

## **Topic: Limiting Power Of Speaker Under Anti - Defection Law**

Name of the case: Jagjit Singh v. State of Haryana, AIR 2007 SC 590

Bench: Chief Justice C.K. Thakker & Justice P.K. Balasubramanyan

Issue: Whether the power to disqualify a member on the ground of defection should continue to vest in the Speaker, or should it be vested in some independent body outside the House?

Fact of the case: Petitioner challenges the decision of the Speaker to disqualify a member for defection without complying with the principles of natural justice in as much as the member was not granted sufficient time to file a reply to meet the case against him was repealed.

Judgment: The Supreme Court observed that proceedings in respect to disqualification of a member are comparable neither to a trial in a court of law nor departmental proceedings for disciplinary action.

The high ethical standard which was set up by the majority Judges in Kihota Hollohon is seldom reached by the Speakers in India. The confidence placed by the majority Judges in the "high tradition" of the "high office of the speaker" have, in practice, been found to be misplaced.

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