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A STUDY OF THE POLITICS DEFECTION AND ALLEGIANCE IN INDIA

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ABSTRACT

The dictionary meaning of defection is falling away from allegiance to leader, party, religion or duty, desertion, apostasy. Political defection is the phenomenon by which a legislator who has been elected on a ticket of a political party changes his party allegiance without resigning his seat in the legislature. Floor crossing is another term used to denote the same phenomenon.

Dr. Subhash Kashyap has defined political defection in the following words, "Unless otherwise stated, the term defection in this study should be understood to mean any change of political label and should include all cases such as: (a) that of leaving a particular party after being elected as a legislator on its ticket and joining another party, (b) of resigning from the party, but remaining independent thereafter, or (c) of joining a particular political party after being elected as an independent. Legislators who vote against their party in the legislature on basic issues without actually resigning from the party should nonetheless be deemed to be defectors. Irrespective of its dictionary meaning here, the term defection would thus mean and include both an act of disaffection with one party or independent platform as also of developing a new political allegiance either by outright joining the other party or by voting with it and against one's own party. It would cover chances of party affiliation both from the opposition to the government side or vice versa as also changes as between the parties on the same side of the House, i.e., between the Constituent units of a coalition government or between the different parties sitting on the opposition benches."

Keywords : Defection, Political, Joining, Leaving, Independent, Opposition

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In the words of Chavan Committee defection is "An elected member of a legislature who has been allotted the reserved symbol of any political party can be said to have defected, if, after being elected as a member of either house of Parliament or of Legislative Council or Assembly of a State or Union Territory, he voluntarily renounces allegiance to, or association with such political party provided that his action is not in consequence of a decision of the party concerned."

Defection is a two-way traffic. A legislator of the ruling party may defect to the opposition or vice versa. Thus, defection in the political field means that a legislator may leave his party and join another party without resigning from the legislature. The main motivation for defection is the lure of power, money, for some personal gains, or prospect of improving his future political career.

The politics of defection became a conspicuous feature of Indian political life after the general elections of 1967. But it does not mean that there was no defection in the early period. There were defections in Uttar Pradesh (1950), in Madras (1953), in Andhra Pradesh (1953) and in Kerala (1954 and 1964) before 1967.

There were few cases of defection even in the pre-independence period. After independence they became more common. Thus, before 1967 the problem of defection was not a serious one but after the fourth general Elections (1967), this problem assumed alarming proportions because the Congress party did not get absolute majority in many states and the opposition parties had enough opportunities to form the government with the help of defectors. Haryana set the model for the rest of India and it is said that a legislator changed his loyalty thrice a day. So the State was defamed by the 'Aaya Rams and Gaya Rams' (defectors). It is said that during a short period of nine months from March to December 1967 out of total membership of about 3,450 state legislators, about 320 changed their loyalties. Leaving aside the states of Kerala, Tamil Nadu, Maharashtra and Nagaland, the problem of defection was almost present everywhere. According to S.C. Kashyap the defections in the various States between March, 1967 to March, 1970 were as

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follows: **Andhra Pradesh, Bihar, Gujarat, Haryana, Madhya Pradesh, Karnataka, Orissa, Punjab, Uttar Pradesh, West Bengal, Pondicherry, Assam, Himachal Pradesh, Jammu & Kashmir, Kerala, Nagaland, Rajasthan, Tamil Nadu, Delhi, Goa, Manipur, Tripura** Above defections were not confined to the States alone. In Parliament also during the same period as many as 148 party members and 4 independents were involved in defection.[1]

The governments of many states rose and fell like the house of cards owing to these defections. No Chief Minister was safe. Thus, defections because almost like an epidemic. If an ambitious person with no moral ground, MLA or an MP was not given a ministerial berth he would cross the floor and go over to the opposition. Money and lust for power played an important role in defections. Political horse-trading became the order of the day. It had serious consequences. It considerably weakened the Congress and ruined other parties that came into existence after independence. Secondly, the governments of various States suffered from chronic instability.

Defections continued unabated during the period of national emergency (1975-77) and in the post-emergency period. After the proclamation of emergency in 1975 a large number of opposition legislators defected to the Congress either to escape political persecution or to gain political benefits. When in 1977, the general elections were announced Jagjivan Ram and a number of other Congress members left the party and formed the Congress for Democracy. Later on they joined the newly formed Janata Party.

During its regime (1977-79), the Janata Party openly encouraged defections to strengthen its own position. In 1979 the Janata Party itself became a victim of defections and rapidly disintegrated. In 1980, when the Congress again came to power under the leadership of Mrs. Indira Gandhi, it encouraged defections. In some states defections took place on such a massive scale that it led to the replacement of the existing Janata ministries by Congress ministries without a formal vote of no-confidence. This happened in Himachal Pradesh and Haryana. During the second term of Mrs.

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Gandhi no bill to check the defections was introduced. In this second term, the most notable defection was that of the Deputy speaker of the 7th Lok Sabha, Mr. Lakshmanan who was previously elected on DMK ticket but later on joined Congress (I) but inspite of defection, he was allowed to hold that august office. Therefore, the malady of defections continued till Mrs. Gandhi's assassination on 31st October, 1984.[2]

Causes of Defections

Defections have become more or less a regular feature of Indian State politics. Following are some important causes of defections:

- Lust for Power.
- Allurement for high offices.
- Big difference between the emoluments, status and benefits attached to the office of a Minister and that of ordinary MLA.
- Personality cult in Indian Politics.
- To some extent ideological differences become responsible for defection.
- Powerful lobbies and pressure groups play a big role in defection politics.
- Long rule of Congress Party both at Centre and in the States did encourage defections. Acharya Kripalani rightly observed, “From time to time, the Congress even when in majority has tempted the legislators with the lure of office to leave their parties and join the Congress for no better reason than to swell its members.” “Thus, undoubtedly, unenlightened self-interest appeared, as the most potent incentive that enthused the counter-defection. According to Subhash Kashyap following are the reasons for political defections:

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- The history and nature of political parties in India, and particularly the Indian National Congress.
- The aging leadership bossism and the growth of establishments with vested interests in the status quo in almost all the parties.
- The lack of ideological orientation and polarization among the parties.
- The low level of popular involvement in the membership, objects and activities of political parties and the virtual indifference of the people to acts of defection by their representatives.
- In-fighting and factionalism in the parties which lead to group defections when, i.e., party tickets are denied to members of a dissident faction.
- The marginal and unstable majorities in state legislative assemblies after the 1967 elections and the large number of independents ready to trade their labels.
- Conflict of personalities and temperamental incompatibilities between a legislator and his party bosses.
- The temptations of office, money, status and the like.....or denial of the same.
- The existence of powerful lobbies and pressure groups that command loyalties that are far more intense than loyalities to political parties.
- The unwillingness of the Congress Party during 1967-69 to share power and enter into workable coalitions with like-minded parties.
- Hypocrisy in Indian politics-the wide gulf between profession and practice, between false ideas and political realities in a country with such dismal poverty and illiteracy.

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The implications of political defections adversely affected Indian Political System. In brief, defections have led to:[3]

1. Political instability.
2. Emergence of unstable and unworkable coalitions in the states.
3. Devaluation of the office of the Chief Ministers.
4. Increasing power of the bureaucracy.
5. Increasing strength of state Cabinets.
6. Formation of minority governments in the states.
7. Fragmentation of political parties.
8. Increase in political corruption and devaluation of moral values.
9. Lack of party discipline.

Measures to Control Defections

Between 1967 and 1984 several efforts were made to put an end to the evil of defections. The Government of India appointed a 'Committee on Defections in the month of February 1968. The Committee was asked to consider the problem of legislators changing their allegiance from one party to another and their frequent crossing of the floor in all its aspects and make recommendations in this regard. The Committee was known as 'Chavan Committee'. Its recommendations were as follows:

- Political defectors should be debarred from occupying any office, such as Minister, Speaker, Deputy Speaker or Chairman of any Statutory Corporation for a period of one year from the date of defection.
- The size of a Ministry in a State should be ten per cent of the strength of the Assembly

where there was bicameral legislature and eleven per cent where there was a unicameral legislature.

- Defectors should be barred from becoming Ministers up to one year from the date of defection unless they got re-elected after resigning
- The Chief Minister should be made competent to seek dissolution of the House, even if reduced to minority, after his party is reduced to minority on account of political defections.
- The electorate should be educated and made to realise the problems created by independent legislators, so that they do not return them.
- No one who belonged to the Upper House should be elected enter as Prime Minister or Chief Minister of a state. If necessary, the Constitution should be amended accordingly.
- Every elected legislator should bind himself to the party discipline and should not violate that.
- Though the political parties themselves should arrive at a code of conduct inter alia providing against a defector being taken into the fold of

The Home Ministry prepared a draft legislation incorporating the above recommendations. On 17th May, 1973, Constitution (32nd Amendment) Bill or Anti-Defection Bill was introduced in the Lok Sabha 11 was referred to a select Committee. It ultimately lapsed following the dissolution of the Lok Sabha in January 1977. But debate to curb defections was still on when the Janta Party came to power in 1977. The Janta Party government was serious to curb the evil. In May 1977, a Cabinet Committee comprising Morarji Desai, Charan Singh, Jagjivan Ram and L.K. Advani was set up to examine as to how political defections could be prevented. But government failed to do anything in this direction. With the re-emergence of Mrs. Gandhi as the leader of the Congress in 1978, the leaders again started talking of an Anti-defection Bill. It took 18 months to introduce a

Bill in the Lok Sabha and when, in August 1978, it brought up a measure to that effect; there was opposition to it because necessary consensus had not been obtained.

Jammu and Kashmir has, however, taken the lead by passing an Anti- defection Bill which became law in October 1979.

The Constitution (52nd Amendment) Act, 1985-Anti-defection Law[4]

Between 1967 and 1984 several efforts were made to put an end to the evil of defections, but all failed. On October 31. 1984 Mrs. Indira Gandhi was assassinated and her son Rajiv Gandhi became the Prime Minister. In December elections to the Lok Sabha were held and the Congress was returned with unprecedented majority. The first important act of the government was to get enacted the Constitution 52nd Amendment Act, 1985. The Bill entitled Constitution 52nd Amendment Bill, 1985 was brought forward "for outlawing defection" and "combating the evil of political defections which has been a matter of national concern." The following are the important provisions of this Act:

1. An elected member of Parliament or a State Legislature who has been elected as a candidate set up by a political party shall be disqualified for being a member of the House to which he has been elected:

   (a) If he has voluntarily given up his membership of the party, or

   (b) If he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs without obtaining the prior permission of such party, and such voting or abstention has not been condoned by such party within fifteen days from the date of such voting or abstention.

2. An elected member of Parliament or a State Legislature who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being a member of the House to which he belongs if he joins any political party after such election.
3. A nominated member of Parliament or a State Legislature who is a member of a political party at the time he takes his seat or who becomes a member within ten months after he takes his seat would be disqualified on the ground of defection if he voluntarily relinquishes his membership ofsuch political party or votes or abstains from voting in such House contrary to any direction of such party or is expelled from such party.
4. A nominated member of Parliament or State Legislature who is not a member of a political party at the time of his nomination or who has not become a member of any political party before the expiry of six months from the date on which he takes his seat shall be disqualified if he joins any political party after the expiry of the said period of six months,
5. If there is a split in a legislature party and any group consisting of not less than one-third of the members of that party leaves it, the members of that group would not be disqualified on the ground of defection, and that group would be treated as a separate party.
6. If a political party merges with another political party, the members of the party that has merged shall not be disqualified on the ground of defection provided that not less than two-thirds of the members of the legislature party concerned have agreed to such merger.
7. A person who has been elected to the office of the Speaker or the Deputy Speaker of the Houses of the People or Deputy Chairman of the Council of States or the Chairman or the Deputy Chairman of the Legislative Council of a State or the Speaker or the Deputy Speaker of the Legislative Assembly of a State shall not be disqualified on the ground of

defection.

(a) If he, by reason of his election to such office, voluntarily gives up the membership of the political party to which he belonged immediately before such elections and does not so long as he continues to hold such office thereafter, rejoin that party or becomes a member of another party, or

(b) If he, having given up by reason of his election to such office his membership of the political party to which he belonged immediately before such election, rejoins such political party after he ceases to hold such office.

8. If any question arises as to whether a member of a House has become subject to disqualification under this Act, the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such House and his decision shall be final.

Parliament on 31st January, 1985 gave approval to the above historic measure to outlaw defection when the Rajya Sabha unanimously passed the Constitution Bill. After the signature of the President on 15th February. 1985, it became Constitution 52nd Amendment Act. It came into force in March, 1985.[5]

N.B. 10th schedule has been added with the Constitution 52nd Amendment Act

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5 Ibid P. 668