

THE POLITICS OF DEFECTION IN INDIA

THE POLITICS OF DEFECTION IN INDIA

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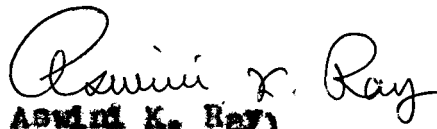
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work to the best of my knowledge and may be placed
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PREFACE

PREFACE

The Fourth General Election was a turning point in the history of participatory democracy in India, in so far as that it had brought to an end the monopoly of the political power of the Congress in a majority of states. Many constitutional experts and political observers, both in India and abroad, had suggested that the breakdown of the Congress' monopoly of political power would usher in a new era in which political parties based on broad socio-economic issues would replace the ones based on sectional interests. It was also expected that a powerful political opinion would come into being as an instrument of change, which indeed is so essential for the successful working of parliamentary democracy. But subsequent developments in the political scene belied the expectations. On the contrary, the weakening of the Congress party led to a new phase of defection politics in which the popular faith in democracy was shaken by 'Aya Rams' and 'Gaya Rams', giving rise to political and administrative instability.

The present study, prepared in partial fulfilment of the requirements for the M.Phil Degree of the Jawaharlal Nehru University is an attempt to give an analysis of the frequent change of party allegiance in India. The first chapter of the dissertation is devoted to the examination of the concept of defection in the Indian context. The

chapter begins with a brief analysis of the various terms and concepts by which the phenomenon of changing party affiliation is described, and then goes on to formulate a new definition, taking into consideration the weaknesses and defects of the available definitions including that given by the Parliamentary Committee on Defections. The second chapter discusses the politics of defection in a comparative perspective. It presents an overview of the politics of defection in some liberal democracies and the politics of defection in India before the Fourth General Election in order to show that, contrary to popular view, defections are not an unusual phenomenon in any democracy, and in India it was pursued for personal gain by unscrupulous legislators long before the Fourth General Election. The problem of defection was only aggravated by certain factors resulting from the elections of 1967. One such factor was the success of the opposition parties at the polls and the possibility of forming coalition governments which gave rise to political instability in the states. The third chapter makes an attempt to examine the politics of defection in the various states between the Fourth General Election and the 1969 Mid-Term poll in order to find out the possible repercussions of the politics of defection on the parliamentary system in India. The Fourth Chapter discusses the characteristics of the Indian party system and it examines how far the party system is responsible for

defections. This chapter thus sets the stage for a discussion on the possible remedies and their effectiveness as indicated in the fifth chapter. Concluding remarks follow in the last chapter.

In writing this dissertation, as a part of the M.Phil programme, some of the available basic documents have been studied, although the study is not based entirely on primary source material. The main source of data is the secondary source material. Like such other studies on contemporary politics, this dissertation has its own difficulties because of the lack of time perspective and availability of relevant documents. The dissertation is, therefore, subject to these limitations.

The completion of this dissertation is made possible only through the help and inspiration of various people, both academic and administrative. First of all, I would like to place on record my deep sense of gratitude to Dr. Aswini K. Ray, my supervisor, for his invaluable guidance and constructive suggestions in the preparation of the dissertation. I consider it a rare privilege to have the opportunity to work under him.

I am extremely grateful to Professor Rasheeduddin Khan who despite his busy schedule went through the draft of the dissertation and suggested many changes for its

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CHAPTER I

CHAPTER I

THE CONCEPT OF DEFECTION

The term defection gained wide currency in the contemporary politics of India, particularly after the Fourth General Election of 1967. Since then the term has been extensively used to indicate the change of political loyalties of individuals or groups which became frequent. As a term of military vocabulary, it refers to the running away of a soldier from duty. In another context, it also means running away from one's own country to another because of political differences with the government or to escape punishment. In the Twentieth Century Chambers's Dictionary the term defection is defined as "a failure, a falling away from the duty; revolt". For the purpose of our concern, the first two meanings cannot be adopted, and "revolt" is not very appropriate. Perhaps leaving a body composed of the members of a political party elected to a legislature would be an improvement.

A satisfactory explanation of the phenomenon of political defection is a delicate task. It is easy enough to recognize the phenomenon, but difficult to formulate a succinct definition in its proper perspective. One of the reasons for this paradox is due to the differences in the conceptual needs and the purposes for which the definition is

sought. For example, if the explanation of the term is being attempted in order to combat the unhealthy political consequences of defection one would have to exclude from it genuine acts of defections. However, it is necessary that a suitable definition must satisfy both conceptual needs and the political purpose of a healthy party system. As far as the latter aspect is concerned there are at least two immediate objectives: first, to minimise the tendency of legislators to act in a manner detrimental to the interest of the voters and second, to provide adequate safeguards against the extraneous temptations of office, money and power to which defectors are prone. The definition which we propose to formulate here seeks to take note of these aspects.

The phenomenon of defection is variously described as floor-crossing, carpet-crossing, politics of 'Aya Ram, Gaya Ram',¹ politics of 'horse trading',² and so on. The term floor-crossing is generally used in England to indicate change of party loyalty. In the House of Commons the members of the ruling party and the members of the opposition parties sit facing each other and floor-crossing takes place when a legislator moves over from one side to the other in the course of a

1 Literally Ram that came and Ram that went, i.e. the political scarlet pimpernal, who is here, there and everywhere.

2 Max Weber, Essays in Sociology, trans. and ed. by C.W. Mills and Hans Gerth (London, Routledge and Kegan Paul Ltd., 1970), p. 114.

debate, on a matter of principle or over a policy discussion.³ In contrast to this, by and large, change of political loyalties in India takes place not because of any difference on problem of public interest, but mostly for personal gains.⁴ Apart from this, there are two other reasons for which the change of party allegiance in India cannot be termed as floor-crossing. Firstly, in India large number of changes in the political affiliations of legislators take place, so to say, outside the floor of the legislature which strictly cannot be termed as floor-crossing.⁵ Secondly, there are changes of party affiliations from one opposition party to another on the same side of the House.

The term carpet-crossing which conveys the same meaning as floor-crossing is widely used in Nigeria.⁶ In the Nigerian Parliament, there are separate carpets for the treasury and opposition benches and a legislator desirous

3 For a sidelight see M. E. Blunt, "Carpet Crossing", Parliamentary Affairs (London), vol. 18, no. 1, Winter 1964-65, pp. 82-91.

4 See, for example, the report made to the President by the Governor of Haryana on 17 November 1967. The text of the report is reproduced in Patriot (New Delhi), 22 November 1967. According to the report of the Governor: "The manner in which the defections have taken place, and are taking place leaves no room for doubt that it is not for any ideological reasons that members are defecting from one party to another. The motive is obviously to secure some personal gains."

5 For example, large number of defections take place both on the eve of the elections and immediately after the elections outside the legislatures.

6 Blunt, p. 3, p. 82.

of changing party allegiance has to cross the carpet. Thus, the term carpet-crossing broadly implies a change by a legislator from support of the government to support of the opposition, or vice-versa.⁷

The Lok Sabha resolution of December 1967 recommending the setting up of a Committee on Defections, surprisingly, did not use the term defection, but simply mentioned it as "the problem of the legislators changing their allegiance from one party to another and their frequent crossing of the floor".⁸ However, the term was widely used soon after and the Committee itself assumed the name of "Committee on Defections". The Committee in its report defined the term defector as follows:

An elected member of a legislature who had 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 the Legislative Council or the Legislative Assembly of a State or Union Territory, he voluntarily renounces allegiance to, or association with such political party, provided his action is not in consequence of a decision of the party concerned.⁹

A serious lacuna in this definition is the exclusion of the cases of defection by independents including

7 Ibid.

8 Quoted in Committee on Defections, Part I, Report of Committee, Report of the Lawyer-Group and Explanatory/Dissenting Notes by Members, Ministry of Home Affairs, Government of India, New Delhi, 1969, p. 2.

9 Ibid., p. 7.

members of the unrecognized parties and groups which in numerical strength constitute the "largest single element after Congress".¹⁰ The Committee was aware that "not an inconsiderable part of the political instability can be directly or indirectly traced to the role of the independents".¹¹ But it was thought that the inclusion of independents would, in practice, create more difficulties than it would solve. This definition thus is highly discriminatory in favour of independent legislators and members of unrecognized parties and groups who can freely change parties with impunity.

Some members of the Committee, including Bhupesh Gupta, had suggested to restrict the definition to the movement of a legislator from the opposition to the government and vice-versa on the ground that change of party affiliations in the same side of the House did not bring political instability.¹² But such restricted approach cannot be accepted as it would be highly discriminatory favouring legislators defecting from one party to another party of the same side. Again, it may so happen that there may be a party or a group of members in a legislature supporting the government on

10 See *ibid.*, p. 44.

11 *Ibid.*

12 For details see Notes of Dissent by Bhupesh Gupta, *ibid.*, pp. 17-26. Also see Committee on Defections, Part II, Proceedings of the Committee and Papers Circulated to the Members, Ministry of Home Affairs, Government of India, New Delhi, 1969, esp. pp. 13 and 35.

some issues and opposing it on others. In a situation like this, the group holds the balancing position between the government and the opposition, and defection from such a group is likely to create political instability.

Taking into considerations the weaknesses and defects of the above definitions, political defections may be defined as the voluntary acquisition of new political loyalties by those elected to a legislature either as representatives of recognized political parties or independents, and this includes also: (a) the cases of leaving a party by legislators to become independents, and the independent legislators joining a party; and (b) the cases of leaving a party by legislators on account of split.

This definition goes much beyond the definition given by the Parliamentary Committee on Defections and such others, since it includes in its fold defections by independent legislators and defections preceded by party splits which are by no means negligible. In the Committee on Defections some members expressed the view that group defections should not be treated at par with individual defections.¹³ The assumption behind this view is that group

13 For example H.N. Kunzru. For his view see, Committee on Defections, Part I, n. 8, p. 28. The late C. Rajagopalachari was also of the opinion that "bulk defections of party members is the essence of democracy". See, Committee on Defections, Part II, n. 12, p. 103.

defections take place due to differences on ideology and issues of public importance, and not for selfish gains. But an analysis of the cases of group defections in India suggests that it is not necessarily so. A glaring example of this is the defection of Rao Birendra Singh and his followers from the ruling Congress Party in Haryana after the Fourth General Elections.¹⁴ Similarly, the defections of Charan Singh group from Uttar Pradesh Congress and G.N. Singh group from Madhya Pradesh Congress in 1967 cannot be said to have been based on ideological considerations.¹⁵

Defection can be of two types--one based on ideology and the conscience and the other based on selfish motives.¹⁶

14 The Hindu(Madras), 18 March 1967. After the defection of Rao Birendra Singh and his followers the Congress Government collapsed and Rao Birendra Singh formed a new Government with the support of opposition parties. In this context see Stanley A. Kochanek, The Congress Party of India: The Dynamics of One-Party Democracy (Princeton, N.J., Princeton University Press, 1968), esp. pp. 425-6.

15 In these cases also the defecting leaders became the Chief Ministers immediately after their defections. It should also be noted that G.N. Singh and his followers re-defected to Congress in 1969. See The Statesman (New Delhi), 20 March 1969.

16 See in this context the view of Humayun Kabir in Committee on Defections, Part II, n. 12, p. 103.

If a legislator does not agree with the decision of the party or differs on an issue relating to ideology, he should be free to quit the party and join whichever party his conscience permits him. This type of defection differs from defection motivated purely by personal gains. Making such a distinction, of course, involves a hazardous task because of the absence of any objective criterion of making the distinction. But to treat both the types of defection as the same is certainly no less hazardous in the context of the smooth functioning of democracy. For example, how different was the defection of Acharya Narendra Deva and his followers who defected from the Congress Party in 1948 to form the ¹⁹³⁴ Socialist Party.¹⁷ As far as the problem of making above distinction is concerned, the best solution, probably, is to appoint an autonomous committee in each legislature under the chairmanship of the Speaker of the lower house. The Committee should consist of representatives of all recognized political parties, eminent persons having the reputation of impartiality and integrity, and a few distinguished judges of higher courts. The Committee should function within the framework of certain code of conduct, and each case of defection should be decided on its merits.

17 The defection of Acharya Narendra Deva and his followers was because of ideological reasons. The Acharya and his followers who had been elected on Congress ticket resigned their seats from their respective legislatures when they left the party to form the Socialist Party. See for instance, "Wanted : Anti-Defection Ordinance", The States (New Delhi), vol. 2, no. 7, 6 February 1971, pp. 12 and 14-21.

CHAPTER II

CHAPTER II

DEFLECTIONS IN INDIA : A COMPARATIVE ASSESSMENT

To analyse the nature and dimension of the problem of defection in India, it may be worthwhile to take a comparative look at the phenomenon in a few other selected representative democracies¹ committed to free and fair elections.

Some Commonwealth Countries²

In the United Kingdom, Australia, New Zealand, Sri Lanka and many other Commonwealth countries, defection in politics, in some form or other, has been a recognized practice. A correspondent attached to the Manchester Guardian once asked Winston Churchill as to how he could defend the idea of encouraging the practice of defections in a democratic set up. Churchill replied:

....While taking certain crucial decisions, the policy-makers sometimes have to swallow some hard pills. The phenomenon of defections in a democratically governed country is just like the pill which a duty bound democrat has had

1 For an interesting sidelight see Recharad Rose and Derek W. Urwin, "Persistence and Change in Western Party Systems Since 1945", Political Studies (London), vol. 18, no. 3, 1970, pp. 287-319. In this article there is a detailed study of the stability of political parties in the Western democracies between 1945 and 1970.

2 It is relevant to compare the present experience of the third world with the fluidity of party alignment in Europe and the other Commonwealth countries in the aftermath of the First World War.

to swallow but mind it, the defection is only a means, not an end. 3

In Britain politics of defection has played a significant role right from the beginning of the Victorian era when prominent parliamentarians like Robert Peel and Gladstone pursued it, supposedly, for the interest of the country.⁴ The findings of a recent study show that in the House of Commons between the years 1812 and 1836 there were two categories of members on both the sides - the 'fringe' and the 'waverers', apart from the hard-core government supporters and hard-core opposition members; while the members of the 'fringe' category used to defect from the party cause and vote against it only rarely the members of the 'waverers' category were highly unpredictable.⁵

3 Quoted in Madan Gaur, Wither Democracy (Bombay, Trimurthi Prakashan, 1971), p. 44.

4 The phenomenon of floor-crossing has been justified by many British political thinkers like Edmund Burke. This is implicit from Burke's doctrine that a member of Parliament is a representative of the people and not a delegate of the constituency which elects him, and that in his activities he must be guided by his own judgement and conscience. For Burke's views on parliamentary representation, see George H. Sabine, A History of Political Theory (Calcutta, Oxford & IBH Publishing Co., 1971), pp. 618-19.

5 For detail, see Austin Mitchell, The Whigs in Opposition, 1815-1830 (London, Oxford University Press, 1967). In this study Mitchell finds that the British House of Commons of 1820-1826 had 250 hard-core government supporters, 99 in the government fringe, 154 in the hard-core opposition members, 66 in the opposition fringe and 114 waverers.

Books on the history of British politics show that the instances of political defection are not rare in Britain.⁶ Among the more important defectors have been statesmen of eminence like Robert Peel, William Gladstone, Joseph Chamberlain, Winston Churchill and Ramsay MacDonald.⁷ Robert Peel's defection from the Conservative party was because of his differences with the party leadership on the issue of "trade with tariff" and, during his second Ministry, Gladstone crossed to the ruling Liberal Party in order to become the vice-president of the Board of Trade. Later he was made the Secretary of State for Colonies. In 1886, on the issue of Irish Home Rule Bill, Chamberlain with his followers defected from the Liberal Party to form an independent group called Liberal Unionists which used to vote with the Conservatives. Churchill's defection in 1904 from Conservative party to Liberal party was due to his displeasure over the tariff reforms supported by the Conservative party.⁸

6 See in this connection, David Butler and Jennie Freeman, British Political Facts, 1900-1968 (London, MacMillan, 1969). See also Committee on Defections, Part II Proceedings of the Committee and Papers Circulated to the Members, Ministry of Home Affairs, Government of India, New Delhi, 1969; Subhas C. Kashyap, The Politics of Defection: A Study of State Politics in India (Delhi, National, 1969).

7 For the circumstances of their defections, see Ivor Jennings, Cabinet Government (London, Cambridge University Press, 1961); and H.J. Laski, The Parliamentary Government in England: A Commentary (London, George Allen & Unwin Ltd., 1963).

8 Within two years of his defection to the Liberal party, Churchill was made the Under Secretary of State for the Colonies. It is interesting to note that in 1924 he again defected for the second time.

He, however, offered to resign from the membership of the Parliament to contest the by-elections. This was not insisted upon as the general election was due to be held shortly afterwards. Churchill continued to be a liberal till 1924 when he left the Liberal party to contest a by-election as an independent. Later in 1925, he again returned to the Conservative party.⁹ In 1931, there occurred another notable case of defection when Ramsay MacDonald left the Labour Party on the issue of ad hoc assistance to be given to the unemployed.¹⁰ A recent event of importance was the denial of support by some legislators of the Conservative party to the Conservative Government over the Suez affairs.¹¹ Significantly, some of these members were censured by the local associations of their constituencies.

In Australia due to the absence of ideological polarization, and ideological basis of the parties there is frequent changes of party affiliation by the legislators.¹²

9 Committee on Defections, Part II, n. 6, p. 99.

10 The defection of MacDonald and his followers was strongly denounced by eminent theoreticians like Professor Laski on the ground that his defection was motivated by lust for power. However, many others were of the view that his defection saved Britain from an imminent economic disaster.

11 Committee on Defections, Part II, n. 6, p. 99.

12 See James Jupp, Australian Party Politics (Melbourne, 1964). Also see Colin A. Hughes, Readings in Australian Government (Queensland, University of Queensland Press, 1968).

The typical governments in Australia in the recent years have been coalitions often dependent on the support of the minority groups. This being the structure of party politics in Australia, the independents, factional leaders, leaders of small parties take resort to defection for power and pelf. In 1916, Hughes, Watson and Holman defected from the Australian Labour party along with their followers. In 1931 there was another notable case of defection under the leadership of Beasley from the Federal Australian Labour party leading to the downfall of the Government under Scullin.

In Sri Lanka, where the party system is in many respects similar to that of India, the United National Party (UNP) which was in power in 1948 consisted of a collection of diverse political groups. In the elections of 1947, the UNP secured only 42 out of 101 seats in the Parliament, but could not form the government despite the support of the 21 independent members of Parliament.¹³ The first notable political defection occurred in 1949 when an UNP Minister left the party because of the Government's disfranchisement of the plantation workers. As a result of this defection the UNP Government had to procure the support of Tamil Congress. This caused a split in Tamil Congress and a section of the party broke off to form a new party - the

13 For the party position after the 1947 General Elections, see A. Jayaratnam Wilson, Politics in Sri Lanka, 1947-1973 (London, Macmillan, 1974), p. 170, Table 4.1.

Federal Party. Another notable case of defection took place in July 1951 when S.W.R.D. Bandaranaike crossed over to the opposition and started his democratic alternative-- the Sri Lanka Freedom Party (SLFP).¹⁴ In the General Elections of April 1956, the UNP secured only 8 seats. A new coalition--Mahajan Eksath Peramuna (MEP)--led by S.W.R.D. Bandaranaike, with 50 seats in the Parliament formed the Government. In the General Elections of March 1960 the UNP secured 50 seats in the Assembly. The SLFP, with 46 seats came close second to UNP. The UNP formed the Government only to be defeated a month later because of the dirty politics of defection.

African Countries

In many African countries political defection is a common phenomenon, generally known as "carpet-crossing". For example, in Nigeria¹⁵ in 1958 many prominent members of NCNC tried to oust Dr Azikiwe, and being unsuccessful defected to form a new party. Partly because of this reason the NCNC suffered heavily in the 1964 elections. Similarly, in Zambia, Kapwepwe defected from the UNIP of President Kaunda when he was denied its deputy leadership and formed his own party.

14 See in *ibid.*, p. 213.

15 For a discussion on the change of party affiliation in Nigeria, see M.E. Blunt, "Carpet Crossing", Parliamentary Affairs (London), vol. 18, no. 1, Winter 1964/5, pp. 82-91.

The USA

In the United States of America with a presidential form of government, the chief executive of the nation, being elected by the people, is not responsible to the Congress. Thus, an adverse vote in the House of Representative or the Senate cannot lead to the fall of the government except in case of impeachment of the President which is very difficult to accomplish. The legislators are more or less free from 'original' party discipline. Legislation is not one of the chief aims of the parties in America, and many important measures have no party character. The main purpose of political parties in America is to capture and hold the legislative and administrative machinery of the government established by the Constitution.¹⁶ Thus in the Congress, voting on almost all important legislative measures cuts across party lines.¹⁷ The practice of 'log rolling' has

16 See James Bryce, Modern Democracies (New York, 1927).

In a study on the "influence of party upon Legislation in England and America", Lawrence Lowell has disclosed that party rivalry of this order was much less in evidence in Congress than in the British House of Commons in the Nineteenth century. Legislative proposals before Congress were not frequently passed or lost in "party votes". The influence of party upon legislation in the state legislature was even less than in the Congress. Party affiliation was plain to Lowell, did not often affect the deliberations of American legislators, and party lines were not even drawn. For detail see William J. Keefe and Morriss Ogul, The American Legislative Process, Congress and the States (New Jersey, 1964), chap. VIII.

17 See M.J.C. Vile, Politics in the USA (London, Allen Lane, The Penguin Press, 1970), p. 151.

become one of the conspicuous features of the political system of this country. It is a practice through which laws are passed by temporary alliances among groups of Congressmen. A bloc of Congressmen interested in enactment of a measure must seek the support of another bloc and this support is given in a reciprocal basis.¹⁸ A legislator votes on the basis of the needs, interests and pressures rather than the guidance of his party whip. There are also instances of change in the party affiliations. Notable among such instances, in recent years, are that of Senator Strom Thurmond's defection from Democratic party to Republican party and Senator Wayne Morse's defection from Republican to Democratic party.

The Indian Situation : Historical Perspective

The history of the politics of defection in India can be traced back to the days of Montford Reforms.¹⁹ At that time there were quite a few legislators who were more

18 It is interesting to note that even the President himself takes part in the Congressional log-rolling when he makes skilful use of his patronage in order to purchase the support of influential blocs to secure the enactment of measures desired by him. The Congressional support for the Marshall Plan was secured by the administration by offering concessions to the 'China lobby' in Congress.

19 N.G. Ranga, "The Politics of Defection", Journal of Constitutional and Parliamentary Studies (New Delhi), vol. 4, no. 2, April-June 1970, pp. 258-67. According to Ranga: "This unscrupulous weapon was utilized by the British during 1923-36 in order to weaken the Congress Socialist parties in different legislative

or less hangers-on of the Ministers or the Executive Councillors.²⁰ Shyamlal Nehru, a member of the Central Legislature, who was elected on the Congress ticket crossed the floor and joined the British side. It was at that time Pandit Motilal Nehru, who was leader of the Assembly Party, took a strong note of it and expelled Shyamlal from the Congress party. Pandit Nehru was against the practice of unprincipled change of party allegiance. On the defection of Raghavendra Rao from Congress in 1923, he is reported to have remarked that "consistency was the virtue of an ass".²¹ In 1937, under the Government of India Act 1935, elections were held. Although Congress secured absolute majority in the United Provinces, the Congress leader Pandit Gobind Vallabh Pant induced a group of members of the Muslim League to join the Congress party. None of them except Hafiz Mohammed Ibrahim, who was taken in the Ministry, resigned his seat in the Assembly to seek the verdict of the people.²²

20 For instances of political defections before independence see "Wanted : Anti-Defection Ordinance", The States (New Delhi), vol. 2, no. 7, 6 February 1971, pp. 12 and 14-16; see also S.C. Kashyap, "The Floor-Crossings", in Colloquium on the Politics of Changing Party Affiliations by Legislators, 25 February 1968, The Institute of Constitutional and Parliamentary Studies, New Delhi (Mimeographed), pp. 34-57; and Kashyap, n. 6.

21 See India, Rajya Sabha Debates, vol. 62, col. 656, 22 November 1967.

22 "Wanted : Anti-Defection Ordinance", n. 20, p. 15.

Post-Independence Period

Instances of political defections in the period after independence and right through to the Fourth General Elections are not rare.²³ In 1949 Acharya Narendra Deva, a universally respected leader, defected from the Congress along with his followers en-masse to form the new Congress Socialist party which was later joined by Jaya Prakash Narayan. Those defectors, however, set a healthy convention by resigning their seats in the legislatures which was rarely followed by subsequent defectors. Two years later in 1950, Uttar Pradesh again witnessed a drama of defections staged by a group of 23 M.L.A.s who left the Congress on the issue of groupism and corruption to form a new party called Jana Congress. Prominent among the defectors were Triloki Singh, Ganga Sahai Chaube, Gopi Narain Saksena and their followers.

Soon after the First General Elections in 1952, political defection became a regular practice.²⁴ Large number of independents and members of opposition parties defected to

23 See Committee on Defections, Part I, Report of the Committee, Report of the Lawyers-Group and Explanatory/Dissenting Notes by Members, Ministry of Home Affairs, Government of India, New Delhi, 1969, pp. 19-20; also see "Wanted : Anti-Defection Ordinance", n. 20, and N.G. Ranga, n. 19.

24 According to the Report of the Committee on Defections between the First and Fourth General Elections there were roughly 542 cases of defection.

Table IDefection to Congress - 1957-67

	<u>Jana Sangh</u>	<u>Socialist Parties</u>	<u>C.P.I.</u>	<u>Swatantra</u>	<u>Independents & Others</u>	<u>Total</u>
(A) <u>Legislative Assemblies</u>						
Andhra Pradesh -		13	-	1	57	71
Assam -		5	-	-	4	9
Bihar -		15	-	44	23	82
Gujarat -		6	-	-	9	15
Kerala -		2	-	-	1	3
Madhya Pradesh -		16	-	-	20	36
Madras -		-	-	-	1	1
Maharashtra -		9	2	-	24	35
Mysore -		10	1	-	9	20
Orissa -		2	-	2	3	7
Punjab 4		3	1	1	41	50
Rajasthan -		-	-	5	11	16
Uttar Pradesh 4		23	2	-	18	47
West Bengal -		1	2	-	11	14
Himachal Pradesh -		-	-	-	2	2
Manipur -		2	-	-	4	6
Tripura -		-	2	-	-	2
Pondicherry -		-	-	-	3	3
Total	8	107	10	53	241	409
(B) <u>Lok Sabha</u>	1	4	1	6	13	25

Source: Committee on Defections, Part II, Proceedings of the Committee And Papers Circulated to the Members, Ministry of Home Affairs, Govt. of India, New Delhi, 1969, pp.64-65.

Congress for power and pelf. Detailed and accurate data on defections to and from all parties are not available, but Table I, which shows defections to Congress during the ten years preceding the Fourth General Elections amply proves the point. In the State of Madras after the 1952 elections, Congress party was in a minority with only 152 members in the Assembly. The two main opposition parties, the Kisan Mazdoor Praja Party (KMPP) and the Communist Party of India, and others including 63 independents together numbered 223. The KMPP formed a United Democratic Front with CPI and some independents under the leadership of T. Prakasam and it was willing to form the government. But the Governor invited C. Rajagopalachari, who was at that time not even a member of the Assembly.²⁵ Once Rajagopalachari was invited to form the government, some members from other parties and independents defected to Congress and enabled it to gather the requisite majority. In Uttar Pradesh, interestingly enough, even Rafi Ahmed Kidwai, who had left the Congress to become one of the founder leader of the KMPP, counter-defected to the Congress in order to become the Food Minister in the Union Cabinet.

25 The plea of the Governor Sri Prakasa was that since no party had absolute majority he invited Rajaji, the leader of the largest single "majority party" to form the government, and the person most likely to command a stable majority in the legislature. For Sri Prakasa's justification of his role see his book State Governors in India (Meerut, Meenakshi Prakashan, 1975), esp. pp. 35-41.

In 1953 when Andhra Pradesh became a separate state, Prakasam was lured to Congress on the promise of his being elevated to the office of Chief Minister of Andhra Pradesh.²⁶ Prakasam, then the leader of PSP, resigned from the party to join the Congress Legislature Party as an associate member to become the Chief Minister. Soon after that T. Vishwanathan of the PSP accepted the invitation to join the cabinet defying the national executive of the PSP. As a result of this, a split took place in the party and 11 PSP legislators crossed the floor to support the coalition Ministry headed by Prakasam. However, Prakasam's Ministry failed to survive. It collapsed on 6 November 1954 when four of its supporters voted in favour of an opposition sponsored no-confidence motion.²⁷

In the 1954 elections in Travancore-Cochin, the Congress party failed to secure absolute majority and supported the Ministry headed by the PSP leader P. Thanu Pillai.²⁸ But later on, P. Thanu Pillai was removed from the state politics by being appointed as the Governor of Punjab. With his exit, which was apparently pre-planned and the withdrawal of the Congress party's support, the ministry fell in 1955. Soon after that the Congress formed its own Ministry with the

26 Kashyap, n. 20, p. 41.

27 See Committee on Defections, Part II, n. 6, p. 47.

28 The State of Travancore-Cochin was later renamed as Kerala. In 1954 election Congress could secure only 45 out of 118 seats in the Assembly.

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support of the Travancore Tamil-Nad Congress, but it fell in March 1956 because of defections from the Congress party. Similarly, after the mid-term elections in 1960, the Ministry formed by the Congress under the leadership of R. Shankar fell on 8 September 1964 after a vote of no-confidence was passed against it, when fifteen Congress legislators defected on 2 September 1964.

In PEPSU, Congress won only 26 out of 60 seats in the Assembly in the 1952 General Elections. However, it could form the Ministry there with the help of some defectors from the Akali Dal. But the Ministry fell within a month because of six defections from Congress to the opposition to form a United Front Party Government under Gian Singh Rarewala. In March 1953, the Ministry was succeeded by President's rule in the State.²⁹

In Orissa, after the Second General Elections in 1957, the Congress secured only 56 out of 140 seats in the Assembly. It could manage to form the Ministry only after procuring the defection of four independents and support of the Jharkhand Group. The party position, however, continued to remain unstable and fluctuated from month to month. Ultimately, the Congress had to resign to form a coalition government with the Ganatantra Parishad.

29 Committee on Defections, Part II, n. 6, p. 48.

In Rajasthan, the Congress party won only 99 out of 176 seats in the Assembly in the 1962 General Elections. It formed the government with the help of one defection from the opposition. Subsequently, it could manage to attract another fifteen legislators to its fold.

In April 1963, Shyamanandan Mishra came forward with a resolution before the A.I.C.C. recommending the appointment of a committee for suggesting principles and policies for admitting non-Congress legislators to the Congress party.³⁰ The resolution was adopted and in pursuance of the resolution a committee comprising of Indira Gandhi, S.K. Patil, Atulya Ghosh, C. Subramaniam and K.K. Shah, was constituted. The late Lal Bahadur Shastri, Morarji Desai and Shyamanandan Mishra were the permanent invitees to the Committee. The Committee in its report recommended that no member of any political party was to be taken into the Congress party unless he first resigns from the legislature and agrees to contest the election on the Congress ticket; so far as independents were concerned the old policy was to continue. This, however, was never followed, and in July 1967 this principle was formally rescinded.³¹ Just before the Fourth General Elections, Asoka Mehta, who had earlier been accommodated as the Deputy Chairman of the Planning Commission to make

30 "Wanted : Anti-Defection Ordinance", n. 20,

31 Committee on Defections, Part II, n. 6, p. 77.

him ineffective as a PSP leader, joined the Congress with a large number of his followers, both at the Centre and in the different states.³²

Impact of the Fourth General Election

The Fourth General Election has been considered a turning point for Indian democracy because of its many sided impact on the structure of the developing party system of the country. Its effects were qualitatively different from the previous ones in their magnitude, range and character. After these elections, India moved from a virtual one-party system to an embryonic multi-party system. Inside the Congress, the balance of influence moved from the Working Committee to the Chief Ministers of the states and the Congress President became relatively weaker in relations to institutions and

32 Asoka Mehta even when he was a PSP leader, his role vis-a-vis Congress was only corrective. He was of the opinion that in an economically backward country like India the role of the opposition was not to oppose the government in the traditional sense, but to co-operate with the ruling party in a critical spirit. For further elucidation of this view see Asoka Mehta, Politics of Planned Economy (Hyderabad, 1953); also see Report of the Special Convention of the Praja Socialist Party (Betul, 1953).

This view of Mehta was very much appreciated in the Congress circle, particularly Nehru, who reportedly said: "Well, though defections are not a healthy trend in a democracy, sometimes keeping in view interests of the country as a whole, even rigid principles have to be modified and made flexible. But defections from basic ideology are, of course, unhealthy and to be discouraged and desisted from". Quoted in Gaur, n. 3, p. 44.

persons within the party elite.³³ It also precipitated the emergence of a kind of "market polity" - a system in which important decisions are taken by substantial number of participants who stand in positions of both dependence on and conflict with each other. The decisions are arrived at by a process of bargaining and no one is strong enough to impose his own will on others. For instance, the contest for Prime Ministership which was marginal after the death of Nehru, became relatively more competitive after the death of Shastri and still more competitive after the Fourth General Election when the Chief Ministers and the faction leaders became more powerful improving their bargaining strength.³⁴ It was because of such significant developments that political commentators described the General Elections

33 For details see Michael Brecher, Political Leadership in India: An Analysis of Elite Attitudes (Delhi, Vikas Publications, 1969).

34 See W.H. Morris-Jones, "From Monopoly to Competition in India's Politics", The Asian Review, November 1967, pp. 1-12. Also see Michael Brecher, Succession in India: A Study in Decision-Making (London, Oxford University Press, 1966), esp. pp. 124-37 and 226-41.

Brecher, comparing the decision making process under Nehru and Shastri observes: "The passing of Nehru, the supreme arbitrator in party, Government, and All-India affairs, has had another major consequence-- the fragmentation of decision-making". (p. 124)

Also see Stanley A. Kochanek, The Congress Party of India: The Dynamics of One Party Democracy (Princeton, New Jersey, Princeton University Press, 1968), pp. 429-30. Rasheeduddin Khan, "Congress Party: Checking the Drift", Seminar, no. 121, September 1969.

with phrases like the 'Second Indian revolution',³⁵ 'the first true General Elections',³⁶ and so on.

The Fourth General Election was preceded by a period of cataclysmic change, a product of a series of events.³⁷

35 Eric da Costa, "Poll Results Herald Second Indian Revolution", The Statesman (Delhi), 9 March 1967.

36 Gajendragadkar, a former Chief Justice of the Supreme Court of India, in a speech at Panji (Goa) in March 1967. The remark of Gajendragadkar was, probably, a reply to Neville Maxwell's article "India's Disintegrating Democracy", in Times (London), 27 January 1967, where he had remarked on the elections as the "Fourth and surely last general elections".

In this context it is also pertinent to see Paul R. Brass, "Coalition Politics in North India", American Political Science Review (Wisconsin), vol. 62, no. 4, December 1968, pp. 1174-91. Here the author argues that after the General Elections India's political system moved to a second test of legitimacy to which Indian politics entered after Nehru's death in May 1964.

37 For an analysis of the political climate preceding the Fourth General Election see Iqbal Narain, Twilight or Dawn : The Political Change in India, (1967-71), (Agra, Shivalal Agarwal & Company, 1972), pp. 23-49; Rasheeduddin Khan, "The Indian Political Landscape", India Quarterly (New Delhi), vol. 24, no. 4, June 1968, pp. 301-10; Philip G. Albatch, "Indian Political Scene on the eve of the 1967 Elections", Orbis (Philadelphia), vol. 10, no. 3, 1966, pp. 881-98; Sulekh C. Gupta, "Fourth General Elections : Its Dimension and Dialectics", Mainstream (New Delhi), 11 March 1967; Stanley A. Kochanek, n. 34, pp. 410-11.

The unexpected Chinese aggression in 1962 and Pakistan's attack in 1965 enhanced the defence budget exerting mounting pressure on the weak economy of India. The result of this was increased tax burden and rising prices of particularly essential commodities affecting mostly the lower-middle class and the poor people. To this were added the acute food shortages followed by droughts, large-scale unemployment, strikes and demonstrations. In 1964, Nehru, the symbol of India's hopes and aspirations and whose charismatic leadership was the unifying factor for the whole nation, died at a time when the country needed his leadership ~~the~~ most.³⁸ His death accentuated the emergence of state-based regional politics which had already begun even when he was alive.³⁹ In 1966 came the tragic death of Lal Bahadur Shastri which was a great loss to the Congress party and the nation. This series of catastrophes brought about partial ruin of the country and for this all blames went to the Congress as if it was the only villain of the drama. The election campaign was conducted in an atmosphere of frustration, despondency, uncertainty, and recurrent--almost continual--agitation.⁴⁰

38 See for example Rasheeduddin Khan, n. 37, pp. 301-10.

39 See Iqbal Narain, n. 37, p. 26.

40 See N. D. Palmer, "India's Fourth General Elections", Asian Survey (Berkeley), vol. 7, no. 5, May 1967, pp. 275-91.

The political climate on the eve of the election was thus full of explosive elements.⁴¹ The mood of the mass was for some sort of change though they were not sure of the nature of the change. Describing the mood of the electorate Eric da Costa wrote:

The Indian electorate believed in inert and incapable of dramatic choice, is showing signs of a revolutionary change. The young, the less educated, and particularly illiterates, the minorities and most unpredictable of all, the lowest income groups are all rewriting their basic loyalties. To the candidates this is, perhaps, a struggle for power. To political scientists it is, as nearly half a century ago, the beginning of a break with the past. 42

Taking this opportunity of Congress unpopularity the hitherto frustrated opposition parties became hopeful of a bright future, both for themselves and for the nation. Guided by the Lohia thesis, that development-orientation and not ideology should be the basis of polarization in developing countries, they forged opportunistic alliances based on anti-Congressism to replace the Congress party.⁴³ In the opinion of Dr. Lohia since Congress party was for chaos and not for

41 The political atmosphere was so much tense that many responsible persons speculated that elections would have to be postponed or might not be held at all. See for example Neville Maxwell, "India's Disintegrating Democracy", The Times (London), 27 January 1967.

42 Eric da Costa, "The General Elections" (serialised papers), The Economic Times (Bombay), 30 January 1967.

43 See Iqbal Narain, n. 37.

development, the polarization should be on Congress versus non-Congress lines. Dr. Lohia was fairly successful in his mission and polarized the opposition parties on the basis of anti-Congressism.⁴⁴ In the General Election, the Congress party lost absolute majority in eight states and failed to form government in seven of them.⁴⁵ Only in Rajasthan after a brief spell of the President's rule, it could muster the support of some independents and was able to form a stable government. Even where the Congress could secure a majority and form the government, the acute factional fight and, its by-product, defection of its own members, reduced its strength.⁴⁶ In this changing political context, it was expected that the breakdown of the Congress' monopoly would usher in a new era in the Indian parliamentary set-up, and would pave the way for a new kind of party alignments. But this hope was belied when the one-party dominance was succeeded by "a cross-party polity of dubious value".⁴⁷ In various states coalition governments were formed by the opposition parties on the basis of anti-Congressism without any regard to

44 For details see Ram Manohar Lohia, "SSP Approach", Amrit Bazar Patrika (Calcutta), 14 December 1966.

45 These states were Bihar, Kerala, Madras, Orissa, Punjab, Uttar Pradesh, Rajasthan and West Bengal.

46 In this process the Gupta Ministry in U.P. and Mishra Ministry in Madhya Pradesh fell respectively on 1 April 1967 and 30 July 1967.

47 "The Numbers Game" (Delhi Letters from a Political Correspondent", NQW, 20 January 1967, p. 9.

ideological consideration. Most of the Governments so formed were destined to fall sooner or later because of the inherent contradictions in the conditions.⁴⁸ With this background the Indian politics entered a phase of defection politics.

An Appraisal

In the light of the above analysis of the politics of defection in some other liberal democracies, and the politics of defection in India before the Fourth General Election, some conclusions become apparent. Firstly, contrary to popular view, the phenomenon of defection is not confined to India alone. One can easily find instances of defection in other democratic countries where elections are free and fair. However, in countries like England where democracy

48 None of the coalition governments, except those of Orissa and Madras, were stable. One reason for their stability in Orissa and Madras was that they were "electoral-alliance-turned governmental coalitions". The ideological similarities of the Swatantra party and the Jana Congress in Orissa, and the absolute majority of the D.M.K. in Madras also contributed greatly to the survival potentiality of the coalition governments. For details on the nature of coalition politics after 1967 see Iqbal Narain, n. 37, pp. 134-57. See also Iqbal Narain and Mohanlal Sharma, "Coalition Politics, Nation-Building and Administration : From Myths to Realities", Indian Journal of Public Administration, vol. 17, no. 4, October-December 1971, pp. 577-600; and L.P. Singh, "Political Development or Political Decay?", Pacific Affairs (Vancouver), vol. 44, no. 1, Spring 1971, pp. 65-80; N.D. Palmer, "India : The Politics of Coalition and Survival", Current History (Philadelphia), vol. 54, no. 320, April 1968, pp. 193-9.

has taken firm root the pattern of defection is quite different. Defection in such countries is a rare phenomenon and generally occurs on grounds of differences either in respect of ideology or in respect of issues of public importance. In contrast to this, in India, Sri Lanka, and many African countries, change of party affiliation has become a part of the political culture. In these countries defections occur not always because of differences in matters of ideology or important national issues, but largely for power and pelf. / In the subsequent pages we shall examine the validity of this hypothesis in relation to India and also see how the fluid situation in India helps the defectors to pursue their game with impunity. Secondly, there is no marked difference in the motives of the defectors in the period before and after the Fourth General Election in India. Except in very few cases, the motives of the defectors before 1967 and even before independence were the same, for power and pelf. However, as cases of defections were not very numerous, and since the flow of defection was mostly from the opposition to the ruling party, it made no real difference to the power structure of the country. What made all the difference to the political situation in the country after the Fourth General Election was the magnitude, range and character of political defections. No major political party in the country, including the Congress, was spared of the consequences of the problem.

CHAPTER III

CHAPTER III

DEFLECTIONS AND PARLIAMENTARY GOVERNMENT IN THE INDIAN STATES

The politics of defection became a matter of popular concern only after the Fourth General Elections, mainly because of its quantitative dimensions and its adverse impact on the stability of State Governments. Before the 1967 elections, since the number of defections were few, and largely from the opposition to the ruling party, it had little impact on the power structure of the country. From around 542 cases of defection¹ in the entire period between the First and the Fourth General Elections, the number went up to as many as 438 within one year of the Fourth General Elections. Table 2 gives an idea of the dimension of defection in the state legislatures during the period between March 1967 and March 1968.²

1 Committee on Defections, Part I, Report of the Committee, Report of the Lawyers-Group and Explanatory/Dissenting Notes by members, Ministry of Home Affairs, Government of India, New Delhi, 1969.

2 These figures are taken from the paper prepared by the Home Ministry for the use by the Committee on Defection. See Patriot (New Delhi), 25 May 1969.

Table 2

Name of Party	Number of Legislators	Number of Defectors			
		Gains	%	Losses	%
Congress	1,692	139	8.0	175	10.3
Swatantra	257	2	0.8	29	11.3
S.S.P.	180	4	2.2	15	8.3
Jana Sangh	168	3	1.1	16	6.0
P.S.P.	106	2	1.9	11	10.4
C.P.I.	121	1	0.8	2	1.6
C.P.I. (M)	128	-	-	-	-
Akali Dal	24	-	-	-	-
Bangla Congress	34	-	-	17	50.0

The number of defectors would become even more, if the defections by the independents and members of other smaller parties would be taken into account.³ What is more important, most of these defections occurred in those states where no viable alternative to the existing government could emerge after the 1967 elections. Thus, neither in Kerala, Tamil Nadu and Orissa where the opposition parties formed stable governments, nor in Andhra Pradesh, Assam,

³ By December 1967 at least 108 independents had already joined some political parties or other. See The Times of India (New Delhi), 11 December 1967.

Gujarat, Jammu and Kashmir, Maharashtra and Mysore in which the Congress formed stable governments, there was any problem of defection in any serious form. On the other hand, in Bihar, Haryana,⁴ Madhya Pradesh, Punjab, Rajasthan, Uttar Pradesh and West Bengal where no party or combination of parties could muster a clear majority, the politics of defection became rampant posing serious threat to the political stability, administrative integrity and the very foundations of the representative institutions of the country. A cursory glance at Table 3 would give some idea of the political instability and administrative chaos brought about by the defectors in these states.

Table 3

Fall of the Ministries in the States,
(March 1967-February 1969)

Name of the State	Name of the party/coalition in power	Name of the Chief Minister	Period in Office	Total No. of ministries
Bihar	U.F. Soshit Dal supported by Congress	M.P. Sinha	5.3.67- 25.1.68	3
		B.P. Mandal	28.1.68- 18.3.68	
	U.F.	B.P. Shastri	22.3.68- 25.6.68	2

.....

4 In Haryana the Congress with 48 seats in a House of 81 had been returned with a clear majority, but it was soon reduced to minority in 22 March 1967 by the defection of a faction headed by Rao Birendra Singh. See The Hindustan Times (New Delhi), 23 March 1967.

Table 3 contd....

Name of the State	Name of the party/ coalition in power	Name of the Chief Minister	Period in Office	Total no. of ministries
Haryana	Congress	B.D. Sharma	10.3.67- 22.3.67	2
	U.F.	R.B. Singh	24.3.67- 21.11.67	
Madhya Pradesh	Congress	D.P. Mishra	8.3.67- 30.7.67	3
	S.V.D.	G.N. Singh	30.7.67- 13.3.69	
	S.V.D.	N.C. Singh	13.3.69- 19.3.69	
Punjab	U.F.	S.G. Singh	8. 3.67- 22.11.67	2
	Congress supported by Janata Party	L.S.Gill	25.11.67- 23.8.68	
Rajasthan	President's rule without dissolving the legislature		13.3.67- 26.4.67	
	Congress	M.L. Sukhadia	26.4.67	1
Uttar Pradesh	Congress	C.B. Gupta	14.3.67- 1. 4.67	2
	S.V.D.	Charan Singh	3. 4.67- 17.2.68	
West Bengal	U.D.F.	A. Mukerjee	2. 3.67- 21.11.67	2
	P.D.F.	P.C. Ghosh	21.11.67- 20.2.68	

Source: Newspaper Compilation, and Committee on Defection, Part II, Proceedings of the Committee And Papers Circulated to the Members, Ministry of Home Affairs, Government of India, New Delhi, 1969.

The above table shows that governments were formed in all the states early in March 1967 except Rajasthan where because of defections and counter-defections President's rule had to be imposed till 26 April 1967.⁵ Most of these governments were destined to be short-lived and two of these, in Haryana and Uttar Pradesh, could not even last for a month. On 30 July, the Ministry of D.P. Mishra fell in Madhya Pradesh and a few months later in November 1967, three more state governments--that of Haryana, West Bengal and Punjab--followed suit, all due to defections from government side to the opposition.

In Bihar no party could secure a clear majority in the Fourth General Elections. The Congress, in spite of being the largest single party,⁶ could not take the initiative to form a coalition government, mainly because of acute intra-party conflicts.⁷ Thus, the opposition parties forged a United Front (SVD) and formed a coalition government under

5 Patriot, 27 April 1967.

6 The Congress party had secured only 128 seats in a House of 318. See Government of India, Fourth General Elections : An Analysis (New Delhi, Ministry of Information and Broadcasting, 1967), p. 5.

7 For details on the nature and extent of intra-party conflicts in Bihar-Congress during and after the elections, see Paul R. Brass, "Coalition Politics in North India", American Political Science Review, vol. 62, no. 4, December 1968, pp. 1174-91.

the leadership of Mahamaya Prasad Sinha.⁸ At the beginning the S.V.D. Government had a comfortable majority in the legislature and there was no reason to believe that the Government would not be a stable one. But this hope was belied soon after because of frequent defections and counter-defections. Politics in Bihar took a dramatic turn when a new splinter group--Soshit Dal--was formed by B.P. Mandal, an SSP leader of the United Front.⁹ B.P. Mandal, a Congress defector, had been elected to the Lok Sabha on the SSP ticket, but he managed to get a berth in the coalition ministry. As he was not a member of the Assembly, his term was to expire in the first week of September under the provisions of Article 164(4) of the Indian Constitution.¹⁰ The Central Board of the SSP, therefore, directed him to resign from ministership of the state legislature and take up his Lok Sabha seat. Thereupon, he resigned from the ministry and defected from the SSP.¹¹ The Congress party extended full support to Mandal, and thus emerged the Congress-Shoshit

8 The Searchlight (Patna), 6 March 1967. The SVD with a combined strength of 169 in a House of 318 consisted of the SSP, the Jana Sangh, the CPI, the JKD, the PSP, the Jharkhand Party, the Swatantra, and the CP(M). It was later joined by 3 Congress defectors.

9 The Searchlight, 28 August 1967.

10 Constitution of India (as modified up to the 15th May 1972), The Manager of Publications, Delhi, 1972, p. 91.

11 The Hindustan Times, 28 August 1967.

Dal alliance. The SVD could survive the crisis because fifteen members of the Shoshit Dal defected back to its side on 30 August. However, defections became a regular feature in Bihar politics. In his bid for survival, the Chief Minister expanded the cabinet on 7 September. Five of the newly appointed ministers were defectors from the Congress party.¹² On the next day, Mandal and Mahesh Prasad Sinha, the Congress leader, submitted to the Governor the lists of 87 and 127 legislators respectively and claimed majority support for Mandal. The Governor expressed the view that since Mandal had already held the office in the SVD Government for six months without being a member of the Assembly, he could not become the Chief Minister. In the meantime, more and more defections took place in favour of the Congress-Shoshit Dal alliance. Ultimately, on 25 January 1968, the SVD Government was voted out on a no-confidence motion sponsored by the Congress-Shoshit Dal alliance. Mahamaya Prasad Sinha tendered his resignation on the same day.¹³ Following the fall of the SVD coalition Government, Mandal formed a new ministry on 1 February 1968. It was an all-defectors' Ministry and also the largest Ministry Bihar had ever seen. The support of the Congress to the new Ministry was not whole-hearted. An important faction

12 The Times of India (New Delhi), 8 September 1967.

13 The Statesman, 26 January 1968.

of the party was opposed to it. Consequently, in less than seven weeks the Government was out-voted on a SVD sponsored vote of no-confidence motion. The rebel Congressmen who had defied the party whip formed themselves into Bihar Lok Tantrik Congress Dal under the leadership of Bholu Paswan Shastri. With the support of the SVD, he formed the Ministry on 22 March 1968. Shastri's Government lasted barely for three months. On 25 June 1968, he advised the Governor to recommend for President's rule and the dissolution of the Assembly.¹⁴ The Governor accepted his advice even though the Congress opposition had staked the claim for forming a Congress-led coalition government.

In Haryana, the Congress party with absolute majority formed the government under the leadership of Bhagwat Dayal Sharma.¹⁵ But only few days later the defection of Rao Birendra Singh and twelve other Congress legislators, who subsequently formed a new Haryana Congress Party, caused the downfall of the Congress Ministry.¹⁶ The Governor, B.N.

14 The Searchlight, 26 June 1968.

15 The Tribune (Ambala), 11 March 1967.

16 The Hindustan Times (New Delhi), 23 March 1967. Bhagwat Dayal Sharma Ministry was defeated in the Assembly on 17 March 1967 when in the election of Speaker its official candidate lost to a dissident leader Rao Birendra Singh. Rao Birendra Singh, who had been denied a berth in the Cabinet, defected from Congress mainly because of the alleged alienation of Jat community by Sharma. See for instance Stanley A. Kochanek, The Congress Party of India: The Dynamics of One-Party Democracy (Princeton, N.J., Princeton University Press, 1968), pp. 425-6.

Chakravarti, invited Rao Birendra Singh, the leader of the newly formed United Front to form the Ministry on 24 March 1967. However, soon after the formation of the Ministry, dissensions started developing in the United Front and political defections became the main feature of the state politics. Many legislators defected and counter-defected, thereby threatening to reduce the ruling front to a minority. To meet the threat posed by the defectors, the Chief Minister went on expanding and changing the ministry in order to lure the support of legislators. Ultimately, the Governor recommended for the imposition of President's rule and the dissolution of the Assembly on the ground that a situation had arisen in which the Government of the State could not be carried on in accordance with the provisions of the constitution.¹⁷ It is to be noted that by the time the Governor recommended for the imposition of President's rule, Rao Birendra Singh had the requisite strength in the Assembly. But he was not given a chance to prove his majority support in the Assembly.¹⁸ On 21 November 1967 the United Front Ministry was dismissed unceremoniously and the Assembly was dissolved.¹⁹

17 See in this context Article 356(1) of the Constitution of India, n. 10, p. 216.

18 The Tribune (Ambala), 22 November 1967. According to Governor's own admission, Rao Birendra Singh had the support of 40 legislators in a House of 78.

19 This action of Governor was strongly criticized by the opposition, both inside and outside the Parliament. See Government of India, Lok Sabha Debates, vol. 9, cols. 1727-1838, 21 November 1967; and Government of India,

In Madhya Pradesh, Congress being the majority party in the Assembly formed the government on 8 March 1967 under the leadership of D.P. Mishra. Despite a comfortable majority of the Congress in the Assembly, Mishra's Ministry was destined to fall. He not only denied representation to the entire Vindya Pradesh region, but also ignored the claims of G.N. Singh, G.R. Anant and R.P. Sharma, all former ministers, and Brijlal Verma, a prominent factional leader while forming the Ministry. Largely as a result of this, 34 Congress legislators led by Brijlal Verma and G.N. Singh, defected to the side of the SVD on 19 July 1967.²⁰ The immediate consequence of this defection was the fall of the Congress Government.²¹ Following the fall of Mishra's Ministry, a new SVD Government of the opposition parties was formed under the leadership of G.N. Singh, the leader of the Congress defectors. The fall of the SVD Government was also in the nature of things inevitable. It was a coalition Government of several opposition parties. Inter-party rivalries developed very soon. The relations of the Chief Minister with the SSP on the one hand, and the leader of the SVD, Rajmata Vijaya Raje Scindia on the other, started deteriorating very fast. Taking advantage of

Rajya Sabha Debates, vol. 62, cols. 657-8, 22 November 1967.

20 The Times of India (New Delhi), 20 July 1967.

21 The Hindustan Times (New Delhi), 30 July 1967.

this development, S.C. Shukla, the newly elected Congress leader, invited PSP leader C.P. Tiwari to form a PSP Ministry with the support of the Congress.²² Tiwari accepted the offer and frantic efforts were made to secure defections from the SVD. However, on the very next day, in a trial of strength between the Congress-PSP alliance and SVD, the latter won by 158 votes to 124.²³ Not being able to topple the Government, Shukla made fresh efforts to secure the defection of G.N. Singh and others who had left the Congress, despite strong opposition from D.P. Mishra's faction. Acute inter-party rivalries had by then developed in the SVD. Thus, several defections and counter-defections took place and the Chief Minister had to expand the Ministry many times in order to cope with the problems posed by the defectors. Politics in Madhya Pradesh took a new turn on 10 March 1969 when G.N. Singh resigned from the Chief Ministership and proposed the name of Raja Naresh Chandra Singh for Chief Ministership.²⁴ In the next two days that followed, there were many conflicting claims, both by the SVD and the Congress, but on 12 March 1969 the Governor invited Raja N.C. Singh to form the Government.²⁵ The Raja was sworn in the next

22 The Hindustan Times (New Delhi), 29 March 1968.

23 The Times of India (New Delhi), 30 March 1968.

24 *Ibid.*, 11 March 1969.

25 *Ibid.*, 13 March 1969.

day. But hardly a week had passed when G.N. Singh defected to the Congress with 19 others and the Government fell immediately.²⁶

In Punjab, a coalition government of several opposition parties was formed under the leadership of Sardar Gurnam Singh.²⁷ With the support of only 53 members in a House of 104, the Front had only a razor-thin majority. Further, many of its supporters were far from loyal and on many occasions used to vote with the Congress opposition.²⁸ Hence, confusion and instability prevailed in the midst of the politics of defection. To contain the threat of defections and the vote of no-confidence motion, the Ministry was expended again and again. But this policy of appeasement ceased to be effective when seventeen members of the UF announced their defections²⁹ in the Assembly on 22 November 1967. Faced with this unexpected situation, the Chief Minister cited the action of the Haryana Governor and advised

26 The Statesman (New Delhi), 20 March 1969.

27 The Tribune (Ambala), 10 March 1967.

28 One such occasion was on 5 April when four United Front members voted in favour of an opposition amendment tabled by the opposition leader Rarewala. The Statesman (New Delhi), 6 April 1967. Yadavindra Singh, the Maharaja of Patiala, was another fluctuating member with three supporters.

29 The Tribune (Ambala), 23 November 1967.

him to recommend for the dissolution of the Assembly.³⁰ The Governor, however, preferred to invite the leader of the Congress opposition to form a new government. The Congress Party declined the offer, but informed the Governor in writing that it would support a ministry headed by L.S. Gill. Consequently, the Governor invited Gill to form the ministry.³¹ The action of the Governor in this case was in sharp contrast to the action taken by the Haryana Governor just four days before.

Gill's was a minority Government of defectors backed by the Congress party. Inside the Congress, support to the minority government of Gill was not to the liking of many. Later, even Rarewala, despite the disapproval of Giani Zail Singh, made many efforts to replace Gill. Ultimately, the Congress Parliamentary Party took a decision in August 1968 to withdraw the support of the Congress. Thereupon, Gill resigned and recommended for the imposition of President's rule. President's rule was proclaimed on 23 August.³²

In Rajasthan, no party could secure absolute majority, but Congress with 88 seats in the Assembly emerged as the largest single party with four short of an absolute

30 Ibid.

31 Ibid., 26 November 1967.

32 Ibid., 24 August 1968.

majority.³³ Within a few days the Congress leader, Mohan Lal Sukhadia, managed to get the support of three independents and one Swatantra member, and staked his claim for Chief Ministership. On 4 March 1967, the Governor announced that he would invite Sukhadia to form the Government. But the opposition parties challenged the majority support claimed by Sukhadia and organized demonstrations, hartals, violating section 144 Cr.P.C. imposed by the city magistrate in Jaipur. In the context of this new development of grave law and order problem, the Governor recommended for President's rule without dissolving the Assembly. This was followed by a period of several defections and counter-defections, ultimately resulting in the absolute majority of the Congress party. The Governor thereupon recommended for revocation of President's rule on 25 April 1967 and the very next day the Congress Government was installed.³⁴

In Uttar Pradesh, the Congress leader C.B. Gupta, formed the Government with the help of fourteen independents and four defectors from the opposition parties.³⁵ But the

33 In fact Congress had won in 89 Constituencies, but since one member had been elected from two constituencies its effective strength was 88 only. See Government of India, Fourth General Elections : An Analysis, n. 6.

34 Patriot (New Delhi), 27 April 1967.

35 The Statesman (New Delhi), 15 March 1967. The Congress Party had secured only 200 seats in a House of 425 in the 1967 Elections. See Government of India, Fourth General Elections : An Analysis, n. 6.

fall of the Ministry was only a matter of time because Gupta, like D.P. Mishra of Madhya Pradesh, ignored the claims of many prominent leaders including Charan Singh. On 1 April 1967, Charan Singh defected from Congress with his followers to form a new Jana Congress Party with the promised support of the SVD. The SVD elected him as its leader on 3 April 1967 and on the same day a SVD Government headed by Charan Singh was formed.³⁶ The SVD Government was a coalition of ten parties, the only bond of unity among them being anti-Congressism. Hence, internal strains were bound to develop. There was a co-ordination Committee to resolve the differences, but differences on issues like abolition of land revenue, Khariff procurement, status of Hindi and Urdu were beyond reconciliation. Ultimately, Charan Singh resigned on 17 February 1968 and advised the Governor either to invite the new SVD leader to form the Government or to dissolve the Assembly.³⁷ Since the SVD failed to elect a new leader, the Governor had no alternative but to recommend for President's rule.

In case of West Bengal, Ajoy Mukherjee, the leader of the Fourteen Parties United Democratic Front became the Chief Minister. But the defection of P.C. Ghosh with seven others reduced it to a minority front. Faced with these

36 The Times of India (New Delhi), 4 April 1967.

37 Ibid., 18 February 1968.

developments, the Governor advised the Chief Minister either to relinquish the office or summon the Assembly at the earliest possible time to prove his majority support.³⁸ On the Chief Minister's refusal to summon the Assembly before 18 December 1967, the Governor dismissed the Mukherjee Ministry on 21 November and invited P.C. Ghosh to form the Government.³⁹ Later, on 15 January 1968, the Congress joined the Ministry. Selection of Congressmen to the Ministry created a fresh problem and a dissident group headed by Ashutosh Ghosh was formed.⁴⁰ As a result of acute factional rivalry Ashutosh Ghosh was suspended from the PCC. Politics in West Bengal took a dramatic turn on 11 February when 18 MLAs defected from the ruling coalition in order to form a new group called Indian National Democratic Front. The PDF-Congress coalition was reduced to a minority giving rise to a constitutional crisis in the State. Ultimately, the Governor had to recommend for President's rule on 15 February to get over the constitutional deadlock.

38 P.C. Ghosh subsequently formed a new Progressive Democratic Front, *ibid.*, 15 November 1967.

39 Hindustan Times (New Delhi), 22 November 1967.

40 *ibid.*, 16 January 1968.

Political Instability

Several conclusions emerge from our analysis of the politics of defection in these states. It is worth noting that defections have been used both for toppling governments and also for gaining power. This is very much evident from the fact that every case of collapse of governments after 1967 elections was the direct result of defections and counter-defections.⁴¹ In the States where Congress was the largest single party, it preferred to function as opposition and made efforts to replace the coalition governments by inducing the Congress defectors back.⁴² It must, however, be mentioned that there were at least two main reasons for which Congress could not take the initiative. Firstly, there were bitter intra-party conflicts inside the Congress, making it impossible to elect incumbents to Chief Ministership,⁴³ and secondly, the formation of United Fronts by the opposition parties on the basis of non-Congressism. The arch-priest of the strategy of non-Congressism was Ram Manohar Lohia, who, in his obvious bid to match the adaptive, aggregative

41 Committee on Defections, Part II, Proceedings of the Committee And Papers Circulated to the Members, Ministry of Home Affairs, Government of India, New Delhi, 1969, p. 72.

42 The only exception was in Uttar Pradesh where Congress formed the government with the help of 18 defectors to Congress.

43 In this context see Paul R. Brass, n. 7.

and catch-all character of the Congress, put forward the thesis of catch-all opposition in order to keep Congress out of power.⁴⁴ In pursuance of this strategy the opposition parties of all hues and colours and independents forged United Fronts to form coalition governments. The prospect of opposition parties coming to power also induced defections from the Congress party. Lured by the prospect of power and patronage, many disgruntled Congressmen preferred to join the United Fronts.

Even in states where Congress was able to form governments, the claims of the dissident factions were ignored by the leaders who were invited to form the ministries. In Madhya Pradesh, for instance, D.P. Mishra excluded prominent leaders like G.N. Singh, B.L. Verma and they defected from Congress once they got the opportunity.⁴⁵ Similarly in Uttar Pradesh, Charan Singh's faction was denied proportionate representation in the Cabinet by C.B. Gupta and the former defected from the Congress to topple the Ministry in alliance with the opposition parties.⁴⁶ In Haryana, Rao Birendra Singh adopted exactly the same tactics when B.D.

44 See for instance, Ram Manohar Lohia, "SSP Approach", Amrit Bazar Patrika (Calcutta), 14 December 1966.

45 Soon after the defection, the Ministry collapsed and G.N. Singh formed a coalition ministry with the help of the opposition parties. Times of India (New Delhi), 20 July 1967.

46 Ibid., 2 April 1967.

Sharma, the Chief Minister, did not accommodate him in the cabinet. Thus, Congress Governments in all these states were replaced by the defecting factions of the Congress in co-operation with the opposition parties. But the coalition governments whose only cementing factor was non-Congressism were also doomed from their birth. There were wide disagreements between the coalition partners on programmes, issues and policies. The result of this state of affairs was a series of successive Congress-led and non-Congress coalition governments in which political instability became the order of the day.

Large Ministries

Amidst such uncertainties and confusions created by frequent toppling of governments, every legislator became a potential blackmailer. The Chief Ministers on their part went on expanding the ministries to cope with the threats posed by the defectors. In such a situation the size of the ministry bore an inverse ratio to the margin of the ruling party's majority rather than corresponding to the amount of work to be done. Smaller the margin larger became the size of ministry. In Bihar, for instance, B.P. Mandal expanded the strength of his ministry to 38, the largest so far in the history of the state to sustain his minority government. Similarly, in Punjab, Gurnam Singh enlarged his ministry

four times within a period of eight months.⁴⁷

Weak Governments

Further, the political instability caused by the politics of defection deprived the people of strong governments by frequently imposing upon them coalition governments. In coalition government, although the dominant partner exercised a certain amount of authority to determine the values, goals and policies of the government, the minority partners, whose continuous support is essential for the survival of the coalition government, also exercised significant influence. Thus, on many issues of public importance, it became difficult to take a definite decision because of lack of unanimity. After the Fourth General Elections many of the coalition governments, particularly in Punjab, Uttar Pradesh and Madhya Pradesh, functioned with remarkable efficiency in the initial period when threats to their survival were minimum. But once inter-party conflicts and dissensions developed, they had to concentrate their entire energy for maintaining the majority support.

47 On 21 November when he expanded the ministry for the fourth time, the strength went up to 20 in a House of 104. The Times of India (New Delhi), 22 November 1967.

Increasing Role of the Governor

AS a consequence of such political instability and uncertainties at a given period of time about the actual following of Chief Ministers in the Assembly, another constitutional problem of great importance--the impartial and non-partisan role of the Governor and the Speaker--arise. The Governor is appointed by the President,⁴⁸ and holds office at his pleasure.⁴⁹ This provision, however, should be read together with the Article 74(1) which provides that the President is to act on the aid and advice of the Council of Ministers at the Centre. Thus, in actual practice, it is the Central Council of Ministers and not the State Ministry which exercises the power of appointment and removal. According to the provisions of the Constitution, the role of the Governor is two-fold.⁵⁰ Firstly, he has to act as the Constitutional Head of the State on the aid and advice of the State Ministers, and secondly, to act as the representative of the Centre. It is the latter aspect of his office which gives him considerable scope to exercise discretionary power. Normally, when a party or a United Front has a clear majority in the Legislature, the Governor has no discretion

48 Article 155, The Constitution of India, n. 10, p. 86.

49 Article 156, *ibid.*

50 See Articles 154 and 163, *ibid.*, pp. 87 and 90.

to exercise. But defections by legislators may create a fluid situation in which the Governor is required to exercise his individual discretion. Thus, the politics of defection gives the Governor an opportunity to favour a party or group of legislators of his liking. In November 1967, for instance, while the Governors of West Bengal and Punjab recognized the group defections and invited the defecting leaders to form new governments, the Governor of Haryana flatly refused to recognize the defectors. The latter preferred to recommend for the imposition of the President's rule and the dissolution of the Assembly even when the Chief Minister, Rao Birendra Singh, had the requisite majority to run the Government. It may also be noted that in the States of Haryana (in March 1967), Uttar Pradesh and Madhya Pradesh, the Congress Governments were toppled by defections and the Governors did not hesitate to invite the defecting leaders to form alternative governments.⁵¹ Further, while the Governor of West Bengal asked the Chief Minister, Ajoy Mukherjee, to prove his majority support by convening it at the earliest possible time, the Governor of Haryana refused to give Rao Birendra Singh an opportunity to prove his majority support in the Assembly.

One can observe a further variant of the Governor's role in Rajasthan after the Fourth General Elections. In

⁵¹ The defecting leaders who subsequently became Chief Ministers were: Rao Birendra Singh in Haryana, Charan Singh in Uttar Pradesh, and G.N. Singh in Madhya Pradesh.

this State, when no party could secure absolute majority in the Assembly, the Governor recommended for the President's rule. This gave sufficient time to the leader of the largest single group during which he managed to get the requisite support to form the Ministry.

Controversial Role of the Speaker

In a general situation marked by defection, apart from the Governor, the Speaker also gets the scope to misuse his authority to further the interests of a particular party or a group of legislators. This is evident from the partisan attitude shown by Bijoy Kumar Banerjee, Speaker of West Bengal Legislative Assembly, and Joginder Singh Mann, Speaker of Punjab Legislative Assembly, in 1968. The Office of the Speaker is one of dignity, honour and authority. He is the custodian of the dignity of the House and an impartial arbiter. His main function is to preside over the sessions and protect the rights, liberties, privileges and dignity of the House. In addition to these constitutional provisions, the rules of the procedure of the House, confer upon the Speaker a variety of powers in the conduct of business of the House. The Constitution also gives him the power to maintain the discipline in the House. But his jurisdiction is limited to the four walls of the Legislature and by no means extendable outside. In the case

of West Bengal, on 29 December 1967 the Speaker Bijoy Kumar Banerjee adjourned the session sine die, declaring the Governor's actions on the dismissal of the Mukherjee Ministry and the formation of the Ghosh Ministry as illegal and unconstitutional.⁵² Governor, Dharamvira had dismissed the Ajoy Mukherjee Ministry and appointed P.C. Ghosh as the Chief Minister in accordance with Articles 163 and 164 of the Constitution when the United Democratic Front had been reduced to a minority by defections. Further, this action of the Governor had been upheld by the Calcutta High Court.⁵³ Thus, according to many commentators, the Speaker's ruling not only went beyond his jurisdiction, but also flouted the judgement of the Calcutta High Court.⁵⁴ In another case, the Speaker of the Punjab Legislative Assembly, Joginder Singh Mann, adjourned the Assembly for two months, declaring

52 For arguments of the Speaker, see The Hindu (Madras), 30 November 1967.

53 Justice B.C. Mitra declared the P.C. Ghosh Ministry as legal and constitutional as he held that in appointing the Chief Minister under Article 164(1) the Governor acted in his sole discretion which could not be questioned in writ proceedings.

54 See K.V. Rao, "Constitutional Precedents", Journal of the Society for Study of State Governments, vols 1, nos. 1 and 2, p. 29. Also see G.N. Singh's note, "The Role of State Governors in India", The Indian Political Science Review (Delhi), vol. 2, nos. 3 and 4, p. 160; Subhash C. Kashyap, "The Role of the Speaker: Some Random Thoughts", Journal of Constitutional and Parliamentary Studies (New Delhi), vol. 2, no. 4, October-December 1968, pp. 59-66.

the two no-confidence motions against him unconstitutional.⁵⁵ To resolve this constitutional deadlock, the Governor prorogued the Assembly and resummoned it to meet on 18 March 1968. The House met on 18 March, but the Speaker again adjourned it for a period of two months, defying the ordinance of the Governor which had taken away from him the power of adjournment.⁵⁶ Here again, according to some commentators, the Speaker went beyond his jurisdiction on the question of the vires of the ordinance which could be decided by the courts or the Assembly itself, but not by the Speaker alone.⁵⁷

In sum, the politics of defection which became the order of the day after the Fourth General Elections put the parliamentary system under severe strain. It created a climate of unprecedented political instability, thereby posing serious threat to the administrative integrity and the foundations of parliamentary democracy. By creating fluid situations in the marginal majority states, it highlighted the role of the Governors who in many cases were

55 The Statesman (New Delhi), 8 March 1968.

56 Ibid., 21 March 1968.

57 See "The New Despotism", The Statesman (New Delhi), 21 March 1968. Also see R.S. Gae, "Supreme Court Judgement in Punjab Appropriation Act Case", Journal of Constitutional and Parliamentary Studies, vol. 2, no. 4, October-December 1968, pp. 67-76.

alleged to have acted on their personal discretion. Thus, the impartial and non-partisan role of the Governors received considerable adverse criticism. Similarly, in many states the Speakers also became controversial and there were even allegations that some of them acted in partisan manner.

CHAPTER IV

CHAPTER IV

DEFLECTIONS AND THE INDIAN PARTY SYSTEM

A parliamentary form of government, for its proper functioning, needs a well organized party system. While the Constitution of India adopts the broad principles of the parliamentary form of government as evolved in Britain, it has not been possible to evolve the necessary political infrastructure which is always a product of the historical development of a particular country. The party system in India has been characterized by many distinctive features which shape the nature of the political system of the country.

Factionalism

From the very beginning, the parties in India have been highly faction-ridden. This is not only true in case of the Congress party,¹ but also in case of all other political parties including the Communist parties and Jana Sangh.²

1 For an analysis of the nature and role of the factions in the Congress, see Rajini Kothari, "Party System", Economic Weekly, vol. 13, no. 22, 3 June 1961, pp. 847-54. Also see his article, "The Congress 'System' in India" in Party System and Election Studies, Occasional Papers I of the Centre for the Study of Developing Societies (New Delhi, Allied, 1971), pp. 1-18.

2 See ^{AH Hanson} "Factionalism and Democracy in Indian Politics", The World Today, vol. 24, no. 10, October 1968, pp. 436-43.

Factions are those groups or sections inside a political party which stand opposed to one another to promote the advancement of particular persons or policies. Again, since these groups are different from basic groups like family and on the other hand, are seldom based on ideology, they are relatively unstable groups. With the variations of the interests of the individual members, the instability of these groups becomes prominent. Factional politics in India is not so infrequently personal politics.³ The members of the factions are by and large more loyal to their faction leaders than to the party itself. For example, on the eve of the Fourth General Elections in Bihar, there were at least four Congress leaders each of whom aspired to be the Chief Minister and hence they worked for the defeat of the supporters of their rivals within the party.

3 Most of the party factions in India, if not all, are based on personal loyalties rather than on ideological basis. See Selig S. Harrison, India: The Most Dangerous Decades (Princeton, Princeton University Press, 1960); Lawrence L. Shrader and Ram Joshi, "Zilla Parishad Elections in Maharashtra and the District Political Elite", Asian Survey, vol. 3, no.3, March 1963, pp. 143-56; Paul R. Brass, Factional Politics in an Indian State: The Congress Party in Uttar Pradesh (Bombay, Oxford University Press, 1966); Rajni Kothari and Ghanashyam Shah, "Caste Orientation of Political Factions: Modasa Constituency", in Myron Weiner and Rajni Kothari, eds., Indian Voting Behaviour: Studies of the 1962 General Elections (Calcutta, Firma K.L. Mukhopadhyay, 1965), pp. 141-61.

The Congress Factions

The Congress party from its very birth was structured by factions.⁴ Till independence, the Congress party was never a political party in the strict sense of the term. It was an institutionalised protest movement containing within it a number of organizations and splinter groups committed to different ideologies.⁵ The main objective of this organization was two-fold. Firstly, to liberate the country from the British imperialists, and secondly, to hasten the process of modernization. This is why immediately after the independence Gandhiji suggested to the party leaders that the Congress as a political machine should be dissolved. According to Gandhi, those of its members who wanted to continue the "constructive work" should form a Lok Sevak Sangh and continue their activities through it.

4 See Paul R. Brass, *ibid.*, especially Chapter III. Brass finds that alliances in the party organization develop, and splits and defections occur wholly because of the mutual conveniences. See also his article "Coalition Politics in North India", American Political Science Review (Wisconsin), vol. 62, no. 4, December 1968, pp. 1174-91.

5 For example, a unit of Hindu Mahasabha was functioning inside the Congress till thirties when it was expelled on grounds of communalism. Similarly, the Communist Party was also at one time part of the organization. Again, the Congress Socialist Party was a major organization inside the Congress and became a separate party only after the independence.

Others who wanted to take part in active politics of the country should form ideologically cohesive political parties of their choice.⁶ But both Sardar Patel and Nehru were farsighted enough to ignore the suggestion in view of the absence of any alternative to the Indian National Congress.⁷ Thus, Congress in the hands of these two giants of the national movement ceased to be a movement without becoming a party because of its ideological amorphousness and heterogeneity of membership composition.⁸ Patel and Nehru represented two distinct streams of political thought. Patel drew inspiration from the well-known trio of the nationalist movement--Bal, Pal and Lal--and was a staunch nationalist with what is usually called as a rightist bent of mind while Nehru was a liberal with a progressive outlook.⁹ However, in spite of such fundamental and wide differences in their attitudes, both could successfully avoid open confrontation

6 This had been suggested by Gandhiji a day before his assassination.

7 See Rasheeduddin Khan, "Congress Party : Checking the Drift", Seminar, no. 121, September 1969, p. 32.

8 Ibid.

9 It is pertinent to note that even during independence movement Congress ranks were divided into militant extremists and the moderates. Prominent among the extremists were Lal, Bal and Pal who were impatient with gradualism of the moderates and to them vision of a responsible government within the British empire was wholly unacceptable. For details on this aspect, see Stanley Wolpert, Tilak and Gokhale : Revolution and Reform in the Making of Modern India (Berkeley, University of California Press, 1962); also see Daniel Argov, Moderates and Extremists in the Indian Nationalist Movement, 1883-1920 (Bombay, Asia, 1967).

keeping in view the larger interest of the country.¹⁰ After Patel's death, Nehru established full control over the party organization as well as over the Government. His charismatic leadership helped to eliminate factionalism in the higher echelons of the party, but in the other levels it continued unabated. This was partly because although as the Prime Minister, he assumed full control over the party organs in the Central level, in the state level he allowed the party organs to compete with the Congress ministries both on policy matters as well as on distribution of power. Thus, we find Kamaraj in Madras, C.B. Gupta in Uttar Pradesh, & Biju Patnaik in Orissa, all first established full control over the party organizations, induced sufficient number of legislators to their sides and finally, toppled the existing ministries from power.¹¹ In addition to this, Congress continued to follow the policy of accommodation and absorption to consolidate its power, through which politicians of different labels made their way into the Congress not out of any ideological conviction, but to share power and patronage.

10 For example, the contest for Congress Presidentship in 1950 between P.D. Tandon, a conservative politician of Patel camp, and J.B. Kripalani, a progressive, in 1950, was a manifestation of such conflicts.

11 For conflict between organizational and governmental wings of the state Congress parties see Marcus F. Franda, "The Organizational Development of India's Congress Party", Pacific Affairs, vol. 35, Fall 1962, pp. 248-60; also see Paul R. Brass, n. 3.

After Nehru's death in 1964, in the midst of succession contests, factional rivalry again became sufficiently intense at all levels, from the top to the bottom. Taking this opportunity, the opposition parties changed their strategy from applying pressure on the margin of Congress power to take power from the Congress.¹² They forged electoral alliances in the state levels on the eve of the Fourth General Elections and many of the alliances promised to be capable of providing an alternative to the Congress.¹³ Such a development on the eve of the elections induced dissident factions inside the Congress to come out of the party and remain in power either by joining opposition parties which were making determined bid to power or by forming a new party and entering into electoral alliance with the opposition parties.¹⁴ The phenomenal success of the alliances, opposed to the Congress, led to a period of coalition politics in the state level in which factions, individual

12 See Brass, n. 4.

13 For instance, Swatantra-Jana Congress alliance of Orissa; D.M.K led alliance of Madras, and CPI(M) led alliance of Kerala.

14 For example the formation of B.K.D. in U.P.; Vishal Haryana Party in Haryana; Telengana United Front in Andhra; Kerala Congress and Independent Socialist Party in Kerala; Jana Kranti Dal, Shoshit Dal and Lok Tantrik D l in Bihar; Bangla Congress, People's Democratic Front in West Bengal; Janata Congress and Punjab Janata Party in Punjab; Jana Congress in Orissa and M.P.; and Janata Party in Rajasthan.

legislators, and small parties played very important roles, vacillating from one side to the other, in the process of bargaining for power, patronage and other pecuniary gains. Two important decisions of the Congress party at this juncture of the Indian politics gave sufficient incentives to the defectors. One such decision was that the Central Parliamentary Board of the Congress party formally rescinded its earlier decision under which a defector had to resign from the legislature before joining the Congress party.¹⁵ In the Hyderabad session, the All-India Congress Committee authorized the Congress legislators in the states to form coalition governments with the help of the defectors.¹⁶ The other decision was the flat refusal of the Congress party to enter into coalitions even with like-minded parties.

15 Congressmen justified this decision on the ground that they had done nothing more than to bow down to the reality. One member commented that not to have rescinded the 1963 decision would have been suicidal for the Congress. For details see "Wanted Anti-Defection Ordinance", The States, vol. 11, no. 7, 6 February 1971, pp. 15-16.

16 Nijalingappa, the Congress President, himself openly appealed to the former Congressmen to rejoin the party. Commenting on this The Statesman in its editorial wrote: "Rating on a party after taking electoral advantage of it is bad enough; rating again on another which has given refuge is much more sordid". The Statesman (New Delhi), 12 December 1967.

According to the latter decision, in the states where it was the largest single party the Congress could attempt either to form a minority government or to form coalition government with like minded parties, but it preferred to remain in opposition.¹⁷ Probably the calculation was that Congress would very soon be in a position, to replace the coalition governments because of the latter's heterogeneous character. Apart from this, the factional rivalries in the Congress organizations of the state level were so intense that the incumbent to Chief Ministership could not be selected before the opposition coalitions developed.

Even in many states where incumbents to Chief Ministership could be selected, the claims of the dissident factions were deliberately ignored while constituting the ministries. Many of these dissident leaders, therefore, crossed to the side of the opposition to topple the ministries. In Madhya Pradesh, for instance, D.P. Mishra dropped G.N. Singh, a former minister and a prominent factional leader and excluded B.L. Verma, leader of another dissident faction from the cabinet. These dissident leaders, therefore, defected from the Congress along with their followers on

¹⁷ For example in Bihar with 128 members in a House of 318, West Bengal with 127 members in a House of 280 and Punjab with 48 members in a House of 104, the Congress was in a position to form relatively stable governments.

19 July 1967.¹⁸ Similarly, Rao Birendra Singh in Haryana and Charan Singh in Uttar Pradesh defected from Congress with their followers and formed their own parties soon after the formation of the Congress ministries when their factions could not secure proportionate representation in the ministries.¹⁹

Absence of Ideological Polarisation

Political parties in India also operate in a system in which inter-party ideological divisions²⁰ are not very distinct at the operation level,²¹ except in the case of the CPI and CPI(M). Most of the voters hardly bother about the ideologies of the political parties.²² An average voter

18 G.N. Singh who subsequently became Chief Minister of S.V.D. Government re-defected to the Congress in March 1969 because of inter-party rivalries in the SVD. See The Times of India, 21 March 1969.

19 Rao Birendra Singh formed Haryana Congress party in Haryana and Charan Singh Jana Congress in Uttar Pradesh.

20 The term ideology is used here very broadly and includes among others, issues, programmes and policies.

21 This is not to argue that there is total absence of ideological difference among the parties. The differences are prominent largely in theoretical level.

22 See Phyllis J. Rolnick, "Political Ideology : Reality and Myth in India", Asian Survey, vol. 2, no. 9, November 1962, pp. 19-32.

casts his vote in favour of a particular candidate not because of any ideological conviction, but because he admires certain qualities of the candidate or because of caste consideration which have nothing to do with the ideology of the candidate.²³ In this context, it may be pointed out that since the last many years both the CPI and the CPI(M) have made increasing commitment to the parliamentary system and the Indian Constitution, and have actively participated in Indian politics. Further, it is worth noting that after the Fourth General Elections when coalition governments were formed, in many cases, the so-called rightist and leftist parties never hesitated for a moment to join as partners. In Uttar Pradesh, for instance, CPI and CPI(M) were partners of the SVD coalition under the leadership of Charan Singh, which also included Jana Sangh and Swatantra parties. Similarly, in Punjab the United Front Government that was formed by the opposition parties after the Fourth General Elections included the CPI, CPI(M) and Jana Sangh. Operational coalition among parties despite their ideological differences

23 See A.H. Somjee, Voting Behaviour in an Indian Village (Baroda, 1969), pp. 30-31. Also see Selig S. Harrison, "Caste and the Andhra Communists", American Political Science Review, vol. 50, no. 2, June 1956, pp. 378-404. Also see Myron Weiner, "The Politics of South Asia", in Gabriel A. Almond and James Coleman, eds., The Politics of the Developing Areas (Princeton, N.J., 1970), pp. 153-246.

in theory, can best be explained by the development of the party system in India and the social base of the party leaders. Since almost all the parties owe their origin to a common source - the Indian National Congress - and their leaders come from the same social background²⁴ - mainly the upper middle class, sharing of outlook and ideological consensus among them is not so unlikely. In such a system the defector can change his party label and still assert his loyalty to the principles; he quite often rationalises his defection in terms of implementing the principles better.

Role of Personalities

Another feature of the party system in India is the exaggerated emphasis given to the personalities leading the party organizations. In each party a handful of personalities assume an almost arbitrary and disproportionate role and in turn contribute to the party strength by their charismatic leadership. Notable instances of such leadership are those of Rammanohar Lohia of the SSP, Jawaharlal Nehru and Sardar Patel of the Indian National Congress, C. Rajagopalachari of the Swatantra party, C. Annadurai of the DMK, and Biju Patnaik of Utkal Congress. In most of the cases politicians join a

24 See Gopal Krishna, "One Party Dominance - Development and Trends", in Party System and Election Studies, n. 1, pp. 19-98.

particular party not because of the ideological appeal of the party, but because of certain qualities of its leaders which have nothing to do with ideology. Again, in each party acute competition for power and supremacy in party organization takes place and in the process conflict among the personalities occur frequently.²⁵

Leadership

The Indian political parties are conspicuous by their aging leadership, bossism and their vested interests in maintaining the status quo. This becomes intolerable to a substantial number of ambitious legislators who desire to play an active role both in the party organization and outside it, instead of remaining content throughout their career as back-benchers. When this desire to play an effective role becomes intense, they revolt against the establishment and make their way out of the party to form a new one.

Caste Factor

Besides the nature of the party system, another immediate and important reason for the recent defections in

²⁵ Important occasions of such conflicts are allotment of tickets to fight elections, formation of a ministry, election to different offices of the party, difference in a vital issue of public importance and so on.

the states, has been the unbalanced representation of castes in the composition of their ministries. Since independence, and even before that, the role of caste in the Indian politics is significant,²⁶ particularly in times of elections and formation of ministries. A caste, whether in majority or in minority has always fought for power. Caste loyalty has been an important factor in the politics of defection. For instance, the defection as evidenced in Uttar Pradesh, Haryana, Rajasthan and Madhya Pradesh in recent years is a kind of gathering revolt against Brahmin and Bania dominance by peasant-based Jats and Ahirs. In Rajasthan two months before the Fourth General Elections--on 20 December 1966--the Jat leader Kumbharam Arya defected with his group from the predominantly Brahmin Government of Mohan Lal Sukhadia as a protest against their groups not being given adequate share in the distribution of tickets.²⁷ Similarly, after the Fourth General Election in Haryana Chief Minister Bhagwat Dayal Sharma, a Brahmin, deprived the Jats and the Ahirs of

26 See Myron Weiner, Political Change in South Asia (Calcutta, Firma K.L. Mukhopadhyay, 1963). In this connection see also I.P. Desai, "Caste and Politics", Economic and Political Weekly, vol. 2, no. 17, 29 April 1967, pp. 797-9, and Ramashray Roy, "Selection of Congress Candidates", Economic and Political Weekly, vols. 1 and 2, 31 December 1966, 7 and 14 January 1967, 11 and 18 February 1967, pp. 833-40, 17-24. 61-76, 371-6 and 407-16 respectively.

27 The Times of India (New Delhi), 22 December 1966.

proportionate representation in the Ministry, and consequently, Rao Birendra Singh, the Jat leader, defected from the Congress with his group to upset the Brahmin-packed ministry.²⁸ In Uttar Pradesh, the defection of Jat-Ahira leader Chaudhuri Charan Singh and his group in March 1967 was a clear case of protest against the Gupta faction, representing the interests of Brahmins and Banias. In Madhya Pradesh the defectors from Congress in July 1967 did not belong to any particular single caste, but certainly it was a protest against the Chief Minister D.P. Mishra's policy of sectarianism, reflected in the appointment of Kanya-Kubja Brahmins in key posts, as was claimed by Brij Lal Verma, the leader of defecting legislators. All this is not to suggest that caste is the sole factor prompting defection. It is only one of the many important factors which play a significant role, particularly in a fluid situations.

Power and Pelf

There is another important motive for defection, when a legislator is primarily concerned with acquiring power and position or simply to make money for

28 See Patriot (New Delhi), 18 March 1967. Also see in this context Stanley A. Kochanek, The Congress Party of India: The Dynamics of One-Party Democracy (Princeton, N.J., Princeton University Press, 1968), pp. 425-6.

himself.²⁹ Most defectors seem to have crossed the floor in order to topple the existing governments and to gain ministerial posts or at least extra-ministerial ad hoc assignments equally lucrative. This is evident from the race for expanding ministries to cope with the demand for offices. At one stage, Rajmata Scindia of Gwalior is reported to have remarked that Ministry in Madhya Pradesh need not be restricted to 31, but should be expected to expand depending on the number of defections from the Congress party.³⁰ Table 4 given below shows the relationship of defectors with ministerial offices after the Fourth General Election. This table shows that at least 116 defectors were rewarded with ministerial office out of which one was made a Speaker:

29 See Committee on Defections, Part I, Report of the Committee, Report of the Lawyer-Group and Explanatory/Dissenting Notes by Members, Ministry of Home Affairs, Government of India, New Delhi, 1969, p. 1.

30 Y.S. Parmar, "Crossing the Floor : A Cure of Malady", Tribune (Ambala), 17 September 1967.

Table 4Relationship of Defectors with Ministerial Offices

Defections	Cabinet Minis- ter	Minis- ter of State	Deputy Minis- ter	Spea- ker	Total
From Congress in non-Congress governments	25	14	12	1	52
From Non-Congress parties in Congress supported or Congress Governments	35	19	10	-	64
Total	60	33	22	1	116

Source: Patriot (New Delhi), 25 May 1969.

Apart from ministerial and other public offices, monetary gain is another strong motive force behind political defections. In his report to the President on 17 November 1967, the Governor of Haryana wrote:

Allegations are being made openly by both sides that money is being paid to defectors. While it is difficult to say how far these allegations are true, there are good reasons

...

to believe that the defections are being secured by not too honourable means. 31

The Union Home Minister himself mentioned in the Lok Sabha that Rs. 20,000 to Rs. 40,000 were being mentioned as the price for defection. Again, the press reports about monetary inducements for defectors including cash, licences, lucrative jobs for the relatives, amply prove the point.³²

The large-scale defections in India are mainly for the sake of power and pelf. Ideological considerations hardly play any role in the nasty game of defections. Most defectors change their party allegiance not because of any honest change of conviction, but due to allurements of office of profit and other pecuniary benefits. The party system characterized by factionalism, bossism, absence of ideologically cohesive parties and above all, the corrupt leadership helps the defectors to pursue the game of defection with impunity. One reason why defections increased manifold after the Fourth General Elections was the defeat of the Congress party in the

31 For the text of the report see Patriot, 22 November 1967.

32 See The Hindustan Times (New Delhi), 20 December 1968. According to this report based on interviews in Haryana, besides money, jeep and pleasure trips to distant places were offered to keep the members loyal. One MLA, who was a law student, was assured that she would get her degree if she defected.

majority of the states. Finding the inability of the Congress to form governments, many dissident factions of the party crossed over to the side of the opposition in order to capture power by a short-cut way. In India, ministerial and even extra-ministerial assignments are far more lucrative than mere membership of the legislature. This makes even an ordinary member ambitious and he hardly hesitates to take recourse to unscrupulous methods in order to realize his ambition.

CHAPTER V

CHAPTER V

RESPONSES TO THE POLITICS OF DEFECTION

The political problems posed by large scale defections in the aftermath of the Fourth General Elections attracted the attention of all sections of opinion vitally interested in the working of parliamentary democracy in India, and every one including the rank defectors themselves have publicly condemned the growing trend of unprincipled defections as an unhealthy development in national politics. On 11 August 1967, P. Venkatasubbiah moved a non-official resolution in the Lok Sabha recommending the setting up of a high level committee to examine the problem of defections and to make recommendations. The resolution was discussed on 24 November and 8 December 1967, and was unanimously adopted by the House with an amendment moved by Madhu Limaye.¹ The resolution in its final form reads as follows:

This House is of opinion that a high level Committee consisting of representatives of political parties and constitutional experts

1. In this amendment Madhu Limaye had sought to replace the portions "recommends to the Government the evolving of a special machinery and the taking of effective measures by suitable legislation to arrest this growing phenomenon which is assuming alarming proportions so that the country can function on sound and healthy lines of parliamentary democracy" by "making recommendations in this regard". See India, Lok Sabha Debates, series 4, vol. 10, 8 December 1967, p. 5853.

be set up immediately by Government 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. 2

The Committee on Defection

In February 1968, in pursuance to the above resolution of the Lok Sabha, the Government appointed a committee with Home Minister Y.B. Chavan as its Chairman and 18 other members including the representatives of the various political parties, and independent groups, constitutional experts and non-party leaders to consider the problem of legislators changing their allegiance from one party to another.³ The final composition of the Committee and the names of its members were as follows:¹ (1) Y.B. Chavan, Union Home Minister (Chairman), (2) P. Govinda Menon, Union Law Minister, (3) Ram Subhag Singh, Union Minister of Parliamentary Affairs

2 Ibid.

3 In the resolution there was no mention of the word defection. However, later the Committee assumed the name of Committee on Defection.

4 Committee on Defections, Part I, Report of the Committee, Report of the Lawyer-Group and Explanatory/Dissenting Notes by Members, Ministry of Home Affairs, Government of India, New Delhi, 1969, Appendix I, p. 38.

and Communications, (4) P. Venkatasubbiah, M.P., Congress, (5) N.G. Ranga, M.P., Swatantra, (6) Bhupesh Gupta, M.P., C.P.I., (7) P. Rama Murthy, M.P., C.P.I.(M), (8) Madhu Limaye, M.P., SSP, (9) S.N. Dwivedi, M.P., P.S.P., (10) B. Madhok, M.P., B.J.S., (11) K. Anbazhagan, M.P., D.M.K., (12) N.C. Chatterjee, M.P., Progressive Group of Independents, (13) Karni Singh, M.P., Independent Parliamentary Group, (14) R.S. Shastri, M.P., Nirdaliya Sangathan Group, (15) C.K. Daphtary, Attorney-General, (16) M.C. Setalvad, M.P., (17) H.N. Kunzru, (18) J.P. Narayan, and (19) M. Kumaramangalam. The Committee was assisted in its task by working papers⁵ prepared by the Ministries of Home Affairs and Law, and by the report of a lawyers' panel,⁶ appointed by the Committee. In drawing up its report and formulating its recommendations, the Committee placed before itself the following four considerations:⁷

(a) There can be no infallible deterrent for the kind of political defections (that are) rooted in political instability and opportunism.

(b) The task of devising remedial measures for a complex political problem has to balance carefully the need

5 For the list of the papers and notes circulated to the members see *ibid.*, Appendix III, p. 41.

6 The Lawyers' Panel consisted of P. Govinda Menon, N.C. Chatterjee, M.C. Setalvad, C.K. Daphtary and S. Mohan Kumaramangalam.

7 Committee on Defections, Part I, n. 4, p. 4.

for ensuring political stability with - (i) the natural process of organic growth of parties, (ii) the inevitability of a transitional period preliminary to the forging of ideological polarization.

(c) The best legislative or constitutional devices cannot succeed without a corresponding recognition on the part of the political parties of the imperative necessity for a basic political morality and the observance by them of certain proprieties and decencies of public life, and their obligations mutually to one another and to the citizens of the country.

(d) The problem requires to be attacked simultaneously on the political, educational, and ethical planes so that by an intensive political education both of the elite and the masses, a full consciousness of the values of democratic way of life is created.

On the basis of these considerations, the Committee in its report made five unanimous recommendations. These are: (1) A code of conduct should be evolved by the political parties. The initiative in calling a meeting of the representatives for the said purpose should be taken by the Home Minister. Beyond that the Committee did not think that there should be any official initiative in the matter. (2) A legislator should be bound to the party under whose aegis he wins an election. (3) In future no one who was not a

member of the Lower House should be appointed Prime Minister or Chief Minister. (4) A defector should be legally debarred for a year or till such time as he gets re-elected from being appointed to the office of a Minister, including Minister of State, Deputy Minister or Parliamentary Secretary or Speaker or any post carrying salaries or allowances to be paid from the Consolidated Fund of India or from the funds of Government undertakings in the Public Sector.⁸ For the purpose of this recommendations, the Committee defined the defector as:

An elected member of a legislature who had 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 the Legislative Council or the Legislative Assembly of a State or Union Territory he voluntarily renounces allegiance to, or association with such political party, provided his action is not in consequence of a decision of the party concerned. 9

(5) There should be a ceiling on the size of the Council of Ministers. However, the Committee could not agree on the exact size on account of difference of opinion amongst its

8 Madhu Limaye's support to this recommendation was conditional on parties who admitted defectors also being penalized. See his notes of dissent in *ibid.*, p. 31.

9 *Ibid.*, p. 7.

members.¹⁰

The recommendation of the Committee for a code of conduct is a laudable one. A healthy democracy after all runs on conventions rather than the letter of the law and constitution. If the parties could agree on a political code of conduct, it would go a long way in reducing the number of unprincipled defections. But the crux of the problem is to evolve a code of conduct acceptable to all parties and enforce it. It is in this context that leaders like Acharya Kripalani feel that no such code, even if drawn up and accepted by all the parties, would be observed in practice. However, the parties could still agree to follow certain conventions under which they would desist from inducing defections by unfair means and from admitting defecting legislators unless they are prepared to seek fresh elections. Similarly, by convention, Prime Minister and Chief Ministers could exclude from the ministries legislators who defect to the ruling party for personal gains. As regards the problem of enforcement, there should be a standing committee to perform the

10 The formula before the Committee was that the size of the Council of Ministers should not exceed 10% of the strength of the Lower House in the case of Unicameral Legislatures and 11% in the case of bi-cameral Legislatures; in regard to States and Union Territories where the strength of the Legislature was below 100, the size could be fixed up to 15% of the strength of the Lower House. See *ibid.*, p. 8.

task.¹¹ It should consist of the representatives of all recognized political parties, eminent persons having the reputation of impartiality, political neutrality and integrity and a few distinguished jurists. Any political party alleging another of violation of the conventions could take up the matter before that committee. If the allegation is proved to be correct, the committee would advise the party concerned to follow right course of action. In case this is not accepted, the committee could convey its censure which in due course would acquire moral sanction.

But having a code of conduct or a set of conventions for the parties is not enough. The Committee, therefore, felt the necessity to recommend for limiting the size of the ministries and for disqualifying the defectors from office of profit. The suggestion to fix the size of a ministry in relation to the strength of the legislature is a healthy principle. It aims at taking away the lure of ministership which plays such a big part in the game of defections. Large ministry disproportionate to the size of the legislature or the amount of work to be done becomes expensive and unwieldy. Thus, there is everything to be said in favour of comparatively small and compact ministries.

11 A suggestion in this line had been made by N.G. Ranga in the third meeting of the Committee on Defections. For his proposal see Committee on Defections, Part II, Proceedings of the Committee and Paper Circulated to the Members, Ministry of Home Affairs, Government of India, New Delhi, 1969, p. 13.

The suggestion of the Committee for debarring a defecting legislator from holding any office of profit for a specific period or until such time he gets a fresh mandate is also likely to provide a deterrent to potential defectors and lend greater stability to the Government. In fact, dishonest change of party allegiance could be checked more effectively if a law could be enacted under which the defecting legislator would have to vacate his seat and seek re-election.

Article 101(3) of our Constitution states that if a member of parliament becomes subject to any disqualifications mentioned in Article 102(1) his seat shall thereupon become vacant. The Article 102(1)e empowers the Parliament to make law providing for disqualifications from being members of Parliament. Article 103 provides that any question of this nature shall be referred to the decision of the President who shall obtain the opinion of the Election Commission, and act according to the opinion and decision thereupon shall be final. It is thus possible to have a law providing for disqualification for a case of defection under the Articles 101, 102 and 103 read together.¹²

12 The corresponding Articles in case of State Legislatures are 190, 191 and 192. See The Constitution of India (as modified up to the 15 May 1972), Manager of Publications, Delhi, 1972, pp. 105-7.

The idea of depriving a defecting legislator from the membership of the legislature was discussed in the meetings of the Committee on Defections on the basis of the proposal made by the Lawyer-Group.¹³ But the Committee failed to arrive at any agreed conclusion on the proposal as several members could not agree with it. The dissenting opinion was based mainly on the ground that the term "political-party" was unknown to the Indian Constitution.¹⁴ It is, however, only technically correct to say that the term political party does not figure in the Constitution. Rule 5 of the Conduct of Election Rules, 1961, provides that Election Commission may specify the symbols to be chosen by the candidates and restrictions may be imposed on such choice.¹⁵ It is also provided by a notice issued under these rules that a candidate for the purpose of allotment of the reserved symbol has to make a declaration in his nomination paper that he is sponsored by a political party. Thus, a legal nexus is established between the political party and its candidate through the symbol.

It is obvious that the implementation of most of the recommendations made by the Committee would require enactment

13 See Committee on Defections, Part I, n. 4, pp. 9-10.

14 See for instance the view of H.N. Kunzru Committee on Defections, Part II, n. 11, p. 2.

15 Manual of Election Law (Seventh Edition), Ministry of Law and Justice, Government of India, New Delhi, 1972, p. 235.

of laws, and in some cases changes in the Constitution. At present, the Articles 75 and 164 are so worded that there is no limit to the number of ministers that a Prime Minister or Chief Minister may advise the President or the Governor, as the case may be, to appoint in the Council of Ministers. In Britain, the House of Commons Disqualifications Act, 1957 provides that not more than 70 ministers shall be entitled to sit and vote in the House of Commons at any time. If the number exceeds the permissible limit, the ministers appointed in excess are automatically rendered ineligible for sitting and voting in the House.¹⁶ But in India such a provision cannot be made, because the Constitution entitled a Minister to sit and vote in the House to which he may be elected. Thus, the best course would be to go in for a constitutional amendment to the relevant Articles with a view to impose a ceiling on the Councils of Ministers. Again, on the question of barring appointment as Prime Minister or Chief Minister of a person who was not a member of the Lower House, the Articles 75(5) and 164(4) have to be suitably amended as the Constitution at present does not require that the incumbents to these offices must be from the Lower House.¹⁷

16 Legal and Constitutional Aspects of the Problem of Defections (Mimeographed) Department of Legal Affairs, Ministry of Law, Government of India, New Delhi, p. 25.

17 According to Article 75(5): "A Minister who for any period of six consecutive months is not a member of either House of Parliament shall at the expiration of that period cease to be a Minister". Similar is the wording of Article 164(4). See The Constitution of India, n. 12, pp. 41 and 91.

The Report of the Committee on Defection was placed before the Houses of Parliament in February 1969 and the suggestions were debated thereafter. On 24 July the Union Cabinet was reported to have approved the draft of a legislation providing for constitutional amendment to fix a ceiling on the strength of the Council of Ministers, to provide for the appointment of Prime Minister and Chief Minister from the Lower House only and to disqualify a defector from holding a ministerial post or other office of profit for a period of one year. But, because of the wide differences of opinion on the measures with some opposition leaders, the Government could not take further steps.¹⁸ In the Parliamentary elections of 1971, the ruling Congress won an overwhelming majority. This made it possible to enact any constitutional amendment even without the support of the opposition parties. An Anti-Defection Bill entitled "The Constitution (Thirty-Second Amendment) Bill, 1973", was finally introduced in the Lok Sabha on 16 May 1973 by the Union Home Minister Uma Shankar Dikshit.¹⁹

18 On 10 December 1970 the Prime Minister had called a Conference of the opposition leaders in Parliament to discuss the draft. But nothing concrete could emerge out of discussion. So the Government had to drop the plan as without the support of the opposition it was not possible to get the proposed constitutional amendment passed in the Parliament. The Statesman (New Delhi), 11 December 1970.

19 See India, Lok Sabha Debates, series 4, vol. 28, 16 May 1973, pp. 34-37.

The Anti-Defection Bill

The anti-defection Bill provides that the Prime Minister and the Chief Minister should be member of the Lower House of the Parliament or the State Legislature, as the case may be. They cannot hold office for more than six months, if they do not get elected to these Houses within this period.²⁰

Furthermore, the Bill provides that a Legislator shall forfeit his membership in the legislature, if he voluntarily leaves the party by which he was set up as a candidate in such election or of which he became a member after such election, or if he votes or abstains from voting in such House contrary to any direction issued by such political party or by any person or authority authorized by it in this behalf without obtaining prior permission of such party, person or authority. However, in case of a formal split this disqualification will not apply to a member of the original party who joins the new political party.²¹ For this purpose "political party" is defined as a party recognized under the law relating to elections, and it also includes any other political party recognized by the Speaker/Chairman and shall consist of not less than one fifteenth of the total number of members of the House.

20 Clause 2 and 6 of the Constitution (Thirty-Second Amendment) Bill 1963. For the text of the Bill see The Times of India (New Delhi), 17 May 1973.

21 Clause 3, 4, 7 and 8, *ibid.*

Finally, the Bill provides that the President or the Governor, as the case may be, shall take a final decision on the question of the disqualification. However, the President or the Governor shall not entertain any question as to whether a legislator has become subject to any of the disqualifications, mentioned above, unless the question has been referred to for his decision by the political party or any person or authority authorized by it in this behalf.²²

To incorporate the above measures, the Bill proposes to amend Articles 75, 101, 102, 103, 164, 190, 191 and 192 of the Constitution.

The Anti-Defection Bill is a modest attempt to combat unprincipled change of party allegiance by legislators for dubious reasons. Such a Bill, in fact, ought to have been brought forward a long time ago, particularly since the relevant issues had been discussed in detail by a high-power committee headed by the Home Minister as early as in February 1969. Perhaps, one of the reasons that had stalled this essential reform may be the hazard of constitutional challenge on the ground that it abridges the right of association which includes the right of dissociation guaranteed by Article

22 Clause 5 and 9, *ibid.*

19(I)(c) of the Constitution.²³ Even after the decision of the Supreme Court in the case of Kesavanand Bharati vs. the State of Kerala 1973, there may conceivably be challenges in the courts when the Bill is passed. But an attempt to contain an evil, so universally condemned, cannot be challenged by political parties without exposing themselves to the charge of opportunism.

In one respect the Bill goes much beyond the recommendations of the Parliamentary Committee on Defections which had only debarred the defector from holding any office of profit for a year. It provides a very effective deterrent, by providing for disqualification from membership in the legislature, for a legislator repudiating party loyalties after having derived the advantage of the symbol, the resources and the electoral attractions of the programme of a party. This disqualification also applies to those who defy their party whips while voting in the House. The rationale behind this provision seems to be that the electorate concerned does not elect the candidate only because of

23 Under this Article every citizen has the "right to form associations or unions". But clause 4 of the said Article provides that "reasonable restrictions" can be imposed on the exercise of this right. By amending the Representation of the People's Act, it is possible to enact that any person who, having been elected to the State Legislature or Parliament under the sponsorship of a political party, gives up that party to join another or become an Independent shall cease to be a member. This would be a reasonable restriction as the defector could contest the inevitable by-election.

his individual ability or qualities, but also because he stands for certain programme and policies, the party stands for. If this is the case, it certainly involves a breach of promise on the part of the defector and he must seek a fresh mandate to continue his membership in the House. In this provision there is no unfairness to the individual legislator desirous of leaving the party on honest ground as he could contest the following by-election and prove his acceptability to the electorate.²⁴

However, the Bill suffers from several shortcomings. A glaring omission is with regard to a recommendation made by the Committee on Defections that a ceiling be imposed on the strength of the Council of Ministers both at the Centre as well as in the states. This suggestion had been made obviously to take away the lure of ministership and other offices of profit which play such a big part in the game of defections.²⁵ According to the formula envisaged by the Committee, while in the case of a bicameral legislature - as at the Centre and in some states - the maximum strength of the ministry was to be 11 per cent in the Lower House, in the other states with only one House the size of the Ministry was not to exceed 10 per cent of the total membership of the legislature. But the Bill has

24 In fact, this suggestion was under consideration of the Committee on Defection, but it was dropped as many members were against this proposal.

25 See Table 4 in Chapter IV.

not provided any such measures which would have helped to reduce the bargaining strength of the defectors. Under the present circumstances many potential defectors and defectors might not be able to resist the temptations of becoming a minister for a period of at least six months or other offices of profit, for which there is no time-limit, even at the risk of losing the membership in the Legislature.

Further, the scope of the Bill appears to be limited. It does not attempt to penalize the defection by independent legislators. Experience shows that it is the independent legislators, including the members of smaller unrecognized parties, who keep on changing sides in cases of marginal majority of the party in power for power and pecuniary gains, and thus create political instability which the Anti-Defection Bill seeks to combat. After winning the election as an independent candidate if a person joins a political party or extends support to it, he is as much a defector as a party man who repudiates his party affiliation after being elected on its ticket. Similarly, the provision for dis-qualifications does not apply to a group of defectors who band themselves together in order to form a new party and call their defection a split in the original party. Some instances of such group defections are those of Charan Singh and his followers from Congress in April 1967 in order to

form the Jana Congress in Uttar Pradesh,²⁶ Rao Birendra Singh and his followers in March 1967 from Congress to form Haryana Congress in Haryana,²⁷ B.P. Mandal and his followers from SSP in August 1967 in order to form Soshit Dal in Bihar,²⁸ and so on. The motives behind all these defections were nothing but capturing of power in alliance with the opposition parties. Under the provisions of the Bill such defections would be treated as splits and the defectors would go scot free.

Yet another objection to the Bill could be the procedure for disqualification of a defector. As regards the provision that the President or the Governor can disqualify a member after obtaining the opinion of the Election Commission and only in accordance with such opinion, there cannot be any serious objection since the Election Commission is an independent Statutory Body²⁹ created by the Constitution which decides the question of a member's ineligibility to continue to function in the legislature. However, the provision that the President or the Governor shall not entertain any question as to whether a legislator has become subject to any of

26 See The Hindustan Times (New Delhi), 2 April 1967.

27 See The Hindu (Madras), 18 March 1967.

28 See The Searchlight (Patna), 28 August 1967.

29 For the composition of the Election Commission, See Article 324. The Constitution of India, n. 12, pp. 194-5.

the disqualifications unless the question has been referred to for his decision by the political party or any person or authority authorized by it in this behalf is questionable. Situation may arise where a party which still hopes to win over the defecting legislator for its future interest may not choose to complain. A Bill meant to be effective deterrent must provide for automatic disqualification of the defecting legislator.

CHAPTER VI

CHAPTER VI

CONCLUSION

Among the many new political problems that came to the fore in recent years, particularly after the Fourth General Election, the problem of large scale defections by legislators has been a significant one. Defection as such is not a phenomenon confined to India alone. It occurs almost in all democracies where elections are free and fair. But unlike the case of India, in countries like Britain where democracy is well-established, defection is a rare phenomenon and occurs mostly because of differences on issues of public importance or on the ideological plane. In marked contrast to this, in India the politics of defection has become a part of the political culture and its prime motivating factor is to secure power and pelf. Further, contrary to popular view the change of political loyalties is not a sudden development, and it can be traced back to the year of the First General Election in 1952 and even beyond that, when this weapon was being used by the British Government in order to weaken the Congress-Swaraj parties in different legislative councils. But the cases of defections before the Fourth General Elections were different in at least two respects: (i) It was almost unidirectional— from the opposition parties to Congress - which under the

charismatic leadership of Nehru, Sardar Patel, and later, Lal Bahadur Shastri had established virtual monopoly of political power; (2) In its physical dimension also, it was limited and not alarming. Because of these two characteristics, defection in pre-1967 period had little impact on the country's power structure.

Frequent defections, however, started after the Fourth General Elections. The elections were held following a period of intense resentment and restlessness which can be attributed to a series of events in quick succession, like the Chinese aggression in 1962, the death of Jawaharlal Nehru in 1964, the Pakistani aggression in 1965, the death of Lal Bahadur Shastri in 1966, the draught and crop-failure in mid-sixties, sharp decline in export and finally, forced devaluation of the rupee. Under this wave of general dissatisfaction, the popularity of the Congress party reached its lowest ebb and, not quite unexpectedly, in the 1967 elections the Congress was reduced to a minority in the majority of the State Legislatures. But in none of these States, except in the DMK-dominated Madras, any single opposition party could emerge with absolute majority to form the Government. This made coalition ministries inevitable.

The Congress on its part, being the largest single party, could have formed coalition governments in all these states, but it failed to take the initiative due to two main reasons: (1) Acute factional conflicts in the Congress

organizations of the states; and (2) formation of anti-Congress United Fronts by the opposition parties immediately after the elections. The arch-priest of the strategy of non-Congressism was Ram Manohar Lohia, who, in his obvious bid to match the aggregative and catch-all character of the Congress, put forward the thesis of aggregative and catch-all opposition to keep Congress out of power. The coalition governments of opposition parties thus formed, however, were doomed to failure from their very inception as none of them, except perhaps in case of Orissa, could satisfy the following preconditions required for the successful functioning of coalitions: (1) The partners must agree on a common minimum programme and they must singly and collectively try to implement the programme. The credit or blame should be shared by them collectively; (2) Adherence to the principle of joint responsibility and the leadership of the Chief Minister; (3) They should refrain from utilizing the government machinery for narrow partisan interest of their own party; and (4) they should be like-minded in nature.

The failure of the coalition governments and the inability or reluctance of the Congress, the single largest party, created fluid conditions in which independent legislators, splinter groups, and factions assumed unprecedented importance. They defected and counter-defected not because of any honest change of conviction but due to allurements

of office of profit and other pecuniary benefits by parties eager to secure majority, or by disappointment over distribution of patronage. The faulty party system which can be characterized by factionalism, bossism, multiplicity of parties, apathy of the voters to political participation, absence of ideologically well-knit parties, and above all corrupt leadership helped the defectors to pursue the game of defection with impunity.

Our analysis of the politics of defection in the seven states during the period between the Fourth General Elections and mid-term Elections of 1969, suggests that politics of defection, in its most unseemingly fashion, has far reaching and grave repercussions on the political system. Taking the opportunity of the fluid situation unscrupulous legislators use it both as a means to topple governments and to be in power. Thus, it results in a quick turn-over of governments in which political instability, large ministries, President's rule become the order of the day.

The problems posed by the frequent crossing of floors by a large number of legislators, particularly after the Fourth General Election which gave rise to a period of political instability, created unprecedented concern among the constitutional experts, political observers and politicians, and the search for remedy assumed the form of a national debate. The suggested remedies range from the

desperate one of scrapping the parliamentary form of government to a constitutional and legal ban on defections and the evolving of a code of conduct for the political parties.

Since the present state of defections in India is largely a product of the abuse of party discipline and the motives of the defectors are to secure power and pelf, any suggestion for combating defections must include measures to introduce strict party discipline, and prevent the defector from securing the pecuniary gains. In this context, the recommendations of the Committee on Defections for a code of conduct for the political parties appears to be sound enough. One may, of course, question the effectiveness of such a code of conduct without sanction, but tradition can formulate a code of conduct which have great influence in moulding the opinions and attitudes of the people and the politicians. However, this is at best a long-term remedy; to check the disease of defection some sort of short-term measures are also very essential. In this respect, the two measures, one provided in the proposed Constitution Amendment Bill, 1973 disqualifying the defecting legislators from membership in the legislature and the other one, recommended by the Committee on Defections, debarring the defector from any office of profit for a year, are very much appropriate. Adoption of these two measures would not only effectively introduce strict party discipline which is so much essential for the successful working of parliamentary democracy in India, and

elsewhere, but also provide an effective deterrent to both actual and potential defectors from crossing the floor for dubious reasons. But again, one has to bear in mind that effectiveness of the above measures depends on the exact definition of defection. So far the practice has been to exclude from the purview defection by independents and members of small and unrecognized parties who are so much responsible for the political instability. Any such limitation on the definition of defection would not only be discriminatory, but also leave enough room by which the unscrupulous game could be carried on safely by professional defectors.

SELECT BIBLIOGRAPHY

SELECT BIBLIOGRAPHY

Primary Sources

- Government of India, Ministry of Home Affairs, Committee on Defections, Part I : Report of the Committee, Report of the Lawyers-Group and Explanatory/Dissenting Notes by Members, New Delhi, 1969.
- Government of India, Ministry of Home Affairs, Committee on Defections, Part II : Proceedings of the Committee and Papers Circulated to the Members, New Delhi, 1969.
- Government of India, Ministry of Home Affairs, Research Policy Planning and Review Division, The Nature and Character of Representation in the Democratic System, New Delhi, 1968. (Mimeographed).
- Government of India, Ministry of Home Affairs, Research Policy Planning and Review Division, Defections, New Delhi, 1968 (Mimeographed).
- Government of India, Ministry of Information and Broadcasting, Fourth General Elections : An Analysis, New Delhi, 1967.
- Government of India, Ministry of Law, Department of Legal Affairs, Legal and Constitutional Aspects of the Problem of Defection, New Delhi, 1968 (Mimeographed).
- Government of India, Ministry of Law and Justice, Legislative Department, Manual of Election Law, New Delhi, 1972.
- Government of India, Lok Sabha Secretariat, Lok Sabha Debates, Series 4, vol. 9, 14 November 1967, cols. 293-4.
- Government of India, Lok Sabha Secretariat, Lok Sabha Debates, series 4, vol. 9, 21 November 1967, cols. 1727-1838.
- Government of India, Lok Sabha Secretariat, Lok Sabha Debates, series 4, vol. 12, 15 February 1968, cols. 928-9.
- Government of India, Lok Sabha Secretariat, Lok Sabha Debates, series 4, vol. 17, 9 May 1968, cols. 3091-2.
- Government of India, Lok Sabha Secretariat, Lok Sabha Debates, series 4, vol. 43, 21 August 1970, cols. 79-80.
- Government of India, Lok Sabha Secretariat, Lok Sabha Debates, series 4, vol. 28, 16 May 1973, cols. 34-37.

The Constitution of India (as modified up to 15 May 1972),
Delhi, Manager of Publications, 1972.

Secondary Sources

Books and Articles

- Almond, Gabriel A., and James S. Coleman, eds., The Politics of the Developing Areas (Princeton, Princeton University Press, 1960).
- Appadorai, A., "Governor and the Coalition Cabinet", Eastern Economist, vol. 55, no. 17, 23 October 1970, pp. 723-4.
- Austin, Granville, The Indian Constitution : Cornerstone of a Nation (Bombay, Oxford University Press, 1972).
- Austin, Mitchell, The Whigs in Opposition, 1815-1830 (London, Oxford University Press, 1967).
- Baxter, Craig, The Jana Sangh : A Biography of an Indian Political Party (Philadelphia, University of Pennsylvania Press, 1967).
- Brass, Paul R., Factional Politics in an Indian State : The Congress Party in Uttar Pradesh, (Bombay, Oxford University Press, 1966).
- Brass, Paul R., "Coalition Politics in North India", American Political Science Review, vol. 62, no. 4, December 1968, pp. 1174-91.
- Brecher, Michael, Political Leadership in India : An Analysis of Elite Attitudes (Delhi, Vikas Publications, 1969).
- Brecher, Michael, Succession in India : A Study in Decision-Making (London, Oxford University Press, 1966).
- Blunt, M. E., "Carpet Crossing", Parliamentary Affairs, vol. 18, no. 1, Winter 1964/5, pp. 82-91.
- Bryce, James, Modern Democracies (New York, Macmillan & Co., 1927).
- Burger, Angela Suderland, Opposition in a Dominant Party System : A Study of Jan Sangh, Praja Socialist Party and the Socialist Party in Uttar Pradesh, India (Bombay, Oxford University Press, 1969).

- Butler, David and Jennie, Freeman, British Political Facts, 1900-1968 (London, Macmillan & Co., 1969).
- Carras, Mary C., The Dynamics of Indian Political Factions : A Study of District Councils in the State of Maharashtra (Cambridge, Cambridge University Press, 1972).
- Desai, A.R., Social Background of Indian Nationalism (Bombay, Popular Prakashan, 1966).
- Desai, I.P., "Caste and Politics", Economic and Political Weekly, vol. 2, no. 17, 29 April 1967, pp. 797-9.
- Dhangare, D.N., "Political Elite and Caste Association : A Comment", Economic and Political Weekly, vol. 3, no. 48, 30 November 1968, pp. 1852-3.
- Duverger, Maurice, Political Parties : Their Organization and Activity in the Modern State, Trans. by Barbara and Robert North (London, Methuen & Co., 1969).
- Erdman, Howard L., The Swatantra Party and Indian Conservatism (Cambridge, Cambridge University Press, 1967).
- Forrester, Duncan B., "Electoral Politics and Social Change", Economic and Political Weekly, vol. 3, nos. 26-28, Special Number, July 1968, pp. 1075-94.
- Franda, Marcus F., Political Development and Political Decay in Bengal (Calcutta, Firma K.L. Mukhopadhyay, 1971).
- Gae, R.S., "Supreme Court Judgement in the Punjab Appropriation Acts Case and its Impact on Powers of the Governor and Speaker", Journal of Constitutional and Parliamentary Studies, vol. 2, no. 4, October-December 1968, pp. 67-76.
- Goyal, O.P., and Hahn, Harlan, "The Nature of Party Competition in Five Indian States", Asian Survey, vol. 6, no. 10, October 1966, pp. 580-3.
- Gupta, Sulekh C., "Fourth General Elections : Its Nature and Dialectics", Mainstream, vol. 5, no. 28, March 1967, pp. 30-34.
- Hanson, A.H., "Factionalism and Democracy in Indian Politics", The World Today, vol. 24, no. 10, October 1968, pp. 436-43.
- Hardgrave, Robert L. Jr., India : Government and Politics in a Developing Nation (New York, Harcourt, Brace & World, Inc., 1970).

- Harison, Selig S., India : The Most Dangerous Decade (Princeton, Princeton University Press, 1960).
- Hughes, Colin A., Readings in Australian Government (Queensland, University of Queensland Press, 1968).
- Institute of Constitutional and Parliamentary Studies, Colloquim on the Politics of Changing Party Affiliation by Legislators, New Delhi, 1968 (Mimeographed).
- Jennings, Ivor, Cabinet Government (London, Cambridge University Press, 1961).
- Johari, J.C., Reflections on Indian Politics : A Critical Commentary on Development and Decay of the Indian Political System (New Delhi, S. Chand & Co., 1974).
- Jupp, James, Australian Party Politics (Melbourn, 1964).
- Kabad, B.K.R., "Politics of Defection : Expedients not Enough", The Times of India, 14 December 1967.
- Kashyap Subhash C., The Politics of Defection : A Study of State Politics in India (Delhi, National, 1969).
- Khan, Rasheeduddin, "The Indian Political Landscape", India Quarterly, vol. 24, no. 4, June 1968, pp. 301-10.
- Khan, Rasheeduddin, "Congress Party : Checking the Drift", Seminar, no. 121, September 1969, pp. 30-36.
- Kochanek, Stanley A., The Congress Party of India : The Dynamics of One-Party Democracy (Princeton, Princeton University Press, 1968).
- Kochanek, Stanley A., "Post Nehru India : The Emergence of the New Leadership", Asian Survey, vol. 6, no. 5, May 1966, pp. 288-99.
- Kothari, Rajni, Politics in India (New Delhi, Orient Longmans, 1970).
- Kothari, Rajni, "Party System", Economic Weekly, vol. 13, no. 22, 3 June 1961, pp. 847-54.
- Kripalani, J.B., "On Educating the Masters : Duties of a Voter and Crossing of Floor by Legislators", Journal of Constitutional and Parliamentary Studies, vol. 1, no. 4, October-December 1967, pp. 43-46.

- Lapalombara, Joseph and Myron Weiner, eds., Political Parties and Political Development (Princeton, N.J., Princeton University Press, 1966).
- Laski, H.J., The Parliamentary Government in England ; A Commentary (London, George Allen & Unwin Ltd., 1963).
- Maxwell, Neville, "India's Disintegrating Democracy", Times (London), 27 January 1967.
- Morrison-Jones, W.H., "From Monopoly to Competition in India's Politics", Asian Review, vol. 1, no. 1, November 1967, pp. 1-12.
- Narain, Iqbal, ed., State Politics in India (Meerut, Meenakshi Prakashan, 1967).
- Narain, Iqbal, Twilight or Dawn : The Political Change in India. (1967-1971) (Agra, Shivalal Agrawala & Co., 1972).
- Narain, Iqbal, "Democratic Politics and Political Development in India", Asian Survey, vol. 10, no. 2, February 1970, pp. 88-99.
- Morris-Jones, W.H., The Government and Politics of India (London, Hutchinson & Co., 1971).
- Overstreet, Grene D., and Marshall, Windmiller, Communism in India (Bombay, The Perennial Press, 1960).
- Palmer, Norman D., "India : The Politics of Coalition and Survival", Current History, vol. 54, no. 320, April 1968, pp. 193-9.
- Palmer, Norman D., "India's Fourth General Elections", Asian Survey, vol. 7, no. 5, pp. 275-91.
- Park, Richard L., and Tinker, Irene, eds., Leaderships and Political Institutions in India (Madras, Oxford University Press, 1960).
- Philips, C.H., ed., Politics and Society in India (London, George Allen and Unwin, 1963).
- Pye, Lucian W., and Verba, Sidney, eds., Political Culture and Political Development (Princeton, N.J., Princeton University Press, 1965).

- Rajagopalachari, C., "Political Defections", Swarajya, 10 April 1971, pp. 21-22.
- Ranga, N.G., "The Politics of Defection", Journal of Constitutional and Parliamentary Studies, vol. 4, no. 2, April-June 1970, pp. 253-67.
- Rolnick, Phyllis J., "Political Ideology : Reality and Myth in India", Asian Survey, vol. 2, no. 9, November 1962, pp. 19-32.
- Rose, Richard and Urwin, Derek W., "Persistence and Change in Western Party System since 1945", Political Studies, vol. 18, no. 3, 1970, pp. 287-319.
- Roy, Ramashray, "Election Studies : Selection of Congress Candidates", Economic and Political Weekly, vols. 1 and 2, 31 December 1966, 7 and 14 January 1967, 11 and 18 February 1967, pp. 833-40, 17-24, 61-76, 371-6 and 407-16 respectively.
- Rudolph, Lloyd I., and Rudolph Susanne H., The Modernity of Tradition : Political Development in India (Chicago, University of Chicago Press, 1967).
- Sen, A.K., "Bihar's Murky Politics", Swarajya, vol. 12, no. 13, 23 September 1967, pp. 9-10.
- Singh, L.P., "Political Development or Political Decay?" Pacific Affairs, vol. 44, no. 1, Spring 1971, pp. 65-80.
- Sinha, Kalyan Kumar, Ideology and Politics in India (Calcutta, Firma K.L., Mukhopadhyay, 1973).
- Sirsikar, V.M., Political Behaviour in India (Bombay, Manaktala and Sons, 1965).
- Srinivas, M.N., Caste in Modern India and Other Essays (Bombay, Asia Publishing House, 1962).
- Sisson, Richard, The Congress Party in Rajasthan : Political Integration and Institution Building in an Indian State (Delhi, Oxford University Press, 1972).
- Sri Prakash, State Governors in India (Meerut, Meenakshi Prakashan, 1975).
- Stern, Robert W., The Process of Opposition in India : Two Studies of How Policy Shapes Politics (Chicago, University of Chicago Press, 1970).

- Varma, S.P., Iqbal Narain and Associates, Fourth General Election in India (Bombay, Orient Longmans, 1968), vol. 1.
- Varma, S.P., Iqbal Narain and Associates, Fourth General Election in India (Bombay, Orient Longmans, 1970), vol. 2.
- Verba, Sidney, Bashiruddin Ahmed, and Anil Bhatt, Caste, Race and Politics ; A Comparative Study of Indian and United States (Beverly Hills and London, Sage Publications, 1971).
- Vidyardhi, L.P., ed., Leadership in India (Bombay, Asia Publishing House, 1967).
- Wallace, Paul, "India : The Leadership Crisis", Asian Survey, vol. 9, no. 2, February 1969, pp. 78-86.
- Weiner, Myron, ed., State Politics in India (Princeton, New Jersey, Princeton University Press, 1968).
- Weiner, Myron, The Politics of Scarcity ; Public Pressure and Political Response in India (Bombay, Asia Publishing House, 1963).
- Weiner, Myron, Party Building in a New Nation ; The Indian National Congress (Chicago, University of Chicago Press, 1967).
- Weiner, Myron, and Rajni Kothari, eds., Indian Voting Behaviour ; Studies of the 1962 General Elections (Calcutta, Firma K.L. Mukhopadhyay, 1965).
- Wolpert, Stanley, Tilak and Gokhale ; Revolution and Reform in the Making of Modern India (Berkeley, University of California Press, 1962).
- Wilson, A. Jeyaratnam, Politics in Sri Lanka, 1947-1973 (London, Macmillan, 1974).

Newspapers

- Amrit Bazar Patrika (Calcutta)
- The Hindustan Times (New Delhi)
- Searchlight (Patna)

The Statesman (New Delhi)

The Times of India (New Delhi)

The Tribune (Ambala)

Patriot (New Delhi)

APPENDIX

APPENDIX

TEXT OF ANTI-DEFECTION BILL*

Be it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:-

1. This Act may be called the Constitution (Thirty-second Amendment), Act 1973.

2. In Article 75 of the Constitution, for Clause (5), the following Clause shall be substituted, namely:-

"(5) A Prime Minister who for any period of six consecutive months is not a member of the House of the People, or any other Minister who for any period of six consecutive months is not a member of either House of Parliament, shall at the expiration of that period cease to be the Prime Minister or, as the case may be, a Minister."

3. In Article 101 of the Constitution, in sub-clause (A) of Clause (3), for the words, brackets and figures "Clause (1) of Article 102", the words, brackets and figures "Clause (1) or Clause (2) of Article 102" shall be substituted.

4. In Article 102 of the Constitution:-

(A) For the brackets, figure and words "(2) for the purposes of this Article", the words explanation- "for the purposes of this clause" shall be substituted;

(B) The following clauses shall be inserted at the end, namely:-

* Introduced in the Lok Sabha by the Union Minister of Home Affairs on 16 May 1973.

(2) A person shall be disqualified for continuing as a member of either House of Parliament -

(A) If, he, having been elected as such member, voluntarily gives up his membership of the political party by which he was set up as a candidate in such election or of which he became a member after such election; or

(B) If he votes or abstains from voting in such House contrary to any direction issued by such political party or by any person or authority authorized by it in this behalf without obtaining prior permission of such party, person or authority.

(3) Notwithstanding anything in clause (2), a member of either House of Parliament shall not be disqualified under sub-clause (A) of clause (2) on the ground that he has voluntarily given up his membership of any political party if he has given up his membership of such political party by reason of a split therein.

(4) Notwithstanding anything in clause (2), where there has been a split in any political party (referred to in this clause as the "original political party") and any group of members thereof has been registered under any law or any rule, regulation, order or notification having the force of law with respect to matters relating to, or in connection with, elections to either House of Parliament as a separate political party (referred to in this clause as the "new political party"), then a member of either House of Parliament who belonged to the

original political party and who became a member of the new political party shall not be disqualified under sub-clause (B) of Clause (2) on the ground that he, at any time after the registration of the new political party, has voted or abstained from voting contrary to any direction of the original political party or any person or authority authorised by it for the purposes of that sub-clause.

Explanation - For the purposes of clauses (2), (3) and (4) and Article 103, "political party" means -

(I) A political party classified as a recognised political party under any law or any rule, regulation, order or notification having the force of law with respect to matters relating to, or in connection with, elections to either House of Parliament;

(II) any other political party which is recognised by the Chairman or, as the case may be, the Speaker of such House as a political party and which on the date of such recognition consists of not less than one-fifteenth of the total number of members of such House.

5. In article 103 of the Constitution, in clause (1) -

(A) for the words, brackets and figures "Clause (1) of Article 102", the words, brackets and figures "Clause (1) or Clause (2) of Article 102" shall be substituted;

(B) The following proviso shall be inserted at the end, namely:

"Provided that the President shall not entertain any question as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in Clause (2) of Article 102 unless the question has been referred for his decision by the political party or any person or authority authorised by it in this behalf".

(6) In Article 164 of the Constitution, for Clause (4), the following clause shall be substituted, namely -

"(4) A Chief Minister who for any period of six consecutive months is not a member of the Legislative Assembly of the State, and any other Minister who for any period of six consecutive months is not a member of the Legislature of the State, shall at the expiration of that period cease to be the Chief Minister or, as the case may be, a Minister".

(7) In Article 190 of the Constitution, in Sub-Clause (A) of Clause (3), for the words, brackets and figures "Clause (*) of Article 191", the words brackets and figures "Clause (1) or Clause (2) of Article 191" shall be substituted.

(8) In Article 191 of the Constitution -

(A) for the brackets, figure and words "(2) for the purposes of this Article", the words "explanation - for the purposes of this clause" shall be substituted;

(B) the following clauses shall be inserted at the end, namely:

'(2) A person shall be disqualified for continuing as a member of the Legislative Assembly or Legislative Council of a State -

(A) If he, having been elected as such member, voluntarily gives up his membership of the political party by which he was set up as a candidate in such election or of which he became a member after such election; or (B) if he votes or abstains from voting in such House contrary to any direction issued by such political party or by any person or authority authorised by it in this behalf without obtaining prior permission of such party, person or authority.

(3) Notwithstanding anything in Clause (2), a member of the legislative assembly or legislative council of a state shall not be disqualified under Sub-Clause (A) of Clause (2) on the ground that he has voluntarily given up his membership of any political party if he has given up his membership of such political party by reason of a split therein.

(4) Notwithstanding anything in Clause (2), where there has been a split in any political party (referred to in this Clause as the "original political party") and any group of members thereof has been registered under any law or any rule, regulation, order or notification having the force of law with respect to matters relating to, or in connection with, elections to the legislative assembly or legislative council of a state as a separate political party (referred to in this clause as the "new political party"), then a member of the legislative assembly or legislative council of the state who belonged to the original political party and who became a member of the new political

party shall not be disqualified under Sub-Clause (B) of Clause (2) on the ground that he, at any time after the registration of the new political party, has voted or abstained from voting contrary to any direction of the original political party or any person or authority authorised by it for the purposes of that Sub-Clause.

Explanation - For the purposes of Clauses (2), (3) and (4) and Article 192, "political party" means -

(I) A political party classified as a recognised political party under any law or any rule, regulation, order or notification having the force of law with respect to matters relating to, or in connection with, election to the legislative assembly or legislative council of a state;

(II) Any other political party which is recognised by the Speaker or, as the case may be, the Chairman of such House as a political party and which on the date of such recognition consists of not less than one-fifteenth of the total number of members of such House".

9. In Article 192 of the Constitution, in Clause (I) - (A) for the words, brackets and figures "Clause (1) of Article 191", the words, brackets and figures "Clause (1) or Clause (2) of Article 191" shall be substituted;

(B) the following proviso shall be inserted at the end, namely:

"Provided that the Governor shall not entertain any question as to whether a member of the Legislative Assembly or Legislative Council of a State has become subject to any of the disqualifications mentioned in Clause (2) of Article 191 unless the question has been referred for his decision by the political party or any person or authority authorised by it in this behalf".

10. Nothing contained in Clause (4) of Article 164 of the Constitution as amended by this Act shall apply to any person holding office as Chief Minister of a State at the commencement of this Act till the expiry of a period of six months from such commencement or the dissolution of the Legislative Assembly of the State, in existence at such commencement, whichever is earlier.*

* Source: The Times of India (New Delhi), 17 May 1973, p. 13.