In multiparty states like India, Parliamentary form of Government faces many hurdles in the way of its working. People usually vote for the Candidate of the political party whose programmes and policies i.e. to say whose election manifesto best appeals them. But, after the election, in order to gain power, most of them shifts loyalty for personal gain without regard to the peoples mandate which in popular term is called 'defection politics' which is required to be discouraged, if not prevented, for the healthy functioning of the Parliamentary form of government.

The Indian Parliament after a few attempts and after due consideration of the report of the Committees and commissions, passed an Anti-Defection Law to curb this kind of unethical practice which have toppled many govts. However, this Anti-Defection Law was drafted so hastily and erroneously that ultimately it helps proliferate group defections under the guise of 'split ' in the political party and 'merger' into another political party in which case defection law was not applicable. Only it had helped to prevent, to a certain extent, individual defections. It also helps in encouraging party bossism.

This Anti-Defection law gave unfeathered power to decide cases of defection only and exclusively to the Speaker and barred judicial scrutiny. The provision to bar judicial review is declared unconstitutional by the Supreme Court. Some of the decisions of the Speakers were also challenged in the Supreme Court and different High Courts. The matter has reached such a proportion that one Speaker of Manipur Legislative Assembly named H. Borobabu Singh had to tender apology in the Supreme Court by appearing personally. This and other decisions relating to the application of the Anti-Defection Law has generated controversy between the Legislative organ and the Judiciary.

Further, Speakers are also found to have misused the power given to them under this law which creates a mockery of parliamentary democracy. The last 17 years of experience indicate that this law is not a very clean law to make the legislators behave in the manner expected from them.
The Parliament is in the process of amending the Law in order to remove the lacunas but till now no new amendment is brought forth in respect of the Tenth Schedule dealing with Anti-Defection Law.

It is in this background that this work is undertaken, the content of which is divided into eight chapters in which I have tried to make critical assessment of the theory, practice, problem, need and use of such a law in both its prospect and retrospect and also suggested reforms for a better application of the said law to nab the dubious practice of "Aya Rams and Gaya Rams".

In the introduction chapter, an attempt has been made to find out the meaning of the Concepts like democracy, Parliamentary form of government, party system and its role under the Parliamentary Democracy. The scope and objective of the legislators’ right to free speech and vote vis-à-vis the citizens’ right to be governed by a responsible and accountable government are also analysed. Moreover, the sanctity of judicial review and the vesting of penal powers in a non-judicial authority i.e. the Speaker and above all the amendability of the basic structure of the Constitution are also discussed. Finally a comprehensive definition of "defection" is attempted and the meaning of defection as practised in different democracies of the world are highlighted.

In the second and third chapters, I have tried to cover all the major political defections in India starting from the year 1936 till the enactment of Anti-Defection Law in 1985. The impact of such defections on the Indian Politics are also analysed. The causes of defections and all the major attempt to curb such maniac before the 1985 Act are discussed to a considerable extent.

The Fourth Chapter is exclusively confined to the provisions of the Fifty Second Constitution (Amendment) Act of 1985 which is popularly known as the Anti-Defection Law. The interpretation of each and every paragraphs of this Law including the rules framed thereunder are attempted and analysed. The major loopholes are pointed out and implications are also predicted.
With the limited resources and manpower at my disposal, comparative study of defection politics and Anti-Defection Laws with other major advanced as well as South Asian democracies are made in Chapter-V. Further in an attempt to make this study an empirical one, field studies through questionnaire and interviews are also attempted, the result and responses of which are reflected in Chapter-VI through statistical and graphical representations.

The entire process of the application of the Anti-Defection Law after its enactment in 1985 has been covered in the Chapter-VII, many aspects and implications of which could not be comprehended at the time of its enactment. Reaction of Speakers of both Union and States to the individual as well as group defection issues, their decisions, interference in the ruling of the Speakers by the Judiciary and the interpretation of the Law itself by the Highest Court of the Land are also attempted chronologically and a model role of the Speaker under the Anti-Defection Law has been propounded.

In the conclusion chapter, a short appraisal of the history and application of the defection politics and relative law is made for the purpose of testing the hypothesis and finally some suggestions are given. The need to modify or amend the existing Anti-Defection Law, to achieve the desired goal, is emphasised.

The topic assumes importance in view of the hung Parliament and Assemblies which has become the order of the day. Further, importance is given to the topic as no research work is undertaken on this though defection is instrumental in making and breaking the Government.

However, this is not the fulfilment of the goal originally designed. There are many important things left untouched due to lack of time, man power and resources. Contentment would come if more work is done on this subject by spirited youngsters.

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