

ABSTRACT

ANTI DEFECTION LAWS IN INDIA

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The paper starts with a theoretical model which specifies the conditions that shape the demand and supply of defectors. We take a two player model where demand for defectors comes from the opposition and defectors are supplied by the governing party, or governing coalition of parties. Defection is being defined in Paragraph 2(1)(b) of Schedule X of the constitution of India by preventing the politicians and the members of parliament from defying the directions of the political party. The demands from the defectors are a positive functions of the size and the subjective coherence of the opposition that is, the larger and ideologically more connected the opposition, the stronger are its demand to attract defectors from the government in order to form an alternative coalition that can take office. On the supply side, defection means a positive function of the size of the governing majority that in turn again means the larger the number of legislators who do not make a marginal contribution to the winning, i.e. majority, status of the governing coalition thus contributing to the greater the number of potential defectors who cannot realize the full benefit of being part of the status quo majority. Thus, large governing majorities, with an excess of legislators provide equally favorable conditions for defections. This expectation should, prompt party leaders to seek legislation that would increase the exit costs for individual members of their caucuses. This power given under this provision has been widely misused which lead to the violation of the freedom of speech and hampered growth of the members of the house. This also argues that the appropriate solution is not the repeal the Paragraph 2(1)(b), but to make an amendment in the constitution in the cases where the member is being disqualified for defying whips.

KEY WORDS: Defection, coalition, governing majority, opposition, whips.