



BAJIRAO IAS ACADEMY

THE HINDU ANALYSIS

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ANTI-DEFECTION LAW



Topics for Today

- 1. HC Disqualifies Mukul Roy from Bengal Assembly .**
- 2. India Unveils Draft Seeds Bill for Modern Regulation.**
- 3. India's Carbon Emission Growth Slows in 2025.**
- 4. Supreme Court Orders Saranda Forest Sanctuary Creation**

Anti-Defection law

HC disqualifies Mukul Roy from Bengal Assembly

Movurie Som
KOLKATA

The Calcutta High Court on Thursday disqualified senior leader Mukul Roy from the West Bengal Assembly under the anti-defection law for switching over to the Trinamool Congress (TMC) after being elected on a Bharatiya Janata Party (BJP) ticket on June 11, 2021. The order overturns an earlier decision of the Assembly Speaker, who had set aside a plea by the Leader of Opposition, Suvendu Adhikari, seeking Mr. Roy's disqualification.

Since the TMC came to power in West Bengal in 2011, nearly 50 MLAs from Opposition parties, including the Communist Party of India (Marxist), the Congress, and more recently, the BJP, joined the ruling party and have continued to participate in Assembly proceedings.

Syllabus

General Studies paper II

- Parliament and State legislatures—structure, functioning, conduct of business, powers & privileges and issues arising out of these.
- Salient features of the [Representation of People's Act](#).

Anti-Defection Law (Tenth Schedule) —

1. Background

The Anti-Defection Law was inserted through the **52nd Constitutional Amendment Act, 1985**, adding the **Tenth Schedule** to the Constitution.

Its objective is to curb political defections motivated by **office, money or personal gain**, and ensure the **stability of governments**.

1. Anti-defection law:

- 52nd amendment in 1985 inserted *10th schedule* (anti-defection law)
- Grounds for disqualification are mentioned in *Article 102(2) & 191(2) for MP's and MLA's*

Defected:

1. Elected member (gives up & voting)
2. Independent member
3. Nominated member

Exceptions:

1. Speaker or chairman
2. Party could be merged into another (2/3 majority)

- **Presiding Officer** decides on the question of disqualification
- Issue is – SC interpretation in *G Vishwanathan judgment* in 1996 case (unattached member) → Amar Singh(MP)

Advantages

- **Stability and party discipline**

Disadvantages

- **Members freedom gets affected**

2. Grounds for Disqualification under the Tenth Schedule

An MP/MLA can be disqualified if:

A. Voluntarily giving up membership of the party

- Not only a formal resignation; **conduct indicating defection** also qualifies.
- Example: *Mukul Roy case (2024)* — the Calcutta High Court ruled that he “voluntarily gave up” BJP membership by joining TMC activities despite being elected on a BJP ticket.

B. Voting or abstaining contrary to the party whip

- If the member acts against the party direction **without prior permission**.
- Exception: the party may condone the act within **15 days**.

C. Independent members

- Disqualified if they join a political party after being elected.

D. Nominated members

- Can join a political party within **6 months** of nomination.
- After 6 months, joining a party leads to disqualification.

3. Exceptions to Disqualification

A. *Merger Provision* — Paragraph 4 (Controversial)

A legislator is not disqualified if:

- At least **2/3rd** of the members of a legislative party **agree to merge** with another political party.

This replaced the earlier and widely misused “split” provision.

Examples:

- **Goa 2019:** 10 of 15 Congress MLAs merged with BJP.
- **Telangana 2014–18:** Several Congress MLAs merged with ruling TRS under the 2/3rd rule.



4. Authority to Decide Disqualification

- The **Chairperson/Speaker** decides on disqualification petitions.
- However, *their decision is subject to **judicial review*** on limited grounds (e.g., mala fide action, violation of natural justice).

Key Case Law

1. Kihoto Hollohan (1992)

1. Upheld the validity of the Anti-Defection Law.
2. Judicial review is permitted only *after* the Speaker's decision.

2. Keisham Meghachandra Singh v. Speaker, Manipur Legislative Assembly (2020)

1. Supreme Court: Speaker must decide defection cases **within a reasonable time**, normally **3 months**.

3. Ravi Naik v. Union of India (1994)

1. "Voluntarily giving up membership" can be inferred from conduct.

4. Nabam Rebia case (2016)

1. Speaker cannot decide defection cases while facing a **pending removal motion**.

Draft Seed Bill

Centre releases draft Seeds Bill; farm outfits cautious, industry welcomes it

A.M. Jigeesh
NEW DELHI

After two failed attempts by both the UPA and NDA governments in 2004 and 2019 to pass a similar law, the Union government has brought yet another draft Seeds Bill here on Thursday.

The Union Agriculture Ministry said the new draft is aligned with current agricultural and regulatory requirements. The proposed legislation is intended to replace the existing Seeds Act, 1966 and the Seeds (Control) Order, 1983.

While the seed industry welcomed the move, farmer organisations reminded the Centre that it had to withdraw the Bill on two occasions following their resistance.



The draft Bill seeks to ensure farmers' access to high-quality seeds, the Centre said.

The Centre said in a release that the draft Seeds Bill, 2025 seeks to regulate the quality of seeds and planting materials available in the market, ensure farmers' access to high-quality seeds at affordable rates, protect farmers from losses, and liberalise seed imports to promote access

to global varieties. "On the enforcement side, the draft Bill proposes to decriminalise minor offences, thereby promoting 'Ease of Doing Business' and reducing compliance burden, while maintaining strong provisions to penalise serious violations effectively," the government said.

All stakeholders and members of the public can submit their comments and suggestions on the draft Bill and its provisions by December 11.

As per the draft, every dealer in seeds shall obtain a registration certificate from the State government before selling, keeping for sale, offering to sell, import or export or otherwise supply any seed by himself or by another person on his behalf. The draft law also provides for regu-

lation of sale of seeds so that seed varieties conform to the minimum limit of germination, genetic purity, physical purity, traits, seed health and other seed standards specified in the 'Indian Minimum Seed Certification Standards'.

Speaking to *The Hindu*, senior functionary of Bharatiya Kisan Union (Ekta Ugrahan) Pavel Kussa said: "...On the face of it, this Bill favours seed companies and facilitates ease of doing seeds business. We will study the draft Bill and make our position known to the government and the public."

Federation of Seed Industry of India chairman Ajai Rana said the release of the draft is a timely step toward modernising India's seed regulatory framework.

Syllabus

General Studies paper Ii

- Major crops-cropping patterns in various parts of the country, - different types of irrigation and irrigation systems storage, transport and marketing of agricultural produce and issues and related constraints; e-technology in the aid of farmers.

India Unveils Draft Seeds Bill for Modern Regulation

- The government has released the **draft Seeds Bill 2025** to replace the outdated **Seeds Act 1966** and **Seeds (Control) Order 1983**.
- The proposed legislation aims to strengthen seed quality regulation, protect farmers, and improve transparency in the national seed supply chain.

Key Features of the Draft Seeds Bill 2025:

- The government has introduced a **modernised Seeds Bill 2025**, aligning seed regulation with current **agricultural, technological, and market realities**.
- It seeks to replace existing frameworks—the **Seeds Act 1966** and **Seeds (Control) Order 1983**—which no longer address today's challenges.
- A major objective is to ensure **high-quality seeds** reach farmers at **affordable prices** across India, contributing to sustainable agricultural practices .
- The bill focuses on **transparency, accountability**, and strict checks on the seed supply chain to protect farmers from losses.

Provisions for Farmer Rights and Seed Quality Regulation

- The bill safeguards **farmer rights**, particularly access to **reliable and quality-certified seeds**.
- It ensures that farmers are protected from **crop losses** caused by adulterated or substandard seed varieties, contributing to more resilient agricultural systems .
- The legislation aims to streamline the process of **seed certification**, including quality testing, labeling, and distribution norms.
- It strengthens oversight on **seed producers, processors, and distributors**, enabling greater accountability .
- Provisions include mechanisms to regulate pricing, availability, and timely supply of **improved seed varieties** for better agricultural outcomes

India's Carbon Emission

India's carbon emission rise slower this year, says report

In 2024, the country's emissions grew by 4%, but a favourable monsoon, which cut demand for cooling, and a growth in renewable energy use, limited the rise to 1.4%, says Global Carbon Project

Jacob Koshy
NEW DELHI

India's 2025 carbon emissions have increased slowly compared to last year. While global carbon emissions are expected to rise to 38 billion tonnes, or by 1.1%, this year, the growth in India's emissions is expected to increase by 1.4%, according to the Global Carbon Project, an authoritative tracker of fossil fuel emissions. This is lower than in recent years – in 2024, India's emissions grew 4% than the previous year.

The slower increase was partly due to a favourable monsoon that reduced cooling demand, as well as a "strong growth in renewable energy", leading to lower coal use.

Global emission trends
China's emissions in 2025 are projected to increase by 0.4% – also a slower growth than in recent years. This was due to a "moderate growth in energy consumption combined with an extraordinary growth in renewable energy."



Keeping track: India is the third largest emitter of carbon dioxide at 3.2 billion tonnes annually. FILE PHOTO

Emissions are projected to grow in the United States (+1.9%) and the European Union (0.4%) in 2025.

Overall, India is the third largest emitter of carbon at 3.2 billion tonnes annually (2024), led by the U.S. (4.9 billion tonnes) and China (12 billion tonnes). India's per capita emission is 2.2 tonnes of carbon dioxide per year, the second lowest among 20 of the largest economies globally. Coal is the major fuel type contributing to India's emissions.

The projected rise in global fossil CO2 emissions in 2025 is driven by all fuel

types: coal +0.8%, oil +1%, natural gas +1.3%. Over the 2015-2024 period, emissions from permanent deforestation remained high around 4 billion tonnes of CO2 per year, while permanent removals through reforestation and forest regrowth offsets about half of the permanent deforestation emissions.

Total CO2 emissions – the sum of fossil and land-use change emissions – have grown more slowly in the past decade (0.3% per year), compared to the previous decade (1.9% per year). The remaining car-

bon budget to limit global warming to 1.5°C is "virtually exhausted".

The remaining budget for 1.5°C is 170 billion tonnes of CO2, equivalent to four years at the 2025 emissions levels.

"With CO2 emissions still increasing, keeping global warming below 1.5°C is no longer plausible," said Professor Pierre Friedlingstein, of Exeter's Global Systems Institute, who led the study. "The remaining carbon budget for 1.5°C, 170 billion tonnes of carbon dioxide, will be gone before 2030 at current emission rate. We estimate that climate change is now reducing the combined land and ocean sinks – a clear signal from Planet Earth that we need to dramatically reduce emissions."

The latest numbers come even as world leaders are gathered in Belem, Brazil, to attempt progress in transitioning away from fossil fuel use while also negotiating how to pay for the costs of bolstering defence against the effects of human-caused climate change already underway.

Syllabus

General Studies paper II

- Conservation, environmental pollution and degradation, environmental impact assessment.

India's Carbon Emission Growth Slows in 2025

- The **Global Carbon Project** reported that **India's greenhouse gas emissions** grew by only **1.4% in 2025**, significantly lower than last year's 4%.
- The slowdown is attributed to **favourable monsoon conditions** reducing cooling demand and a **strong rise in clean energy transitions**.

Key Findings on India's 2025 Emission Trends:

- **Slower Growth:** India's greenhouse gas emissions increased by **1.4%**, compared to **4% growth in 2024**, indicating a moderated rise.
- **Monsoon Impact:** A **favourable monsoon** reduced temperatures and lowered **electricity demand for cooling**, contributing to lower emissions.
- **Renewable Energy Boost:** The rise in **solar and wind power generation** reduced dependency on coal, helping stabilize emission levels.
- **Global Comparison:** Globally, emissions are expected to rise **1.1%**, reaching **38 billion tonnes** this year.

- **Major Emitters:** India remains the **third-largest emitter** with **3.2 billion tonnes/year**, following **China (12 billion tonnes)** and the **U.S. (4.9 billion tonnes)**.

About Global Carbon Budget & India's Emission Profile :

● **Global Carbon Project:** A leading scientific consortium tracking **greenhouse gas emissions**, land-use changes, and carbon sinks.

● **Carbon Budget:** The allowable amount of CO₂ emissions to keep global warming below a temperature threshold, such as **1.5°C**.

● **India's Energy Mix: Coal** remains the dominant fuel in India's power sector, though clean energy transitions are rapidly expanding.

● **Land-Use Emissions:** Permanent deforestation emits **~4 billion tonnes/year**, offset only partially by reforestation efforts.

● **Climate Change Impact:** Declining efficiency of land and ocean **carbon sinks** indicates reduced natural absorption capacity.

Protection of pristine Sal forest in Jharkhand

SC bats for protection of pristine sal forest in Jharkhand's Saranda

Krishnadas Rajagopal
NEW DELHI

The Supreme Court on Thursday directed the Jharkhand government to declare 31,468.25 hectares (approximately 314 sq. km.) of the Saranda forest area as a wildlife sanctuary, balancing biodiversity protection with sustainable iron ore mining.

"The State cannot run away from its duty to declare the extent of 31,468.25 hectares as Saranda Wildlife Sanctuary," a Bench headed by Chief Justice of India B.R. Gavai observed in the judgment.

Part of the ecosystem

Saranda is one of the world's most pristine sal forests, the court noted. It is home to critically endangered species, including



The court said that 314 sq. km. of the Saranda forest should be a wildlife sanctuary.

the endemic sal forest tortoise, four-horned antelope, Asian palm civet, and wild elephants. For centuries, the area has been inhabited by the Ho, Munda, Uraon and allied Adivasi communities whose subsistence and cultural traditions are intrinsically tied to forest produce.

The Saranda forest division also accounts for 26% of India's iron ore reserves. The steel plants of SAIL and Tata are critically dependent on mining in this area. *Amicus curiae*, senior advocate K. Parameshwar, had submitted to the court that a judicial declaration of the entire area as a wildlife sanctuary would halt mining and affect employment opportunities.

The hearings had seen the Jharkhand government dither about the area that ought to be cordoned off from mining and declared a wildlife sanctuary. The State had initially suggested that only 24,941.64 hectares of forest area should be declared a sanctuary, arguing that "vital public infrastructure" in the area would have to be demolished to make space for the

sanctuary. However, the Jharkhand government later clarified in court that 31,468.25 hectares of forest area, consisting of 126 compartments, neither hosted mining activities nor was used for any non-forest use.

The court, in its judgment, reminded Jharkhand that a "State has a positive obligation and a mandate to provide statutory protection to forests and wildlife and declare ecologically significant areas to be statutorily protected".

The Bench ordered the Jharkhand government to widely publicise that neither the individual nor community rights of tribals and forest dwellers in the Saranda area will be adversely affected by the judgment.

Syllabus

General Studies paper III

- Conservation, environmental pollution and degradation, environmental impact assessment.

Supreme Court Orders Saranda Forest Sanctuary Creation

The **Supreme Court** has directed the **Jharkhand government** to declare **31,468.25 hectares** of the pristine **Saranda sal forest** as a **wildlife sanctuary**, emphasising protection of biodiversity while balancing sustainable mining, and ensuring tribal rights remain unaffected.

Supreme Court's Key Directions and Observations:

- **Mandatory Declaration:** The Court directed Jharkhand to notify **31,468.25 hectares** (314 sq. km.) of Saranda as a **wildlife sanctuary**.
- **Ecological Priority:** The Bench noted that Saranda is among the **world's most pristine sal forests**, needing urgent statutory protection to preserve its role .
- **Tribals' Rights Protected:** The Court ensured that **individual and community rights** of Adivasi groups—Ho, Munda, Uraon—will **not be affected**, recognizing their role in sustainable forest management .
- **State Obligation:** Jharkhand was reminded of its **constitutional duty** to protect ecologically significant areas and conduct thorough **environmental impact assessments** for any development projects.

Ecological and Economic Significance of Saranda Forest

- **Critical Biodiversity Hub:** The forest hosts **endangered species** like the **sal forest tortoise, four-horned antelope, Asian palm civet**, and wild elephants, contributing significantly to India's biodiversity .
- **Cultural Ecosystem:** Indigenous communities' **subsistence, culture and forest dependence** are deeply tied to Saranda's ecology, highlighting the importance of sustainable forest management practices .
- **Iron Ore Importance:** Saranda carries **26% of India's iron ore reserves**, crucial for industries like **SAIL** and **Tata Steel**, necessitating a balance between resource extraction and forest management.
- **Mining Concerns:** Amicus curiae warned that declaring the **entire forest** as sanctuary would disrupt mining and **employment**, emphasizing the need for comprehensive **environmental impact assessments**.

Wildlife Sanctuary Declaration Framework :

● **Wildlife Sanctuaries:** Protected areas under the **Wildlife Protection Act, 1972**, meant to conserve flora, fauna, and biodiversity.

● **State's Role:** State governments have the authority and **legal obligation** to notify ecologically important regions as sanctuaries.

● **Forest Rights Act (FRA) 2006:** Protects rights of **forest dwellers**, ensuring no resettlement without consent and due process, supporting sustainable forest management .

● **Environmental Balance:** Conservation decisions must balance **biodiversity protection, livelihood concerns, and sustainable resource extraction.**

● **Supreme Court Oversight:** Courts intervene when states fail to fulfil **statutory conservation responsibilities.**



Thank you

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