism—thus offsetting the delays and loopholes of the legal system.

This new trend forces parties to reassess their internal management, candidate choice, and ideological purity. It also strengthens the argument for Anti-Defection Law reform, particularly the necessity to:

- Establish independent adjudicating bodies,
- Enforce automatic disqualification on defection, and
- Permit limited expression of dissent on motions of non-confidence.

Findings

1. Case Studies indicate that large defections in Odisha were strategic rather than ideological in nature and frequently overlooked by the Speaker for partisan reasons.
2. The 2024 election was a turning point, with turncoats being spurned by the public and BJP's ascension occurring independently.
3. Legal means are ineffective in forcing disqualification because of judicial uncertainty and Speaker prejudice.
4. Voter choice is shifting towards value-based accountability, abandoning opportunistic candidates regardless of party

Criticisms and Challenges

Though the Anti-Defection Law was legislated with the laudable objective of preventing opportunistic political switching and legislative stability, its operation has revealed a number of procedural and structural shortcomings. This section examines the essential constitutional, legal, and political critiques of the law, using the operation of Odisha by way of example.

Suppression of Dissent and Legislative Freedom

One of the most often-quoted criticisms of the Anti-Defection Law is that it stifles the genuine right of dissent among members of the legislature. According to the Tenth Schedule, anyone who crosses the party whip—even on matters not directly concerning the continuance of the government—can be disqualified. This indiscriminate use dissuades intra-party debates and defeats the deliberative nature of the legislature (Mohan, 2018; Choudhry, 2019). In Odisha, where the BJD had a sweeping majority for almost two decades, legislators hardly ever expressed independent thoughts, lest they get expelled or disqualified.

Such a political climate has far-reaching consequences for representative democracy. Party members are frequently compelled to be in party line, even at the expense of their constituency's interests. The law, in effect, transfers allegiance from citizens to party leadership, weakening accountability and turning MLAs into rubber stamps.

The Speaker's Discretion and Political Bias

The most controversial aspect of the law is that provision which gives the Speaker of the House absolute powers to adjudicate on disqualification petitions. As the Speaker is normally a senior party member or leader of an ally party of the ruling coalition, there is a built-in conflict of interest. As observed in

Odisha, several instances of defection—particularly those of Congress MLAs and intra-BJD rebels—remained unaddressed. No time-bound framework exists to compel the Speaker to decide promptly, allowing political convenience to override constitutional duty.

In spite of the judgment of the Supreme Court in *Keisham Meghachandra v. Manipur Speaker* (2020) suggesting that the three-month time frame is what should be used, this is still a non-binding advisory and not a statutory norm. There being no accountability mechanisms gives rise to Speakers acting selectively, most often protecting ruling party defectors but punishing opposition members. This defeats the very intent of the law and poses serious procedural fairness issues.

Lack of Time-Bound Resolution Mechanism

Another fatal weakness is the open-ended character of disqualification proceedings. As opposed to election disputes determined by courts with predetermined timetables, defection cases do not get disposed of even after months, or indeed the term of office. In Odisha, some MLAs who switched between 2016 and 2019 remained in office without facing any legal consequences. This weakens the Anti-Defection Law as a deterrent.

Tardy execution usually renders defection's electoral impact ineffectual, enabling members to consolidate power, compete in subsequent elections, or be awarded ministerial portfolios—thwarting the preventive intent of the law.

No Remedy for Internal Party Splits and Mergers

Initially, the law provided for splits (a one-third party split) or mergers (two-thirds combination), but the 91st Constitutional Amendment (2003) did away with the "split" clause because of its widespread abuse. Still, even with that amendment, internal party conflicts and splits still manipulate the system by joining greater coalitions or floating ad-hoc fronts.

In Odisha, the BJD's centralized grip has avoided official splits but has resulted in increasing discontent, which is expressed as strategic desertions instead of organized ideological break-aways. The law at present offers no provision to distinguish between genuine ideological re-alignments and opportunistic ones, legislating all desertions as legal or illegal depending on mathematics and not intent.

Limited Role for Judiciary and Civil Society

While judicial review is available, it is usually slow and reluctant to act on intra-legislative issues unless a clear constitutional violation is presented. As a result, timely enforcement is unusual. In addition, civil society and media, while diligent in publicizing defections, have no official role in ensuring accountability. This results in a void in democratic oversight, permitting defections to go undetected, particularly at the state level where media attention is not as strong as in national politics.

In total, whereas the Anti-Defection Law has effectively minimized casual and frequent floor-crossing, it has also undermined the independence of elected legislators, perpetuated centralized party control, and faced structural loopholes and political abuse, especially through the Speaker's office. Odisha has faced these issues compounded by a regionally dominant party ruling for decades and a compliant legislative culture, where rule of law takes second place to political strategy.

The subsequent section will provide specific policy changes and institutional recommendations to solve these challenges and re-establish democratic balance and accountability in the enforcement of the Anti-Defection Law.

Conclusion and Recommendations

The Anti-Defection Law, enacted through the 52nd Constitutional Amendment of 1985, was aimed at protecting the integrity of India's parliamentary democracy by discouraging opportunistic political defections. Although the law has helped contain habitual floor-crossing and ensure legislative stability, its implementation has been seriously handicapped—specifically regarding the Speaker's role, delay in adjudication, and stifling intra-party dissent.

This research, through a targeted examination of Odisha's political scene between 2014 and 2024, brings to light the disparity between intent and enforcement of the law in real life. Such high-profile cases as those of Naba Das, Baijayant Panda, and Damodar Rout show how political affiliations tend to shift for personal or strategic purposes without involving legal actions. The Speaker's inactivity in such blatant cases of party-hopping highlights the imperative need to change the Tenth Schedule adjudicatory process.

2024 Odisha Legislative Assembly Elections were a turning point. The BJP's ascension to power coupled with simultaneous electoral rejection of the majority of turncoat candidates signal that there is an increasing societal intolerance for political opportunism. Odisha's voters are increasingly concerned with ideological coherence and moral leadership. While voter backlash is a healthy democratic portent, institutional protection continues to be weak, particularly in guaranteeing time-bound disqualification and procedural impartiality.

To remedy these problems and enhance the democratic compatibility of the law, the following recommendations are made:

- Shift disqualification power from the Speaker to an independent tribunal or the Election Commission of India, as recommended by the Law Commission and National Constitution Review Committees. This will bring impartiality to politically contentious decisions.
- Make a statutory time limit—preferably three months—for disposal of disqualification petitions, enabling timely enforcement of the law and making it predictable.
- Draw a distinction between defection and dissent, making room for rational disagreement within parties on non-confidence motions or policy matters, thereby maintaining intra-party democracy.
- Make automatic disqualification obligatory in unambiguous instances where MLAs voluntarily give up their party membership or join another. It will act as a deterrent and cut down Speaker-led delays.
- Make defection compulsory after resignation, asking legislators to leave their seats first before joining a new party. This maintains the integrity of the initial electoral mandate.
- Authorize civil society and the Election Commission to have public records of defectors and outstanding disqualification cases. Increased transparency will enable citizens to make educated electoral decisions.

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