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POLITICS OF DEFECTION IN INDIA: AN ANALYSIS

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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.

KEY WORDS:

Politics, Political , phenomenon .

INTRODUCTION

Dr. Subhash Kashyp 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 case 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 particular party after being elected as an independent. Legislator who vote against their party in the legislature on basic issues without actually resigning from the party should nonetheless be deemed to be defector. Irrespective of its dictionary meaning here, the term defection would thus mean and include both an act of dissatisfaction 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 change of party affiliation both from 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, 1

Defection is 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 in India

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

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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 it a legislator changed his loyalty thrice a day. So the state was defamed by the 'Ayya 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 follows: 2

Andhra Pradesh	73
Bihar	161
Gujarat	142
Haryana	85
Madhya Pradesh	237
Karnataka	79
Orissa	61
Punjab	114
Uttar Pradesh	294
West Bengal	269
Pondicherry	31
Assam	02
Himachal Pradesh	05
Jammu & Kashmir	03
Kerala	35
Nagaland	01
Rajasthan	25
Tamil Nadu	19
Delhi	01
Goa	11
Manipur	27
Tripura	10

Above defection were not confined to the states alone. In parliament also during the same period as many as 148 party members and independent were involved in defection. 3

The government of many states rose and fell like the house of cards owing to these defections. No chief Minister was safe.

Thus, defections became 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 ministers by Congress ministers without a formal vote of no-confidence. This happened in Himachal Pradesh and Haryana. During the second term of Mrs. 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. Lakahman who was previously elected on DMK ticket but later on joined Congress (I) but in spite 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.

Causes of Defections

1. Lust for power.
 2. Allurement for high offices.
 3. Big difference between the emoluments, status and benefits attached to the office of a Minister and that of ordinary MLA.
 4. Personality cult in Indian Politics
 5. To some extent ideological differences become responsible for defection.
 6. Powerful lobbies and pressure groups play a big role in defection politics.
 7. 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 legislatures to commit the political sin of defection, re-defection and counter-defection..."
- The implications of political defections adversely affected Indian Political System. In brief, defections have led to:

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 the strength 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 known as "Chavan Committee". Its recommendations were as follows:

1. 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.
2. The size of Ministry in a State should be ten per cent of the strength of the Assembly where there was a unicameral legislature.
3. Defector should be barred from becoming Minister up to one year from the date of defection unless they got re-elected after resigning.
4. 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.
5. The electorate should be educated and made to realize the problems created by independent legislators, so that they do not return them.
6. No one who belonged to the upper House be elected either as Prime minister or Chief Minister of a state. If necessary, the constitution should be amended accordingly.
7. Every elected legislator should bind himself to the party discipline and should not violate that.
8. Though the Political parties themselves should arrive at a code of conduct inter alia providing against a defector being taken into the fold of another party.

The Home Ministry prepared draft legislation incorporating the above recommendations. On 17th May 1973, Constitution (32nd amendment) bill or Anti defection bill was introduced in the Lok Sabha it 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 Janata party came to power in 1977. The Janata Party government was serious to curb the evil. In May 1977, a Cabinet committee comprising Moraji Desai, Charansingh, Jagjivan Ram and L.K. Advani was set up to examine as to how political defections could be prevented. But government failed to do any thing in this direction with the reemergence of Mrs. Gandhi as the leader of the Congress in 1978, the leaders again started talking of anti-defection bill It took

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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.

The constitution, (52nd amendment) Act, 1985- anti-defection Law.

Between 1967 and 1984 several efforts were made to put an end to the evil of defection, but all failed. On October 31, 1984 Mrs. Indira Gandhi was assassinated and her son Rajiv Gandhi became Prime Minister. In December elections to 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 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 state legislature who has been elected as such other wise than as a candidate set up by any political party shall be disqualified for being a member of the House to which he belongs to if he joins any political party after such election.
3. A nominated member of parliament or a state legislature who is 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 of such 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 a 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 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 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 House of the People or Deputy Chairman of the Council of States or the Chairman or the Deputy Chairman of the Legislative Council of the state or the Speaker or the Deputy Speaker of the 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 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 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

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