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LOK SABHA COMMITTEE

AGENDA

Deliberation on Political Accountability and Ethical Conduct of Public Representatives, with Special Emphasis on Defections, Absenteeism and Performance

1. INTRODUCTION

In a parliamentary democracy, elected representatives exercise constitutional authority on behalf of the people and are, therefore, expected to remain accountable for their conduct, participation, decisions and performance. Members of Parliament are entrusted not merely with representing their respective constituencies, but also with the responsibility of legislating, scrutinising the executive, participating effectively in parliamentary committees and upholding the dignity and functioning of the House.

Political accountability becomes particularly complex when the interests and obligations of an **individual legislator, political party, constituency and Parliament** come into conflict.

The present agenda focuses on three principal dimensions of political accountability:

- **Defections** and the balance between party discipline and legislative independence;
- **Absenteeism** and the responsibility of Members of Parliament to participate meaningfully in parliamentary proceedings; and
- **Performance and ethical conduct** and the extent to which public representatives effectively discharge their constitutional and democratic responsibilities.

The central challenge before the Committee is to develop accountability mechanisms that strengthen democratic institutions without suppressing legitimate political dissent, individual legislative judgment or the representative character of Parliament.

2. CONSTITUTIONAL FRAMEWORK

The Constitution of India provides the principal constitutional framework governing parliamentary membership, disqualification and the conduct of parliamentary business.

Article 101 deals with the vacation of seats in Parliament.

Article 102 specifies the grounds on which a person may be disqualified from membership of Parliament.

Article 105 guarantees parliamentary privileges and protects freedom of speech in Parliament, subject to the Constitution and applicable parliamentary rules.

Article 118 empowers Parliament to make rules for regulating its procedure and the conduct of its business.

Article 102(2) provides for disqualification on the ground of defection in accordance with the **Tenth Schedule** to the Constitution.

Taken together, these provisions seek to maintain a balance between parliamentary autonomy, legislative freedom, institutional discipline and mechanisms of accountability.

3. POLITICAL ACCOUNTABILITY

Political accountability refers to the responsibility of elected representatives to explain, justify and, where appropriate, accept consequences for their actions and decisions.

For a Member of Parliament, accountability operates at several levels:

- **To the voters**, through periodic elections;
- **To Parliament**, through its rules, procedures and disciplinary mechanisms;
- **To the Constitution**, through constitutional obligations and limitations;
- **To political parties**, through party discipline and collective responsibility; and
- **To the public**, through standards of transparency, integrity and ethical conduct.

These obligations may, at times, come into conflict. An MP may believe that voting independently is necessary to protect the interests of their constituency,

while the political party may regard such conduct as contrary to its electoral mandate or legislative position.

The Committee must therefore examine a fundamental question:

To whom is an elected representative ultimately accountable, and how should competing obligations be reconciled within a parliamentary democracy?

4. ANTI-DEFECTION LAW

The anti-defection framework was introduced through the **Constitution (Fifty-Second Amendment) Act, 1985**, which inserted the Tenth Schedule into the Constitution.

The legislation emerged against the backdrop of frequent political defections and governmental instability caused by legislators changing political allegiance. Its principal objective was to discourage elected representatives from changing political affiliations for personal or political gain and to promote stability within elected governments.

The anti-defection framework consequently seeks to balance two competing considerations:

Political stability and party discipline

with

Individual legislative freedom and democratic dissent.

The continuing constitutional and political debate is whether the existing framework has successfully achieved this balance or whether it has resulted in excessive control by political parties over individual legislators.

5. GROUNDS FOR DISQUALIFICATION

The Tenth Schedule broadly provides for disqualification where a member:

A. Voluntarily Gives Up Membership of a Political Party

A formal resignation from the political party is not necessarily required. The conduct and actions of a member may be examined to determine whether the member has effectively abandoned their political affiliation.

B. Votes or Abstains Contrary to a Party Direction

A member may face disqualification for voting or abstaining from voting contrary to a direction issued by their political party, subject to the conditions prescribed under the Tenth Schedule.

The provision seeks to prevent legislators from undermining their party's position on important parliamentary matters. However, it simultaneously raises questions concerning the extent to which MPs should be permitted to disagree with their parties on matters of policy, ideology or constituency interest.

6. PARTY WHIP AND LEGISLATIVE INDEPENDENCE

The party whip constitutes an important mechanism through which political parties maintain voting discipline and legislative cohesion.

It may serve to:

- Preserve party cohesion;
- Protect governmental stability;
- Facilitate the implementation of electoral mandates; and
- Prevent opportunistic changes in government.

However, an extensive or indiscriminate use of the whip may diminish the independence of individual Members of Parliament and discourage substantive parliamentary debate.

This creates a fundamental tension between **collective party responsibility** and **individual legislative judgment**.

One recurring reform proposal is to restrict binding whips primarily to matters directly connected with:

- Confidence and no-confidence motions;
- Financial legislation;
- Supply; and
- Matters directly affecting the survival of the government.

The broader constitutional question is whether an MP should face disqualification merely for disagreeing with their political party on an ordinary legislative or policy question.

7. MERGER PROVISION

The **Constitution (Ninety-First Amendment) Act, 2003** removed the earlier protection relating to political "splits" and retained a narrower exception in respect of mergers.

Under the present framework of the Tenth Schedule, a merger may be protected from disqualification where **not less than two-thirds of the members of the legislature party** agree to such merger.

The provision seeks to distinguish between individual defections and genuine collective political realignment.

Nevertheless, questions remain regarding whether the merger provision can potentially be utilised to legitimise organised defections.

The central policy challenge is therefore to determine whether the existing two-thirds threshold and accompanying procedural safeguards are sufficient to prevent political manipulation while simultaneously permitting legitimate changes in political alignment.

8. ADJUDICATION OF DEFECTION CASES

The **Speaker of the Lok Sabha** plays a central role in deciding questions of disqualification arising under the Tenth Schedule.

This arrangement is based upon the principle that parliamentary disputes should ordinarily be resolved within the parliamentary institution itself.

However, concerns arise from the fact that the Speaker is generally associated with a political party, while defection proceedings may directly affect the numerical strength of political parties and, consequently, the stability of governments.

Two broad approaches may therefore be considered:

Existing Speaker-Led Mechanism

This model preserves parliamentary autonomy and relies upon the Speaker's constitutional and procedural authority to adjudicate defection proceedings.

Independent Adjudication

An alternative model could involve an independent tribunal or another constitutionally appropriate institution capable of providing greater perceived neutrality and institutional independence.

The Supreme Court has recognised that decisions under the Tenth Schedule are subject to judicial review, thereby creating a constitutional balance between parliamentary authority and judicial oversight.

9. JUDICIAL DEVELOPMENTS

Kihoto Hollohan v. Zachillhu (1992)

The Supreme Court upheld the constitutional validity of the anti-defection law while recognising the availability of judicial review over decisions made under the Tenth Schedule.

Nabam Rebia v. Deputy Speaker (2016)

The judgment examined the constitutional position and role of the Speaker in circumstances involving legislative political disputes and disqualification proceedings.

Subhash Desai v. Principal Secretary, Governor of Maharashtra (2023)

The Supreme Court considered important questions concerning political parties, legislature parties, the Speaker and the anti-defection framework in the context of the Maharashtra political crisis.

These decisions demonstrate that defection is not merely a political question. It is also a constitutional issue involving the relationship between **Parliament, political parties, presiding officers and the judiciary.**

10. DELAY IN DEFECTION PROCEEDINGS

The effectiveness of the anti-defection law depends significantly upon the timely adjudication of disqualification petitions.

Prolonged delays may create uncertainty regarding the composition of the House, particularly where disputed legislators may influence:

- Confidence votes;
- Government formation;
- Legislative majorities; and
- The passage of legislation.

The Supreme Court has emphasised the importance of deciding defection petitions within a reasonable period. In its 2025 judgment concerning proceedings under the Tenth Schedule, the Court referred to **three months as an outer limit in ordinary cases where exceptional circumstances are absent**.

A time-bound mechanism could therefore strengthen constitutional certainty and reduce the possibility of political advantage being derived from prolonged proceedings.

11. ABSENTEEISM IN PARLIAMENT

Parliamentary participation constitutes a fundamental responsibility of elected representatives.

Members of Parliament contribute to the functioning of Parliament through:

- Attendance;
- Participation in debates;
- Raising questions;
- Voting;
- Committee participation;
- Legislative initiatives; and
- Raising issues concerning their constituencies.

The Lok Sabha has a **Committee on Absence of Members from the Sittings of the House**, which deals with prolonged absence and applications for leave.

Under the existing parliamentary framework, absence for **60 days or more without permission** may result in consideration by the House concerning the member's seat, subject to the applicable rules and circumstances.

However, absence should not automatically be equated with misconduct. Legitimate circumstances, including illness, official duties and other compelling reasons, may justify non-attendance.

12. ATTENDANCE AND ACCOUNTABILITY

The question of attendance requires a distinction between **legal obligation** and **democratic responsibility**.

Arguments in favour of stronger attendance requirements include:

- MPs receive a public mandate;
- Parliament requires active participation;
- Constituents are entitled to meaningful representation;
- Attendance is objectively measurable; and
- Public disclosure may strengthen accountability.

At the same time, parliamentary work extends beyond physical presence in the Chamber. Committee responsibilities, constituency engagement and ministerial duties may not be adequately reflected by sitting attendance alone.

Accordingly, attendance should constitute an important component of parliamentary accountability without being treated as the sole indicator of an MP's effectiveness.

13. MEASURING PARLIAMENTARY PERFORMANCE

Parliamentary performance cannot be meaningfully reduced to a single numerical statistic.

Potential indicators include:

- Attendance;
- Participation in debates;
- Questions raised;
- Legislative amendments;
- Private Members' Bills;
- Committee participation;
- Voting participation;
- Constituency representation;
- Parliamentary initiatives; and
- Ethical record.

The principal challenge lies in measuring both **quantity and quality**.

An MP who delivers numerous speeches or raises a large number of questions is not necessarily more effective than an MP who makes fewer but more substantive contributions.

A credible performance framework should therefore combine measurable parliamentary activity with qualitative assessment wherever reasonably possible.

14. PARLIAMENTARY COMMITTEES AND PERFORMANCE

Parliamentary committees constitute an essential component of legislative scrutiny.

A significant portion of Parliament's detailed examination of:

- Legislation;
- Government expenditure;
- Departmental functioning;
- Public policy; and
- Administrative performance

takes place through parliamentary committees.

Consequently, evaluating an MP solely on the basis of attendance in the main Chamber may substantially underestimate their contribution to parliamentary functioning.

Committee attendance, participation, reports, recommendations and substantive engagement should therefore form an integral part of any comprehensive framework for evaluating parliamentary performance.

15. ETHICAL CONDUCT OF PUBLIC REPRESENTATIVES

Political accountability extends beyond mere compliance with legal requirements.

The **Committee on Ethics of the Lok Sabha** deals with complaints concerning unethical conduct by members and considers matters relating to standards of ethical behaviour.

Ethical concerns may include:

- Conflicts of interest;
- Misuse of parliamentary privileges;
- Improper influence;
- Undisclosed financial interests;
- Misuse of public office; and
- Conduct that undermines the dignity of Parliament.

A clear distinction must be maintained between **criminality and unethical conduct**. Not every unethical act necessarily constitutes a criminal offence. Nevertheless, public representatives are expected to maintain standards of integrity that may extend beyond the minimum threshold established by criminal law.

16. CONFLICT OF INTEREST AND TRANSPARENCY

A conflict of interest may arise where an MP's personal, professional or financial interests intersect with their parliamentary responsibilities.

Transparency mechanisms are therefore essential for maintaining public confidence in democratic institutions.

Potential areas of disclosure may include:

- Financial interests;
- Directorships;
- Professional positions;
- Significant shareholdings;
- Relevant financial relationships; and
- Other interests capable of influencing parliamentary decisions.

The objective need not necessarily be to prohibit every outside interest. Rather, the objective should be to ensure that potential conflicts are **identified, disclosed and appropriately managed**.

17. PARLIAMENTARY DISRUPTION

Parliamentary accountability also extends to the manner in which representatives participate in proceedings.

Excessive disruption may prevent Parliament from effectively conducting:

- Question Hour;
- Debates;
- Legislative business; and
- Executive scrutiny.

At the same time, protest and dissent constitute legitimate elements of parliamentary democracy, particularly for Opposition parties.

The challenge is therefore to distinguish between:

Legitimate parliamentary protest

and

Persistent obstruction that prevents the House from functioning.

Any accountability framework must protect the Opposition's ability to dissent and scrutinise the government while ensuring that Parliament remains capable of performing its constitutional functions.

18. GOVERNMENT, OPPOSITION AND EQUAL ACCOUNTABILITY

Political accountability should apply irrespective of political position.

The Government must remain accountable for:

- Executive decisions;
- Legislative procedures;
- Transparency;
- Parliamentary scrutiny; and
- The exercise of governmental authority.

The Opposition must remain accountable for:

- Parliamentary participation;
- Responsible criticism;
- Attendance;
- Constructive legislative engagement; and
- Avoiding disproportionate disruption.

An effective accountability framework should therefore remain politically neutral and capable of applying equally to the **ruling party, opposition parties and independent representatives.**

19. BALANCING PARTY DISCIPLINE AND REPRESENTATIVE FREEDOM

The central issue connecting defections, absenteeism and performance is the relationship between **party discipline and individual representation**.

Political parties are indispensable to parliamentary democracy. They provide:

- Policy platforms;
- Electoral organisation;
- Collective responsibility;
- Government formation; and
- Legislative coordination.

At the same time, Members of Parliament represent citizens and constituencies rather than merely political organisations.

An effective framework must therefore avoid two extremes:

Excessive Party Control

A system in which MPs are unable to exercise independent legislative judgment or meaningfully represent constituency interests.

Excessive Individual Freedom

A system in which party discipline becomes ineffective and political instability or opportunistic defections become easier.

The objective should be to establish a framework in which necessary party discipline is preserved while genuine parliamentary debate, legislative independence and constituency representation remain protected.

20. CONCLUSION

Political accountability is fundamental to the credibility of Parliament and the legitimacy of representative democracy.

The issues of **defection, absenteeism, parliamentary performance and ethical conduct** are deeply interconnected. A representative who changes political allegiance without adequate accountability may undermine the electoral mandate;

an MP who persistently avoids parliamentary participation may fail to discharge their representative responsibilities; and inadequate ethical standards may weaken public confidence in democratic institutions.

At the same time, excessive regulation may create its own constitutional and democratic risks. Strong anti-defection provisions may suppress legitimate dissent, rigid attendance requirements may equate physical presence with actual performance, and ethical mechanisms may become vulnerable to political misuse.

The challenge before the Committee is therefore to develop a framework that appropriately balances:

- **Political stability with legislative independence;**
- **Party discipline with democratic dissent;**
- **Attendance with meaningful performance;**
- **Accountability with due process; and**
- **Ethical standards with political neutrality.**

Ultimately, political accountability should **strengthen—not weaken—the representative character of Parliament.**

The objective should be a parliamentary system in which elected representatives remain answerable to the **Constitution, Parliament, their constituencies and the people**, while retaining sufficient freedom to participate meaningfully in democratic debate and legislative deliberation.

KEY REFERENCES

1. Constitution of India — Articles 101, 102, 105, 118 and the Tenth Schedule.
2. Constitution (Fifty-Second Amendment) Act, 1985.
3. Constitution (Ninety-First Amendment) Act, 2003.
4. *Kihoto Hollohan v. Zachillhu* (1992).
5. *Nabam Rebia v. Deputy Speaker* (2016).
6. *Subhash Desai v. Principal Secretary, Governor of Maharashtra* (2023).
7. Lok Sabha Rules of Procedure and Conduct of Business.
8. Lok Sabha Committee on Ethics.
9. Lok Sabha Committee on Absence of Members from the Sittings of the House.
10. Parliamentary research and statistical material concerning MP participation and parliamentary functioning.