



**KAMARAJ IAS ACADEMY**  
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# Anti-Defection Law, B'nei Menashe Jews & Women in Corporate Governance

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## **Anti-Defection Law:**

### **Background & Constitutional Basis:**

The Anti-Defection Law was introduced through the 52nd Constitutional Amendment Act, 1985, inserting the Tenth Schedule into the Constitution. It was aimed at curbing political instability caused by frequent party switching, popularly known as "Aaya Ram Gaya Ram" politics.

### **Key Provisions:**

#### **The law provides for disqualification of legislators if they:**

Voluntarily give up party membership

Vote or abstain against the party whip

Defy party directions without permission

### **Merger Provision & Current Debate:**

A key exception is the merger clause, which allows legislators to avoid disqualification if two-thirds of members of a legislative party agree to merge with another party. Recent debates highlight that this provision is often misused to legitimize large-scale defections, raising concerns about weakening democratic values.

### **Amendments & Judicial Review:**

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91st Constitutional Amendment Act, 2003 removed the “split” provision (1/3rd rule) but retained the merger clause.

In the Kihoto Hollohan (1992) case, the Supreme Court upheld the law but allowed judicial review of the Speaker’s decisions.

Issues & Criticism:

Delay and bias in decisions by the Speaker

Limits freedom of expression of legislators

Encourages group defections rather than individual ones

### **B’nei Menashe Jews:**

#### **Origin & Identity:**

The B’nei Menashe are a unique ethnic group residing mainly in Manipur and Mizoram, who claim descent from the lost tribe of Manasseh, one of the Twelve Tribes of Israel.

#### **Recognition & Migration:**

Recognized as Jews by Israel in 2005

Eligible to migrate under Israel’s Law of Return

Thousands have migrated and settled in Israel

#### **Cultural & Anthropological Significance:**

Maintain distinct traditions resembling Jewish customs

Example of diaspora identity and cultural continuity

Important for understanding migration and ethnicity

#### **Relevance to India:**

Highlights diversity of Northeast India

Strengthens India–Israel cultural and diplomatic relations

### **Women in Corporate Governance:**

#### **Concept & Importance:**

Women in corporate governance refers to their participation in boardrooms and leadership roles, ensuring diversity and inclusive decision-making in businesses.

#### **Legal Framework in India:**

Companies Act, 2013 mandates at least one woman director in certain companies

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SEBI (LODR Regulations) require gender diversity in listed companies

### **Benefits of Gender Diversity:**

Better corporate governance and transparency

Improved financial performance

Enhanced innovation and decision-making

### **Challenges:**

Underrepresentation in senior leadership roles

Gender bias and workplace barriers

Limited access to mentorship and networks

### **Global Context:**

Linked with ESG (Environmental, Social, Governance) standards

Supports Sustainable Development Goal (SDG 5 – Gender Equality)