

SC Seeks Centre's Response on Anti-Defection Law Plea

Supreme Court agreed to hear Kapil Sibal's plea on interpreting the Tenth Schedule regarding political party mergers.

A legal challenge to the merger provision under the Tenth Schedule that protects defection-affected lawmakers from disqualification.

KEY EXAM POINTS

- The **Supreme Court** agreed to hear a plea filed by Rajya Sabha MP **Kapil Sibal** regarding the **Tenth Schedule**.
- The plea seeks reconsideration of the **Tenth Schedule** interpretation allowing MPs and MLAs to avoid **disqualification** via party mergers.
- **Kapil Sibal** argued that misuse of merger provisions turns minority political parties into majorities and vice versa.
- The **Supreme Court** issued a notice to the **Union Government** seeking its response on the constitutional matter.
- A Supreme Court Bench comprising **Justice P.S. Narasimha** heard the petition on **July 27, 2026**.

STATICS & SYLLABUS FOCUS

The Anti-Defection Law was added to the Indian Constitution through the **52nd Constitutional Amendment Act** of **1985**.

The Anti-Defection Law is contained in the **Tenth Schedule** of the Constitution of India.

The **91st Constitutional Amendment Act** of **2003** omitted the provision regarding split by one-third members of a political party.

Under the **Tenth Schedule**, a merger requires at least **two-thirds** of the members of the legislature party to agree.

The **Presiding Officer** of the House (Speaker or Chairman) is the deciding authority in disqualification matters under the **Tenth Schedule**.

In the landmark **Kihoto Hollohan case (1992)**, the Supreme Court ruled that the Speaker's decision under the Tenth Schedule is subject to **judicial review**.

REVISION FLASHCARD

Tenth Schedule was inserted by 52nd Amendment 1985; requires 2/3rd majority for political party merger.

Syllabus Relevance: High relevance for Unit 5 (Indian Polity & Constitution) across Group 1, Group 2, Group 2A, and Group 4.

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