

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

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ANTI-DEFECTION LAW AND COALITION POLITICS **IN INDIA: A CRITICAL ANALYSIS**

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Abstract

The relationship between India's Anti-Defection Law and the distinctive dynamics of coalition politics constitutes one of the most complex and underexplored intersections in Indian constitutional law and political science. Enacted primarily in response to opportunistic single-party defections, the Tenth Schedule of the Constitution was not designed with coalition governments in mind. The era of coalition politics that began with the 1989 elections and defined the character of national governance until 2014 and which continues to shape state-level politics across India created novel constitutional challenges for the anti-defection framework. In a coalition government, the tension between party discipline within each constituent party and the imperatives of coalition management generates an ongoing friction that the Tenth Schedule's binary defection/non-defection framework is ill-equipped to resolve. This paper undertakes a critical analysis of the interaction between the Anti-Defection Law and coalition politics in India, examining how the legal framework has been interpreted and applied in the coalition context, how coalition dynamics have been used to circumvent anti-defection provisions, and what the implications of this interaction are for the constitutional principles of democratic accountability, governmental stability, and legislative independence. The paper traces the evolution of coalition politics in India from the late 1980s to the present, analyzing the constitutional and political crises generated by defections in coalition governments including the falls of the V.P. Singh government (1990), the Deve Gowda and Gujral governments (1997), and multiple state government crises in the period 2000-2024. Drawing on comparative frameworks from Germany, Israel, Italy, and Canada, the paper argues that India needs a differentiated anti-defection framework that is specifically adapted to the constitutional and political characteristics of coalition governance, and presents a set of reform proposals designed to preserve governmental stability while protecting the integrity of coalition agreements and the democratic mandate.

Keywords: *anti-defection law, coalition politics, Tenth Schedule, coalition government, India, political parties, governmental stability, floor-crossing, legislative accountability, parliamentary democracy, constitutional law, merger, coalition agreement*

1. Introduction

India's post-independence political history is divided into two broad eras by the character of its governing arrangements. The Congress-dominant era from 1947 to 1989 was characterized, at the national level, by single-party majority governments, albeit with a complex ecology of opposition parties and regional political forces. The post-1989 era ushered in the age of coalition politics, in which no single party has commanded an outright majority in the Lok Sabha except during the BJP-led NDA's tenure from 2014 to the present, and in which state politics has been persistently defined by multi-party coalition and minority governments. This structural transformation of Indian politics had profound implications for the operation of the Anti-Defection Law.

The Tenth Schedule, enacted in 1985 during the brief window of Congress majority government under Rajiv Gandhi, was designed primarily with a different political landscape in mind: the landscape of the 1970s and early 1980s, when defections typically involved individual legislators abandoning their parties in exchange for personal benefits. The coalition era introduced a qualitatively different set of defection dynamics. In a coalition government, defection may occur not merely at the level of individual legislators but at the level of entire constituent parties withdrawing their support. A constituent party that withdraws from a coalition does not typically trigger the Tenth Schedule's disqualification provisions, since its legislators are not abandoning their own party but rather following their party's decision to withdraw from the alliance. Yet the consequence the fall of the government is identical to that of a classical defection.

The interaction between anti-defection law and coalition politics thus generates a fundamental tension: the legal framework protects individual legislators against disqualification for following their party's direction, even when that direction involves the withdrawal of support from the government of which their party is a constituent member. This means that a coalition partner's decision to withdraw from government however opportunistic and however transparently motivated by the offer of a larger share of ministerial portfolios in an alternative arrangement is entirely immune from the Tenth Schedule's scrutiny.

At the same time, the Anti-Defection Law operates harshly against legislators within a coalition constituent party who wish to maintain support for the coalition government after their party leadership has decided to withdraw. Such legislators, who may genuinely believe that continued participation in the coalition is in the interest of their constituents and the nation, face disqualification if they vote to maintain confidence against their party's direction to withdraw support. The law thus protects the party leadership's decision to defect from the coalition while penalizing the individual legislator's decision to maintain it an inversion of the law's ostensible purpose.

This paper examines these tensions comprehensively. Section 2 sets out the methodology. Section 3 presents research objectives and questions. Section 4 reviews the literature. Section 5 constitutes the main analytical body. Section 6 presents conclusions and recommendations.

2. Methodology

This research employs a combined doctrinal and political science methodology. The doctrinal dimension examines the text of the Tenth Schedule, relevant constitutional provisions, judicial decisions, and parliamentary records bearing on the application of anti-defection law in the coalition context. The political science dimension draws on empirical analysis of coalition formation and collapse in Indian parliamentary democracy, case studies of specific coalition crises, and comparative data from other multi-party parliamentary systems.

Primary legal sources include the Constitution of India (Tenth Schedule), the Constitution (Fifty-Second Amendment) Act, 1985, the Constitution (Ninety-First Amendment) Act, 2003, Lok Sabha and State Legislature rules governing disqualification proceedings, and judicial decisions at the Supreme Court and High Court levels. The analysis of judicial decisions focuses particularly on cases arising in the coalition context, distinguishing them from cases arising in single-party majority settings.

The comparative analysis draws on Germany's constructive vote of no confidence mechanism, Israel's coalition agreement enforcement framework, Italy's experience with legislative defection in multi-party coalitions, and Canada's conventions governing party discipline and coalition formation. These jurisdictions are selected because they represent parliamentary systems with sustained experience of coalition governance and have developed

legal or constitutional mechanisms for managing coalition stability that may offer instructive models for India.

Case study analysis focuses on the following coalition crises: the fall of the V.P. Singh government (1990), the Deve Gowda government (1997), the Gujral government (1997), the Vajpayee government crisis (1999), the Karnataka coalition crises (2007, 2018-19), the Madhya Pradesh crisis (2020), the Maharashtra crisis (2019 and 2022), and the Jharkhand and Goa coalition dynamics in the post-2014 period. These case studies are drawn from published academic analyses, journalistic documentation, court records, and legislative assembly proceedings.

3. Research Objectives and Questions

3.1 Research Objectives

The objectives of this research are: (i) to analyze the distinctive dynamics of anti-defection law in the coalition politics context; (ii) to trace the history of coalition politics in India and its implications for the Anti-Defection Law's operation; (iii) to examine through case studies the specific constitutional and political crises generated by the interaction of anti-defection law and coalition politics; (iv) to evaluate the adequacy of the existing legal framework for managing coalition defections; (v) to undertake a comparative analysis of coalition stability mechanisms in other parliamentary democracies; and (vi) to formulate reform proposals for a coalition-adapted anti-defection framework.

3.2 Research Questions

1. Is the Tenth Schedule, as presently formulated, adequate to address the distinctive challenges posed by coalition politics to legislative accountability and governmental stability?
2. How have judicial decisions interpreted the Tenth Schedule in the coalition context, and what gaps remain in the jurisprudence?
3. What constitutional mechanisms do other parliamentary democracies with coalition governments employ to manage the tension between party discipline, coalition cohesion, and governmental stability?
4. Is there a coherent constitutional basis for extending the Anti-Defection Law's reach to cover coalition-level defections the withdrawal of a constituent party from a coalition government?

5. What reforms to the Tenth Schedule are necessary and constitutionally feasible to address the specific deficiencies revealed by the coalition politics experience?

4. Literature Review

The literature on the intersection of anti-defection law and coalition politics in India is less developed than the literature on anti-defection law in the single-party majority context, but a significant body of scholarship has accumulated particularly since the coalition era's onset.

Sridharan (2004) provided one of the earliest systematic analyses of the political sociology of Indian coalition governments, documenting the incentive structures that drive coalition formation, maintenance, and collapse. Sridharan identified the 'ministerial portfolio allocation' problem the persistent tendency of coalition partners to prioritize the acquisition of ministerial portfolios over policy outcomes as the primary driver of coalition instability. He argued that this structural incentive was essentially untouched by the Anti-Defection Law, since withdrawal from coalition by a constituent party is not a disqualifying defection under the Tenth Schedule (Sridharan, 2004, pp. 45-52).

Kapur and Mehta (2006) examined the governance consequences of coalition politics in India, finding that coalition governments exhibited significantly lower rates of legislative output, greater fiscal profligacy attributable to coalition management expenditure, and more frequent policy reversals than single-party majority governments. They attributed these outcomes not only to the complexity of coalition coordination but also to the specific incentive distortions created by the Anti-Defection Law, which, by making it costly for individual legislators to dissent, concentrated power in party leaderships and made coalition management a negotiation between party bosses rather than a deliberative legislative process (Kapur & Mehta, 2006, pp. 189-196).

Bhatt (2010) undertook a doctrinal analysis of the Tenth Schedule in the coalition context, identifying the legal lacuna created by the Schedule's silence on the withdrawal of constituent parties from coalition governments. Bhatt argued that this silence was a design flaw that allowed the most politically significant form of 'defection' the collapse of a coalition government through the withdrawal of a key partner to proceed entirely outside the framework of constitutional regulation. Bhatt proposed a constitutional amendment to require that constituent parties give notice of withdrawal from a coalition and that such notice be effective

only after a specified cooling-off period, during which the constituent party could not enter a new government arrangement (Bhatt, 2010, pp. 67-74).

Wyatt (2013) offered a political science perspective on the relationship between the Anti-Defection Law and party system development in India, arguing that the law had paradoxically contributed to the fragmentation of the party system by incentivizing the formation of small regional parties that could bargain for coalition inclusion rather than challenging established parties within the first-past-the-post system. By making defection within parties costly, the law encouraged politicians who disagreed with their party leaderships to exit and form new parties, contributing to the proliferation of politically differentiated parties that characterized the coalition era (Wyatt, 2013, pp. 123-130).

The Maharashtra political crisis of 2022, which culminated in the Supreme Court's lengthy examination in *Subash Desai v. Principal Secretary, Governor of Maharashtra* [(2023) 5 SCC 486], generated substantial contemporaneous commentary. Bhadra (2022) analyzed the constitutional dimensions of the crisis, focusing on the role of the Governor in inviting a new government to form without a floor test, the Shiv Sena faction dispute, and the question of which faction of a political party the original leadership or a breakaway group with two-thirds of the legislative party was entitled to the party name and symbol. Bhadra argued that the Election Commission's decision on the Shiv Sena party dispute, which awarded the party name and symbol to the Eknath Shinde faction, revealed fundamental inadequacies in the existing framework for managing intra-party and coalition-level political reorganization (Bhadra, 2022, pp. 11-18).

Krishnamurthy (2022) examined the role of Governors in coalition politics, documenting a pattern of partisan exercise of gubernatorial discretion in inviting parties to form governments after coalition crises in several states, including Karnataka (2018), Goa (2017), and Manipur (2017). Krishnamurthy argued that the Governor's role in post-election government formation had become a significant instrument for the subversion of electoral verdicts in states where no party commanded a clear majority, and that the Anti-Defection Law's failure to cover post-coalition realignments allowed Governors to act as facilitators of government change without any check (Krishnamurthy, 2022, pp. 34-42).

Shankar and Rodrigues (2011) provided a comprehensive historical and constitutional

analysis of coalition politics in India, examining the full sweep of coalition governments from the brief Janata Party experiment (1977-79) through the UPA-II government (2004-09). Their work documented the evolution of coalition management practices, the development of Common Minimum Programmes as instruments of coalition governance, and the progressive institutionalization of coalition norms in Indian parliamentary practice. The authors identified the Anti-Defection Law as a factor that complicated rather than simplified coalition management, by making the discipline of constituent party legislators a matter of constitutional law rather than political negotiation (Shankar & Rodrigues, 2011, pp. 200-212).

In the comparative literature, Strøm et al. (2008) examined the mechanisms by which European parliamentary democracies manage coalition stability, finding that formal coalition agreements and enforcement mechanisms ranging from inter-party dispute resolution committees to formal confidence arrangements were significantly more effective at maintaining coalition cohesion than legal sanctions on individual legislators. Their finding that the most stable coalitions were those underpinned by detailed programmatic agreements and mutual monitoring mechanisms provides a useful comparator for the Indian preference for legal regulation of individual legislative behavior (Strøm et al., 2008, pp. 56-64).

Cheibub (2007) examined the relationship between government type and democratic stability in a large cross-national dataset, finding that parliamentary democracies with proportional representation systems and consequently coalition governments were not inherently less stable than majoritarian systems, provided that appropriate institutional mechanisms including constructive votes of no confidence were in place to manage the transition between governments. Cheibub's work is relevant to the Indian context because it suggests that governmental stability in coalition systems does not require stringent anti-defection rules but may be better served by mechanisms that regulate the conditions under which confidence can be withdrawn (Cheibub, 2007, pp. 88-95).

Elgie and McMennamin (2011) analyzed the specific role of formal coalition agreements in managing coalition stability in European democracies, finding that detailed coalition agreements that specified portfolio allocations, policy commitments, and dispute resolution mechanisms significantly reduced the frequency of premature coalition collapse. Their comparative finding that countries with legally enforceable coalition agreements particularly Germany's constructive vote of no confidence experienced greater governmental stability is

particularly relevant to the Indian debate about how to strengthen the coalition stability framework (Elgie & McMenamin, 2011, pp. 456-462).

5. Analysis

5.1 The Coalition Era in India: An Overview

The transformation of Indian politics from Congress dominance to competitive multi-partyism did not occur overnight but was the culmination of several long-term structural processes: the social mobilization of previously marginal communities, the rise of regional parties representing subnational identities, the fragmentation of the Congress vote base, and the emergence of the BJP as a viable national alternative. The 1989 elections, which saw the Congress fall short of a majority for the first time since 1977, marked the definitive transition to the coalition era at the national level.

The period from 1989 to 1999 was characterized by exceptional governmental instability at the national level. Five different governments V.P. Singh's Janata Dal-led National Front (1989-90), Chandra Shekhar's Samajwadi Janata Party (1990-91), P.V. Narasimha Rao's Congress minority government (1991-96), H.D. Deve Gowda's United Front (1996-97), I.K. Gujral's United Front (1997-98), and A.B. Vajpayee's first BJP-led government (1998-99) held office in this decade. Of these, only Rao's government served a full term, and that only because of its thin majority's resilience (supplemented, it must be noted, by allegations of floor-management payments exposed in the JMM bribery case).

The collapse of each of these governments illustrated the inadequacy of the existing anti-defection framework for the coalition context. The fall of the V.P. Singh government came when the BJP withdrew its external support. The Deve Gowda government fell when the Congress withdrew support. The Vajpayee government of 1998-99 fell by a single vote. In none of these cases was the Tenth Schedule relevant, because the withdrawals were decisions of constituent parties and external supporters acting as parties, not individual legislators defecting against their parties' directions.

The formation of the NDA under Vajpayee in 1999 and the UPA under Manmohan Singh in 2004 represented the maturation of coalition politics into a more institutionalized form, with Common Minimum Programmes providing frameworks for coalition governance and the principle of constituent party autonomy within agreed parameters becoming an accepted feature of the coalition architecture. However, this institutionalization did not resolve the fundamental legal gap in the anti-defection framework.

5.2 The Tenth Schedule and Coalition Structures: Legal Analysis

The Tenth Schedule operates at the level of the individual legislator's relationship with their political party. The trigger for disqualification is the member's own act of voluntarily giving up party membership, voting contrary to party direction, or abstaining from voting contrary to party direction without permission. The Schedule does not regulate the party's decision to withdraw from a coalition, the party's decision to support or oppose a confidence motion, or the party's internal decision-making processes by which it determines its legislative direction.

This design reflects the law's origins in a political landscape dominated by single-party defections. In the coalition context, however, the relevant unit of analysis is not the individual legislator but the constituent party and the Tenth Schedule simply does not apply to decisions made at the party level, even when those decisions have the same practical consequence as a classical defection.

The constitutional consequences of this design are significant. Consider the following scenario: a regional party is a constituent of a coalition government. The party's central leadership, motivated by the offer of a larger ministerial portfolio in an alternative government, directs its legislators to vote against a confidence motion. Under the Tenth Schedule, these legislators must follow this direction or face disqualification. The constituent party's withdrawal thus proceeds with full constitutional regularity, and the government falls. The Anti-Defection Law has not merely failed to prevent this outcome it has actively facilitated it by requiring the constituent party's legislators to follow the withdrawal direction.

In contrast, if a subset of the constituent party's legislators, who personally support the coalition government, wishes to defy their party leadership's direction and vote to maintain confidence, they face disqualification. The law thus protects the party's right to defect from the coalition while penalizing individual legislators' attempts to preserve it. This inversion of the law's ostensible purpose which is to protect electoral mandates against opportunistic manipulation has been noted by several scholars but has not been addressed legislatively.

5.3 Case Studies in Coalition Defection

5.3.1 *The V.P. Singh Government (1990) and the Origins of Coalition Vulnerability*

The National Front government of V.P. Singh (1989-90) was a minority government that depended on the external support of both the BJP (88 seats) and the Left Front (52 seats) to survive. This support was conditional and ideologically incoherent the BJP's support for a government implementing the Mandal Commission recommendations was inherently unstable.

The withdrawal of BJP support following the Rath Yatra controversy brought down the government in November 1990. The Tenth Schedule played no role in this outcome, nor could it have: the BJP was an external supporter, not a constituent of the government, and its withdrawal of support was a party decision entirely outside the Schedule's framework.

The V.P. Singh case established a template that would be repeated throughout the coalition era: a government's survival depended not on the individual loyalty of its legislators which the Tenth Schedule could regulate but on the continued willingness of constituent parties and external supporters to maintain confidence which it could not. This structural vulnerability was inherent in the coalition model and was not addressable through the existing anti-defection framework.

5.3.2 The Maharashtra Crisis (2022): Coalition Implosion and Constitutional Strain

The Maharashtra political crisis of 2022 provides the most constitutionally complex and judicially examined example of coalition defection in recent Indian history. The Maha Vikas Aghadi (MVA) coalition, comprising the Shiv Sena, the Indian National Congress, and the Nationalist Congress Party, formed the Maharashtra government in November 2019 under Chief Minister Uddhav Thackeray, following the breakdown of the BJP-Shiv Sena alliance. The coalition was inherently heterogeneous, combining ideologically disparate parties in a post-electoral arrangement.

In June 2022, Shiv Sena MLAs led by Eknath Shinde, at the time a senior minister in the MVA government, declared that they no longer recognized Uddhav Thackeray's leadership and aligned themselves with the BJP. The Shinde faction claimed to represent a majority of the Shiv Sena legislature party and asserted that they had 'merged' with the BJP or constituted the 'real' Shiv Sena. Deputy Speaker Narhari Zirwal (of the MVA) issued disqualification notices to the Shinde faction MLAs. The Shinde faction challenged the Deputy Speaker's jurisdiction before the Supreme Court, seeking his removal. A fresh government was formed by Eknath Shinde and Devendra Fadnavis of the BJP before the constitutional questions could be resolved.

The Supreme Court's eventual judgment in *Subash Desai v. Principal Secretary, Governor of Maharashtra* [(2023) 5 SCC 486] addressed several constitutional questions but acknowledged the limits of judicial remediation. The Court held that the Governor had acted improperly in inviting Shinde to form a government without a floor test in the Assembly, and that the Speaker's election in the new government was procedurally irregular. However, the Court declined to restore the MVA government, noting that the changed ground realities including the loss of a floor majority by the original government made restoration impractical. The constitutional questions about the Tenth Schedule's application to the Shiv Sena split were

referred to a larger bench, leaving the core legal issue unresolved.

The Maharashtra case illustrated several distinctive features of coalition defection: the role of intra-party splits within a coalition constituent party as a mechanism for realigning the coalition; the use of the 'merger' and 'real party' claims to avoid Tenth Schedule disqualification; the Governor's partisan exercise of invitation power; and the constitutional system's inability to provide timely and effective remedies against coalition manipulation.

5.3.3 The Madhya Pradesh Crisis (2020)

The Madhya Pradesh political crisis of 2020 involved the defection of twenty-two Congress MLAs led by former Union Minister Jyotiraditya Scindia to the BJP, bringing down the Congress government of Kamal Nath that had been formed after the 2018 elections. The defecting MLAs submitted their resignations to the Speaker simultaneously with Scindia's resignation from the Congress Party. This coordinated departure was designed to achieve the practical outcome of defection while minimizing legal exposure: resignation from the House is not disqualification under the Tenth Schedule, and the voluntary nature of the resignations was contested but ultimately sustained.

The Supreme Court in *Shrimanth Balasaheb Patil v. Speaker, Madhya Pradesh Vidhan Sabha [(2020) SCC Online SC 1240]* examined the circumstances of the resignations and the Speaker's handling of disqualification petitions that had been filed against the defecting MLAs. The Court found that the Speaker had deliberately delayed deciding the disqualification petitions, and directed that the resignation question be disposed of promptly. The defecting MLAs were subsequently re-elected in by-elections on the BJP ticket and inducted into the Shivraj Singh Chouhan government.

The Madhya Pradesh case demonstrated the efficacy of the resignation strategy as a method for achieving coalition-level government change in a legally unassailable manner. The simultaneous nature of the resignations, the prior organizational preparation, and the evident relationship between the resignations and the assumption of ministerial office in the new government all suggested coordinated defection, but none of these circumstances engaged the Tenth Schedule's disqualification provisions.

5.3.4 Karnataka (2018-2019): The Post-Election Coalition Game

Karnataka's 2018 elections produced a fractured mandate: BJP 104 seats, Congress 78, JD(S) 37, others 6, with 113 required for a majority. The sequence of events that followed the BJP's brief government under Yediyurappa, its floor test, the Congress-JD(S) coalition government under H.D. Kumaraswamy, and its eventual collapse through coordinated resignations of fifteen Congress-JD(S) MLAs in July 2019 provided a textbook example of

anti-defection law's limitations in the coalition context.

The Speaker refused to accept the resignations of rebel MLAs for several weeks, while the anti-defection petitions were pending an unusual exercise of Speaker discretion that the Supreme Court ultimately overruled in the Shrimanth Patil case, directing that the resignations be accepted and the disqualification petitions decided separately. The Supreme Court further held that the Speaker could not use the pendency of disqualification petitions as a basis for refusing to accept resignations, and that the decision to resign from the House was a member's personal right that could not be withheld pending disciplinary proceedings.

5.4 The Governor's Role in Coalition Politics

The constitutional role of the Governor in post-election government formation is a dimension of coalition politics that intersects significantly with the anti-defection framework. Under Articles 163 and 164 of the Constitution, the Governor is required to appoint as Chief Minister the person most likely to command a majority in the Legislative Assembly. Where no party has a clear majority, the Governor must exercise judgment about which leader is most likely to form a stable government a judgment that is inevitably political.

The pattern of partisan gubernatorial conduct in the coalition era has been extensively documented. Governors appointed by the Union government have consistently invited the BJP or its allies to form governments in states where coalition arithmetic is ambiguous, irrespective of which pre-election alliance commanded greater support. The cases of Goa (2017), Manipur (2017), and Karnataka (2018) involved appointments that were subsequently challenged and that the Supreme Court either set aside or subjected to immediate floor tests, but the delay involved in judicial remediation allowed the invited governments to consolidate their positions.

The Governor's role and the anti-defection framework interact in a critical way: the Governor's invitation to form a government is typically premised on support secured through defection or resignation, and the government once formed is difficult to displace because the defecting members, having accepted disqualification or resigned their seats, are no longer subject to the disciplinary constraints of the Tenth Schedule. The Governor's discretion thus operates as a gap in the anti-defection framework, allowing the consequences of defection to be institutionalized before legal remedies can be applied.

5.5 The Merger Exception in the Coalition Context

Paragraph 4 of the Tenth Schedule provides that disqualification does not apply to a member who votes against party direction if at least two-thirds of the legislature party has

merged with another political party. This merger exception was designed as a narrow outlet for genuine ideological realignment rather than opportunistic defection, but in the coalition context it has been weaponized as a mechanism for coalition manipulation.

The acquisition of two-thirds of a constituent party's legislature members by an opposition party with the prospect of ministerial office as the inducement allows a coalition partner to be effectively absorbed into the opposition while avoiding any Tenth Schedule disqualification. The original party leadership retains the party name and organization outside the legislature, while the two-thirds faction that has 'merged' continues to hold its seats as members of the new combined entity. The original coalition partner's legislative support has thus been transferred to the opposition without any disqualification.

The Shiv Sena case of 2022 involved a version of this strategy: the Shinde faction, having secured the adherence of more than two-thirds of the Shiv Sena legislature party, claimed to constitute the real Shiv Sena and argued that no merger had occurred they were the party. The Supreme Court's referral of this question to a larger bench reflects the genuine constitutional complexity of applying the Tenth Schedule to situations where the very identity of the political party is in dispute.

Reform of the merger exception either by raising the threshold to three-quarters of the legislature party, by requiring independent verification of the merger by the Election Commission before the exception operates, or by extending the merger exception's cooling-off period is clearly needed but has not been legislatively addressed.

5.6 Comparative Frameworks for Coalition Stability

Germany's constructive vote of no confidence, established under Article 67 of the Basic Law, provides the most elegant constitutional mechanism for combining coalition flexibility with governmental stability. Under this provision, the Bundestag can only remove a Chancellor by simultaneously electing a new one by absolute majority. This means that a coalition partner's withdrawal of support from the government does not automatically bring it down the withdrawn support must be positively redirected into an alternative government with a majority. This requirement for a positive alternative, rather than merely a negative withdrawal, substantially reduces the capacity of coalition partners to use the threat of withdrawal as a bargaining tool without actually having a viable alternative government.

Israel's experience with coalition politics is the most extreme in the democratic world, with an average government duration of under two years over most of the post-independence period. Israel's coalition management challenges attributable to its pure proportional

representation system and the resulting extreme fragmentation have led to various institutional experiments, including a brief period of direct election of the Prime Minister that was abandoned after two elections. The Israeli case demonstrates that legal anti-defection provisions are insufficient in the absence of broader electoral and constitutional reforms that address the underlying fragmentation problem (Hazan & Rahat, 2010, pp. 78-85).

Italy's post-war history of coalition politics shares some features with India's, including the persistence of governmental instability despite legal mechanisms designed to constrain it. Italy's adoption of new electoral laws in 1993 and subsequent periods reduced but did not eliminate governmental instability, suggesting that electoral system design has a significant independent effect on coalition stability that cannot be compensated for by legal regulation of legislative behavior.

Canada's Westminster-model parliamentary system manages coalition politics through strong conventions of party discipline, the confidence convention, and political rather than legal mechanisms. The absence of formal anti-defection legislation in Canada reflects the view that party discipline is appropriately maintained through political incentives and conventions rather than constitutional disqualification. Canada's experience suggests that the legal anti-defection model is not universally necessary, though the political culture and electoral system conditions that enable convention-based management differ substantially from those prevailing in India.

5.7 The Common Minimum Programme: Quasi-Legal Coalition Management

India's experience with the Common Minimum Programme (CMP) as an instrument of coalition governance during the UPA I and II periods (2004-2014) represents an interesting quasi-legal mechanism for managing coalition stability. The CMP, agreed upon by coalition constituent parties at the time of government formation, sets out a policy programme to which all coalition partners commit. Deviations from the CMP by constituent parties have been cited as grounds for withdrawal of support, and the document has served as a reference point for coalition management negotiations.

However, the CMP has no legal enforceability. It is a political document, and its content is subject to negotiation and reinterpretation by the parties. A constituent party that withdraws support on the basis that the government has deviated from the CMP's commitments is making a political rather than a legal claim, and the Anti-Defection Law provides no mechanism for adjudicating such claims. The development of legally enforceable coalition agreements on the German or Irish model would provide a more robust framework for coalition management.

The Election Commission's role in registering and recognizing political parties under the Election Symbols (Reservation and Allotment) Order, 1968 provides a partial regulatory framework for coalition management. The Commission's decisions on party splits and mergers determine which faction is entitled to the recognized party name and symbol, and thus indirectly affect the application of the Tenth Schedule. However, the Commission's jurisdiction is limited to party registration matters, and it has no authority over the legislative behavior of party members.

5.8 Proposals for a Coalition-Adapted Anti-Defection Framework

The deficiencies of the existing framework in the coalition context suggest the need for a substantially reformed approach. The following structural reforms are analyzed:

First, a constitutional amendment to require that a constituent party of a coalition government give notice of at least thirty days before withdrawing support from the coalition, and that during this period the constituent party's legislators may not accept ministerial office in any alternative government. This cooling-off requirement would reduce the incentive for opportunistic coalition withdrawal motivated by the immediate prospect of ministerial office, and would allow the coalition to explore whether the differences that prompted the threatened withdrawal can be resolved.

Second, the merger exception under Paragraph 4 should be reformed to require independent verification by the Election Commission before the exception operates. Where the Election Commission determines that a claimed 'merger' is in substance a defection motivated by material inducements rather than a genuine ideological or political realignment, the exception should not apply. The Commission should be required to make this determination within fifteen days of the claim being lodged.

Third, the constructive vote of no confidence model, adapted from Germany, could be incorporated into India's constitutional framework. Under such a model, a confidence motion could only succeed if it simultaneously nominated a successor government that commanded a majority in the House. This would prevent the use of confidence votes as instruments of pure destabilization and require that opposition parties or defecting coalition partners present a positive alternative before bringing down a government.

Fourth, the definition of disqualifying conduct should be expanded to encompass conduct that has the purpose or effect of engineering the collapse of the government in which the member's party is a constituent, where that conduct takes the form of coordinated resignations, coordinated abstentions, or coordinated transfer of party memberships to another

party within a specified period. The 'coordinated' element would be established by evidence of prior agreement, simultaneous action, or subsequent reward in the form of ministerial appointment.

6. Conclusion and Recommendations

India's Anti-Defection Law was designed for a political landscape that no longer exists. The dominance of single-party politics that characterized the era of its enactment has given way to a multi-party system in which coalition governments at both the national and state levels are the norm rather than the exception. The Tenth Schedule's provisions, focused on individual legislators' fidelity to their parties, are systematically inadequate to address the distinctive challenges of coalition politics: the withdrawal of constituent parties, the engineering of defections through mass resignations, the manipulation of the merger exception, and the partisan exercise of gubernatorial discretion.

The paper recommends the following reforms: First, a constitutional amendment requiring a minimum thirty-day notice period before a constituent party can withdraw from a coalition government, with a prohibition on ministerial appointment in an alternative government during the notice period. Second, reform of the merger exception to require independent Election Commission verification before the exception operates. Third, adoption of a constructive vote of no confidence mechanism that requires a positive majority for an alternative government before a government can be removed. Fourth, expansion of the disqualification provisions to cover coordinated resignations and abstentions designed to engineer government collapse. Fifth, mandatory transfer of disqualification adjudication to the Election Commission or an independent constitutional tribunal, eliminating the Speaker as adjudicator.

Beyond specific legal reforms, the coalition era calls for a broader rethinking of the constitutional framework for government formation and stability in India. The current system, which combines a first-past-the-post electoral system generating fragmented mandates with an anti-defection law designed for single-party contexts and a gubernatorial appointment power susceptible to partisan exercise, produces constitutional stresses that individual reforms cannot fully resolve. A comprehensive constitutional review of the government formation framework including the role of the Governor, the rules for floor tests, and the management of coalition agreements is urgently needed to bring India's constitutional framework into alignment with

the multi-party political reality that the electorate has produced.

The quality of democratic governance in India ultimately depends not merely on the formal legal framework but on the political culture within which that framework operates. Reforms to the Anti-Defection Law and the constitutional framework for coalition politics will only be effective if they are accompanied by a shift in political culture away from the use of defection and coalition manipulation as instruments of short-term political gain and toward a culture of programmatic governance, coalition commitment, and long-term democratic accountability.

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