

# **Anti-Defection Law: A Study of Defections in Goa**

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## **DECLARATION BY STUDENT**

I hereby declare that the data presented in this Dissertation report entitled, “**Anti-Defection Law: A Study of Defections in Goa**” is based on the results of investigations carried out by me in the Master of Arts in Political Science at the D. D Kosambi School of Social Sciences and Behavioural Studies (SSBS), Goa University under the mentorship of **Dr. Alaknanda Shringare** and the same has not been submitted elsewhere for the award of a degree or diploma by me. Further, I understand that Goa University or its authorities will be not be responsible for the correctness of observations experimental or other findings given the dissertation.

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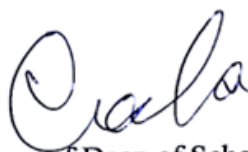
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This is to certify that the dissertation report “**Anti-Defection Law: A Study of Defections in Goa**” is a bonafide work carried out by **Mr. Akash Gaonkar** under my supervision in partial fulfilment of the requirements for the award of the degree of **Master of Arts in Political Science** in the Discipline: Political Science Programme at the D. D Kosambi School of Social Sciences and Behavioural Studies (SSBS), Goa University.



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## **ABBREVIATIONS USED**

<b>Entity</b>	<b>Abbreviation</b>
Member of the Legislative Assembly	MLA
Maharashtrawadi Gomantak Party	MGP
Bharatiya Janata Party	BJP
Maharashtra Vikas Aghadi	MVA
Member of Parliament	MP
Indian National Congress	INC
Goan People's Party	GPP
Progressive Democratic Front	PDF
Election Commission of India	ECI
Trinamool Congress	TMC
Goa Forward Party	GFP
State Level Steering Committee	SLSC

## **CHAPTER I**

### **Introduction**

#### **1.1 Introduction**

The framers of the Constitution gave their full efforts to run the democratic system in India by creating one of the best constitutions in the world. But at the time of its implementation, justice is inclined towards wise manipulation. The right to vote is a practice that shows that democracy is still alive in India. Elections and representation of the people exist sincerely as a contribution to maintaining democracy in India. Since India follows the parliamentary system of governance, democracy becomes the rule of numbers. People have the right to vote and through that right they can change the government and elect their representative. But in many cases this concept often changes according to the circumstances. Elections are held in India after every five years period and every eligible citizen of India votes with new hope and expectation. Some people are influenced by individual candidates or some are influenced by the ideology of the party. But once the candidates get elected they do not care about the people who have hope on them. The most notable political phenomenon that is damaging political culture around the world is called political defection. India is highly familiar with political defection since 1967 and Goa is the smallest state in India but provides the biggest example of defection. Political defection has been a trend in Goa since the beginning. Every time Nehru's words comes as true regarding the Goan people that 'Ajeeb hain Goa ke log (Goans are strange people)'. Because in Goa, most of the MLAs are elected on different party tickets and then defect and join another party. This action shows as disloyalty to the persons who voted by influencing on party's ideology. Such action waning the democracy and

voter's trust on party. To maintain democratic system anti defection law were instituted to promote stability and integrity in legislative bodies, such defection can be create erosion of democratic values and the fragility of representative democracy in India. But it is wrong to do full-fledged comments on the defection is totally unhealthy because we can see the MLA's who are practicing defection getting elected again and again. Goa, known for its history of coalition politics.

The evolution of political defection in India and goa has been a very complex and multifaceted journey political defection refers to the act of elected representatives changing their party affiliations or crossing the floor, often with the intention of personal or political gain.

## **1.2 Conceptual Clarification**

In simple words, the term "defection" originates from the Latin word "defectio", which broadly refers to the act of abandoning one's current association to join an opposing group. Also commonly referred to as "crossing the floor", it refers to a legislative member's transition from the opposition camp to the government side, or vice versa. When an elected representative in Parliament or a legislative body changes his or her party affiliation to another political group, it is described as "defection". The term "defection" denotes a change in party allegiance among members of a legislative body. It can be compared to concepts such as rebellion, dissent or rebellion by an individual or political entity. When an elected official, after winning on the ticket of a particular party, voluntarily renounces his loyalty or association with that party through actions deviating from the official stance of the party, it constitutes an act of defection. Furthermore, when a person elected under the banner of a specific party changes his allegiance, whether from the opposition to the government or vice versa, or switches to another party, regardless of his position within the coalition or the opposition, it is called Is classified as an example of defection.

### **1.3 Significance of the study**

But in the practical world this concept is very complex and complicated. There are likely to be various reasons for defection, most of the time defection can also be understood as a market for candidates. Where political parties are offering huge amounts of money and ministries or the good position to join with them to form the government. Defection can also be a political strategy in the sense of pre-planning to get elected from a different party. Goa's 2022 election is one of the best examples to understand defection, as he once took oath of allegiance with leader Rahul Gandhi in the temple church and dargah and signed an affidavit promising not to defection but he defected and joined BJP.

This works explains lot many things it helps to understands the reasons pertaining to defection. Also, will discuss about how is the anti-defection law works in Goa and impact of defection on public.

### **1.4 Literature Review**

As stated by Frederick Noronha (1999) Goa, being India's smallest state, is facing very dramatic political consequences. The reason for many political issues in Goa is the irresponsible bureaucracy of Goa which is under the control of politicians and also ignores many subjects. The resources available in Goa are sufficient for the development of Goa but even today Goa is not developed. Rather, he is drowning in debt because of the politician. This was the time when BJP had to struggle a lot to get four-ten seats and Maharashtrawadi Gomantak Party used to be the main opposition party and at that time Maharashtrawadi Gomantak Party was ready to welcome the candidates who wanted to join it. Due to not getting tickets from the existing party, many candidates wanted to join Maharashtrawadi Gomantak Party and called it a strategy. The party's ticket distribution was very

dramatic as the party gave most of the tickets to candidates who had joined their party just a few hours or a day earlier. Another aspect is that even after the nominations were over, Congress failed to declare the list of its candidates. Some analysts describe the reasons for unstable politics of Goa as there are non-Goan voters who are influencing the political structure in Goa, moreover defection is also the main evil root behind all.

Paras Diwan. (1979) argued that, Defection is not a new concept for Indian democracy. Even in the United Kingdom some unprincipled defections have existed. Defection existed in India even before the 1967 general elections. having only one political party is considered as an anti-thesis of democracy. As far as climbing democratic status is concerned, many countries have more than one political party. The only objective of all political parties is to capture power and remain in power, for this reason modern democracy has become party democracy. And the entire independence movement was an experiment in running democracy. Attainment of complete independence from Dominion status was the sole ideology of the Congress during the freedom struggle. But it is also the birthplace of almost all opposition parties. Independence from Dominion still does not exist in the Indian political arena.

Parmanand Singh. (1994) argued that India's electoral reforms have been controversial, with the government withdrawing a Constitutional Amendment Bill to remove Chief Election Commissioner T.N. Seshan due to widespread opposition. The anti-defection law introduced in 1985 has caused unprecedented damage to the country's political life and has not been a result of consensus or national debate. Pressure to curb defection in Indian politics arose after the fourth general elections in 1967, leading to political instability and coalition governments. A

Constitutional Amendment Bill was introduced in 1973 to outlaw defections, but it lapsed due to the dissolution of the Lok Sabha. Another attempt to curb defections through constitutional amendment was foiled in 1978. Subhash C. Kashyap's book aims to analyze and interpret the provisions of the Tenth Schedule to evaluate the workings of the anti-defection law and identify the basic flaws in the existing law. He suggests that no reform in the country can be meaningful without a deep view of the conception and role perception of political parties in the polity.

EPW Engage. In this article they argued that there are several loopholes present in the anti-defection law that create problems in the democratic functioning of the electoral process. The Anti-defection Law in India has been a source of controversy since its inception, with several legal challenges questioning its constitutionality. Shortly after its introduction, it faced legal scrutiny in the Supreme Court due to allegations of being "unconstitutional." An article published in the Economic and Political Weekly in 1991 highlighted that although the Tenth Schedule restricted the freedom of legislators to switch parties, there were still inherent weaknesses that could be exploited for partisan purposes. Notably, in 1987, concerns were raised about paragraphs 6 and 7 of the Tenth Schedule, which lacked provisions for judicial review in cases of defection. The Tenth Schedule, or anti-defection law, was introduced in India to curb "aaya-ram-gaya-ram" practices of legislators. It was partially struck down by the Supreme Court in 1992 and amended in 2003. However, recent developments in Telangana, Andhra Pradesh, and Maharashtra show new ways of evading the law.

According to G.C. Malhotra. (2005), Luis Proto Barbosa Case involved a petition for disqualification against a member of the Indian National Congress for voluntarily giving up membership. The petitioner argued that the Supreme Court was the appropriate forum and the member elected to decide the petition belonged to the respondent's group. Dr. Kashinath Jhalmi, the House's elected judge, overruled the petitioner's objections, highlighting the importance of



disqualification and election procedures in India's Constitution. The case raised issues such as whether giving up primary party membership after more than two months can be considered resignation and whether the Speaker could join a newly formed party. Dr. Jhalmi concluded that the respondent's decision was in negative, and the Speaker could not be treated as an ordinary member of the House for the purpose of para 3 of the Tenth Schedule.

In the perspective of Bidyut Chakrabarty. (2008) India's political structure represents a distinctive fusion of British and American principles, blending the concepts of parliamentary supremacy and customary practices with the preeminence of a codified constitution. This exceptional political configuration, referred to as 'parliamentary federalism,' is unparalleled in the evolution of constitutional systems. The establishment of this hybrid framework is shaped by historical conditions, socio-economic and cultural uniqueness, and the adoption of the Constitution in 1950. The Indian Constitution and British system shape coalitions in India, promoting multiculturalism and democracy. However, regionalism and casteism undermine democratic processes. Proportional representation could improve representation. Economic reforms in 1991 increased regional politics. The Indian political system has evolved into a coalition politics, with regional parties forming governments based on compatibility. This regionalization and ethnic fragmentation have led to a "creolization" of politics. India's coalition government system emerged in 1977, with the Janata Party, Janata Dal, and BJP forming governments. The BJP's understanding of nationwide political coalitions led to their success.

According to Frederick Noronha. (2017), The term 'coalition' refers to a cooperative arrangement where distinct political parties unite to form a government or ministry. It is a direct descendant of a multi-party system in a democratic set-up and is formed when many splinter groups in a House agree to join hands on a common platform by sinking their broad differences and forming a

majority in the House. In parliamentary democracy, coalitions arise mainly from political compulsion, racial, communal, religious, economic, social, or political conflicts. The concept gained relevance in India under the Government of India Act 1935, with the first coalition formed in the Madras Presidency and other states. The fourth general election in 1967 marked a significant turning point in India's political development, particularly in Uttar Pradesh. The election was described as a "silent revolution" against the Congress monopoly of power. As tensions increased, different parties emerged, with non-Congress parties forming coalition governments. After the election, Congress lost the majority in the U.P. legislative assembly for the first time, securing only 198 seats. The Jana Sangh and SSP, two largest opposition parties, began exploring the possibility of forming a non-Congress Government.

Shameek Sen. (2021) says that, two recent Supreme Court observations have the potential to significantly change Indian politics, particularly regarding the power of the speaker in determining questions of defection resulting in a member of the legislature's disqualification. These observations highlight the discomfort of the judiciary with the speaker acting in a quasi-judicial capacity as the final arbiter of such questions. The article explores whether this power is constitutionally tenable, considering their political background, and reinvestigates the efficacy of the Tenth Schedule. The case of Manas Bhuiyan, a veteran West Bengal politician, demonstrates the farcical extent of the speaker's adjudicatory powers. The Supreme Court has observed recent events raising questions about the confidence in impartiality on political issues decided by the Speaker.

Suhas Palshikar. (2017) says that, Prime Minister Narendra Modi's recent appeal to "quit India" is a significant step in his larger politics beyond electoral successes. The opposition, however, is clueless about electoral strategy and the politics to counter the new regime. Modi and his team

have ideas that can easily impress the masses, such as his monologue (Mann ki Baat), which appeals to all citizens to take a pledge and engage in a new movement to ensure that various ills quit India. Modi's ambition seems to be to replace Nehru as an icon and architect of modern democratic India, situating himself on that pedestal. The strength of this speech lies not in its accuracy, erudition, or nuance, but in the politics of the speech. The new "chale jao" is bound to become a program of the party, with the possibility of party units having a platform to interact with voters beyond election time and appropriating government funds through platforms floated and run by the party.

In the perspective of Peter Ronald deSouza. (1999), The past two assembly terms in Goa have been dominated by defections, making party ideology irrelevant. However, voters still support parties based on their policies. The MGP has not been able to convert its 'bahujan' ideology into votes and seats, while the BJP has offered a softer version of hindutvath but has not found many takers. The Congress is in a relatively strong position, but is unhappy with its unashamed practice of 'pragmatic' politics. The past 12 years of politics in Goa have seen dramatic changes in national politics, including the attainment of statehood on May 30, 1987. This shift has had economic, symbolic, and political consequences, including the economic, symbolic, and political implications. The state has also experienced demographic changes, controversies around large development projects, and an expansion in the size of the state bureaucracy. These issues have significantly influenced the dynamics of party and electoral politics in Goa. The land market in Goa, has significantly influenced politics over the past decade, shifting from agricultural to tradable commodities. The market is influenced by builders, landlords, tenants, and politicians. The tourism industry has strengthened this market, with government permissions becoming key figures. The middle class in Goa brings new meanings to politics, particularly democratic ones.

Suhas Palshikar. (2022) writes, the internal turmoil within the Shiv Sena in Maharashtra caused a series of political and legislative problems. The MVA coalition government, led by Uddhav Thackeray, lost its majority and could have stepped down earlier. However, the Anti-Defection Law's potential consequences were diminished by judicial intervention, leaving Thackeray with no alternative but to resign. The MVA government managed to stay in power for two and a half years, which shed light on the detachment of the Bharatiya Janata Party (BJP) from the realities on the ground and the absence of democratic transparency within the Shiv Sena. The Supreme Court established a precedent by setting aside the Tenth Schedule, thereby disallowing the deputy speaker from making decisions regarding defections and disqualifications. The governor's office became overly politicized, resulting in a floor test that appeared to be more about bad faith than upholding democratic principles. The MVA's defeat signifies the erosion of several fundamental principles, while the BJP's dominance in Maharashtra will be tarnished by the considerable costs incurred in terms of principles and procedures.

EDITORIAL2022 Article, Curse of Goa: On Congress MLAs defection to BJP, Publisher: The Hindu In this Article, the author has highlighted the issue of recent election in goa where Eight of the Congress's 11 MLAs have joined the ruling BJP in the latest iteration of a Goan curse. BJP Chief Minister Pramod Sawant has split the Goa Congress twice in three years, with 15 of the 17 MLAs leaving the party in the previous Assembly. In the February Assembly election, all 37 of its candidates had taken a 'loyalty pledge' with leader Rahul Gandhi, signing affidavits vowing not to defect. The party has swung back in style in Goa, with the government now having the support of 33. The Congress has lost its capacity to be an effective opposition, and the true reasons are all too transparent. Michael Lobo and Digambar Kamat, who have a history of being with the BJP, have

cited disaffection with the Congress high command as reasons. The BJP now has a strong foothold in the Catholic-dominated South Goa.

### **1.5 Research Gap**

All the above referred Journal articles are provided a work on the topic defection and anti defection law. Which is not enough to understand the real reasons behind the defection in Goa.

The first referred articles discusses about the political issue in Goa. It argued that Goa's politicians are the reason behind Goa's debt and weak bureaucracy. Also highlight the draw backs of political parties. The next two articles discuss how defection is a threat to Indian democracy and India's electoral reforms. Which includes the anti-defection law and its critics.

Overall, all the articles are based on defection and alliance of political parties. Information was also given about anti-defection law in India but the available information is not enough to understand the defections in Goa. Since defection is a broad topic, I am narrowing it down and studying defection in Goa which is: anti-defection law A study of defection in Goa.

### **1.6 Objectives of The Research**

- A. To Examine the Patterns and Trends of Defection in Goa.
- B. Investigate historical and contemporary instances of defection in Goan politics.
- C. To Assess the Motivations Behind Defection in Goa.
- D. To Evaluate the Impact of Defection on Governance and Representation.
- E. Investigate how defections affect the stability and functioning of governments in Goa.
- F. To Explore the Public Perception on Defection.

## **1.7 Hypothesis**

- "Political defection in Goa is primarily driven by individual career motivations rather than ideological differences."
- "The Anti-Defection Law in Goa has been ineffective in reducing the frequency of defections."

## **1.8 Research Methodology**

The data is collected from both primary as well as secondary sources. The primary sources included Government documents and survey. And secondary sources like books available in libraries, articles published in Journals, websites etc. The survey is limited to responses from voters from the two constituencies of Goa one from north and one from south where the defection took place. Around 100 responses will be collected from voters in each constituency. The respondents will be selected based on random sampling method. A structured questionnaire will be used to collect data. Primary data will also be collected from interviews of political leaders and party members.

## **1.9 Scope of Study**

The scope of the study is limited to the working of Anti-Defection Law in Goa. Researcher undertakes to study the Political Defection of MLAs in Goa and its impact on people. A critical Analysis of the same is to be done to suggest changes in the existing law for better working of the temple of democracy. To study the impact of defection on people and their behavior.

## 1.10 Chapterization

**Chapter I: Introduction-** This chapter explain about core meaning of defection, evolution of defection, talks about anti defection law in India. Also gives idea about the voting and party politics.

**Chapter II: Understanding The Anti-Defection Law of India-** This chapter explains the Historical background leading to the enactment of the law. Also emphasizes explanation of the provisions and mechanisms of the Anti-Defection Law. It covers the identification and discussion of perceived flaws or shortcomings in the Anti-Defection Law.

**Chapter III: Impact of Defection on Governance and Representation-** This chapter throw light on Effects of defections on government stability. And Representation of constituents in the wake of defections.

**Chapter VI: People's perception on Defection in Goa -** This chapter explains about the People's viewpoint on defection and emphasizes on the impact of defection on people's sentiments. Also, it covers the public responses to defections.

**Chapter V: Conclusion-** This chapter will conclude all the chapters and also will share the suggestion and opinion.

## **CHAPTER II**

### **Understanding The Anti-Defection Law of India**

#### **2.1 Introduction**

Every state of the world is well familiar with the rationale which work for the waning of democracy known as political defection. In India defection is not a new concept. It was present in the Indian Areana from the ancient times. Many challenges emerged after adopting democratic with parliamentary foam of government and maintaining democracy in such conditions is a big challenge and political defection is one of the big evils in Indian politics. There was a dramatic change in political defections soon after the end of Nehru's political journey. Party members and elected candidates are changing their party affiliation just like changing clothes. Several committees were formed and several MPs raised the issue in Parliament but it was ignored until 1985 and eventually the Rajiv government passed a bill under the anti-defection law the 52 amendment Act 1985. Core idea of the law was to impose a permanent ban on defection of the candidates and party members, but still defections are happening so freely, it seems implemented law itself motivate the candidates not to do defection alone, but rather inspires to do defection with many members. According to some of its provisions, if in case of merger 2/3rd members of the party are part of the party, then it is not a part of disqualification.

There is no doubt that all defection cannot be considered unprincipled. In India, where a democratic form of government prevails, people have the freedom to choose or decide the government of their own choice. However, after elections in the parliamentary system, the game of numbers often leads to shifts in the flow of democracy. This manipulation of power, often through defection and coalition-building, undermines the essence of democracy and represents an



injustice to the voters. In the majoritarian rule, elected candidates form the government according to their own interests, sometimes with the aid of defections and coalitions. This practice poses a significant threat to democracy as it is a symbol of injustice towards voters. Recognizing the gravity of political defection as a threat to democracy, it has become a nationalized issue. The Rajiv government introduced a bill aimed at outlawing defection and ensuring that elected candidates are not treated as purchasable commodities. But at the same time, it was also kept in mind that the elected members do not come under violation of their fundamental rights.

## **2.2 The Development of India's Anti-Defection Law**

Efforts to deal with defection in India were initiated through a private member's motion in the 4th Lok Sabha on 11 August 1967. The issue of MLAs repeatedly switching allegiance and indulging in defection was also addressed during the Conference of Presiding Officers held in New Delhi on 14 and 20/15 October 1967. These actions were considered detrimental to the development of parliamentary democracy. After discussion, the responsibility to address defection was assigned to political parties and the government.

The most prominent case of defection by a Member of the Legislative Assembly (MLA) was of Gaya Lal. This incident took place in 1967. He was a member of the Haryana State Assembly and subsequently changed the party three times within a single day. He had first defected from the Indian National Congress to join the Janata Party. Later on, he joined Congress, again. Then within nine hours of joining Congress, he went back to Janata Party. This was a completely unfair practice and it gave rise to the highly infamous expression of 'Aaya Ram Gaya Ram'. This violated the rights of the people as the representative whom they elected continuously kept changing the parties in utter disregard for the citizens' expectations (Verma, 2022 pp.3).

Venkatasubbaiah's proposal was discussed in the Lok Sabha on 24 November and 8 December 1967 and the final form was passed unanimously by the Lok Sabha on 8 December 1967. On behalf of the government, Union Home Minister Shri Y.B. Chavan A defection committee was established under the chairmanship of. Chavan, P. Govinda Menon, Ram Subhag Singh, P. Venkatasubbaiah, Bhupesh Gupta, P. Ramamurthy, S.N. In which other members are also included. Dwivedi, Madhu Limaye, K. Anbazhagan, Jaya Prakash Narayan, Raghuveer Singh Shastri, N.C. Chatterjee, M.C. Setalvad, C.K. Daftari, S. Mohan Kumaramangalam, Pro.L.N.G. Ranga, Professor Balraj Madhok, Dr. Kami Singh, and Dr. H.N. Kunzru. The Committee proposed the establishment of a representative committee comprising members from various political parties in Parliament and State Assemblies. This committee would be tasked with drafting a code of conduct aimed at regulating political party behavior, particularly in regard to defections. Additionally, the Committee recommended that individuals who are not members of the lower House should not be appointed as Ministers or Chief Ministers. It also suggested a Constitutional amendment to enforce this recommendation, ensuring it does not affect the current incumbents in office.

### **2.2. 1 The Constitution (Thirty-Second Amendment) Bill, 1973**

As the recommendations of the Y.B. Chavan Committee failed to adequately address the issue of defections, the Constitution (Thirty-second Amendment) Bill of 1973 was presented in the Lok Sabha on 16 May 1973. This bill aimed to constitutionally address defections by proposing disqualification measures. According to the bill, a member could retain their position in either House of Parliament if they voluntarily renounced the political party that sponsored their candidacy or voted against party directives in the House. The bill also exempted members who relinquished their membership due to a party split. Notably, the bill did not extend to members of unrecognized political parties, independents, or nominated members.

Under the provisions of the bill, the decision regarding the disqualification of members would rest with the President of India for Parliament members and Governors for State Legislature members, upon reference from the respective political party or authorized authority. Although the bill was endorsed by both the Lok Sabha and the Rajya Sabha, it lapsed with the dissolution of the Fifth Lok Sabha in 1977.

### **2.2. 2 The Constitution (Forty-eighth Amendment) Bill. 1978**

The Constitution (Forty-eighth Amendment) Bill of 1978 was presented in the Lok Sabha on 28 August 1978. However, it faced resistance from members of both ruling and opposition parties who alleged that the Statement of Objects and Reasons contained misrepresented facts. The Bill claimed that the issue of defection was pervasive across all parties and had been thoroughly examined in consultation with political party leaders.

The main provisions of the Bill included permitting independent and nominated members to join political parties only once after their election, disqualifying members who voluntarily abandoned their party membership or were expelled for voting against party directives without prior authorization, and restricting the application of the Bill solely to members of registered political parties. However, due to strong opposition, the Minister withdrew the motion for leave to introduce the Bill. Eventually, the House withdrew the Bill by leave due to the strong opposition.

### **2.2. 3 The Constitution (Fifty-second Amendment) Bill, 1985 (Anti-defection Law)**

The government introduced the Constitution (Fifty-second Amendment) Bill in the Lok Sabha on 24 January 1985, which amended Articles 101, 102, 190 and 191 of the Constitution. These amendments provided grounds for vacating seats and disqualification of members, and also introduced the Tenth Schedule. The Tenth Schedule outlines the provisions relating to

disqualification on the grounds of defection. Both the Lok Sabha and the Rajya Sabha passed the bill on 30 and 31 January 1985 respectively. This Act came into force on 1 March 1985. Additionally, the Members of the Lok Sabha (Disqualification on the Ground of Defection) Rules, 1985, framed by the Speaker of the Lok Sabha, were enacted in accordance with paragraph 8 of the Tenth Schedule. These rules came into force on 18 March 1986, effectively giving effect to the provisions mentioned in the Tenth Schedule.

### **2.3 Tenth Schedule of The Constitution and Defection**

From the very beginning of the implementation of the anti-defection law it remained as unsuccessful to prevent the defection and reasons for controversial and debatable issue in the intellectual sphere. There are many reasons specially to put total ban on defection. It has been subject to questioned on many grounds for example its violating of the basic structure of the Indian constitution. Anti-defection law deals with the ongoing political defection which includes (a) members of political party, b) independent members, (c) nominated members. Also 52 Amendment Act Amended Article 101 and 102 of the constitution which deals with the violation of seats and disqualification of members from central legislature and article 190 and 191, deals with same in the state legislature.

According to the Tenth schedule of the constitution the 52 Amendment Act, 1985 not only amended various articles of the Constitution but also delineated provisions for disqualification on the grounds of defection. Paragraph 1(a) of the Tenth Schedule defines "house" as either the House of Parliament or a Legislative Assembly, or, where applicable, a House of the Legislature of a State. It also encompasses the concept of a "Legislature Party" concerning a member of a house affiliated with any such party and "Paragraph" means a Paragraph of this Schedule.

### **2.3. 1 Disqualification on the ground of defection:**

According to the Paragraph 2 of the tenth schedule of the constitution it deals with the “Disqualification on the ground of defection” If a member of a House belonging to a political party:

- a. Has voluntarily given up his membership of such political party, or
  - b. Votes, or abstains from voting in such House, contrary to the direction of his political party.
- However, if the member has taken prior permission, or is condoned by the party within 15 days from such voting or abstention, the member shall not be disqualified.

- If an independent candidate joins a political party after the election.
- If a nominated member of a house joins any political party after the expiry of six months from the date when he becomes a member of the legislature.

A nominated member of either Parliament or a State Legislature, who initially isn't affiliated with any political party at the time of nomination, has the opportunity to join a political party within six months after assuming office. However, if they choose to join a political party after this period, they will be disqualified. Within the initial six-month period, they are considered either an independent member or a member of the party they choose to join. According to the paragraph 3 of the Tenth schedule previously stated that members would not face disqualification if they represented a faction that emerged due to a split within the original political party. A split resulting from the defection of at least one-third of the members of such a political party was deemed non-actionable. However, this provision was removed by the 91st Amendment in 2003.

### **2.3. 2 Disqualification on ground of defection not to apply in case of merger:**

Paragraph 4 of the Tenth Schedule empowers the Speaker of the House, Chairman of the Council of States, or Legislative Council to adjudicate claims regarding the merger of political parties, subject to specific conditions. For a merger to be deemed valid, it necessitates the agreement of two-thirds of the members of the legislature party in question. This implies that the merger of a political party outside the legislative wing hinges solely on obtaining a 2/3rd majority.

### **2.3. 3 Exemption for Presiding Officers:**

Paragraph 5 of the Tenth schedule of the constitution deals with the issue of a Presiding Officer resigning from their original political party has been addressed by Parliament. According to the Tenth Schedule, after being elected, a member has the option to rejoin their original party upon ceasing to hold office. Additionally, it provides an exception to the defection principle introduced by the Fifty-Second Amendment Act in 1985, specifically to address defection and floor-crossing during a legislator's tenure. Under this provision, Speakers, Deputy Speakers, and Chairman are not subject to disqualification if they voluntarily relinquish their political party membership, rejoin their original party, or join another party after resigning. This exception allows these office holders the flexibility to align with different political entities without facing disqualification under the anti-defection laws.

### **2.3. 4 Decision on questions as to disqualification on ground of defection:**

The disqualification power in India is typically assigned to the President or Governor, with the Election Commission of India consulting. However, with the Constitution (Fifty-Second Amendment) Act, 1985, this power has been assigned to the Presiding Officers of Parliament or

State Legislatures. This power is held as quasi-judicial and is conferred upon the Speaker or Chairman as a tribunal for adjudication of disqualifications on the ground of defection. Paragraph 6 of the Tenth Schedule of the Constitution provides the power to adjudicate on issues involving defection by Parliament or State Legislature members. If disqualification concerns the Chairman or Speaker, the House's decision is final.

### **2.3. 5 Bar of jurisdiction of courts:**

Paragraph 7 of the Tenth Schedule of the Constitution limits the jurisdiction of courts in matters pertaining to the disqualification of a member of the House. Initially, the anti-defection law enacted in 1985 excluded judicial review of the decisions made by Speakers. However, this provision was deemed unconstitutional by the Supreme Court in the case of *Kihoto Hollohan v. Zachillulu*.

### **2.3. 6 Rules to curb defection:**

According to the paragraph 8 of the Tenth schedule confers power on the Chairman or Speaker of a House to make rules for giving effect to the provisions of the Tenth Schedule

## **2.4 Major Identifiable Problems in Anti-Defection Law**

**2.4. 1 Problem with merger:** The Anti-Defection Law in India includes exceptions to disqualification for elected representatives in cases of political party mergers. However, this provision has faced criticism and controversy due to issues regarding its interpretation and application. While Rule 4 of the Tenth Schedule provides an exception from disqualification in cases of party mergers, there appears to be a flaw in the law. This provision safeguards members of a political party when their original party merges with another, provided that at least two-thirds

of the members of the concerned legislative party agree to such a merger. However, the drawback lies in the fact that the exception is contingent upon the number of members supporting the merger, rather than considering the underlying reasons for defection. “The old game of the “Aya and Gaya Ram” has once again made a mockery of our democracy and even of the enactment of the 52nd Constitutional Amendment Act, 1985, because retail defections had been outlawed it while wholesale defections have been legalized under this Act” (Gehlot, 1991 pp 327).

Common reasons for defection are Individual members appear to have access to lucrative offices or ministerial positions in another party. It may be expected that the same reason may be available in Two-thirds of the members who have agreed to the merger.

#### **2.4. 2 Expulsions and Voluntarily giving up of membership:**

The provisions for disqualification on the grounds of defection or voluntary giving up of party membership can sometimes act as barriers to party members. However, the existing law fails to address the status of expulsion, leaving political parties with the authority to expel members as per their party constitution. This absence of provisions in the Tenth Schedule results in an anomalous situation where expelled members remain subject to party discipline and the whip, yet lose any rights under the party constitution. This scenario forces dissatisfied party members to comply with party orders, even if they disagree. In some cases, parties may introduce bills that members must forcefully support, indirectly threatening democracy. Rule 2(1)(a) of the Tenth Schedule states that a member of a legislative body can lose party membership if they voluntarily leave. However, confusion arises regarding whether actions such as opposing the party's objectives or supporting candidates from other parties constitute voluntary departure from the party. “In the parliamentary system, party discipline is the heart of the system; when it fails the government usually falls” (Kamath, 1985 pp. 1039).



Paragraph 2 of the anti-defection law mandates party members to strictly follow party instructions and principles, limiting the freedom of legislators to criticize party actions, policies, leaders and legislation. In this scenario, political parties act as dictators, imposing obedience on their members and suppressing dissent. This undermines the essence of representative democracy, where elected representatives must give priority to the will of the people over the directives of the party leadership

#### **2.4. 3 Wide power to the Speaker:**

Speaker, who is the top official of the Lok Sabha or the Legislature of a State, holds a highly respected position and holds significant authority within the House. They have wide-ranging powers to manage the House's proceedings according to its Rules of Procedure and are required to act fairly, impartially, and without bias. Paragraph 6 of the Tenth Schedule gives the House's Chairman or Speaker the power to decide if a member should be disqualified for defection. But, since the Speaker belongs to the party that chose them, people worry they might not be fair. Once the Speaker decides, it's final, but there's no set time for them to decide. Parties can only go to court after the Speaker makes their decision.

Paragraph 7 of the Tenth Schedule bars courts from having any say in matters concerning the disqualification of a House member. This includes all courts, such as the Supreme Court under Article 136, and High Courts under Articles 226 and 227 of the Constitution. They are not permitted to review decisions made by the Speaker on this issue. While the Supreme Court has upheld the law's validity, except for the aspect concerning judicial review, which was deemed unconstitutional, no amendments have been made to the Tenth Schedule despite several court rulings in favor of judicial review. “Notwithstanding the fact that the Speaker's rulings in the disqualification was widely welcomed, the doubts about the impartiality of the Lok Sabha Speaker

were aroused because of Speaker's political affiliation with the party which had elected him as Speaker “(Gelhot,1991 pp. 330).

## **2.5 Committee’s Suggestions on Anti-Defection Law**

**Dinesh Goswami Committee on Electoral Reforms (1990):** The committee proposed limitations on disqualification, suggesting two specific cases: a) Members who voluntarily renounce their membership. b) Members who act or vote against their party's confidence. The authority to decide on disqualification would rest with the President/Governor, based on the advice of the Election Commission.

**Law Commission (170th Report, 1999):** The provision of split and mergers shall be deleted as an exception from the provision of disqualification. Pre-poll electoral fronts should be treated as political parties under the anti-defection law.

**Election Commission:** The power of the decision of disqualification shall be to the President/Governor on the advice of the Election Commission.

**Constitution Review Commission (2002):** The defaulters who are not loyal towards their party shall be barred from holding the public office and also they shall be eligible for getting any political post or any remuneration of the party. The voting cast by the defaulters shall be treated as invalid.

## **2.6 Case Study on Anti-Defection Law**

**Kihoto Hollohan v. Zachilhu and Others:** In this case the Supreme Court of India upheld the validity of the anti-defection law in all aspects except for its lack of provision for judicial review, which was deemed unconstitutional. The central question before the Court was whether the anti-defection law infringed upon the right to freedom of speech and expression of legislative members. The Court clarified that while freedom of speech and expression is guaranteed to all, it cannot be

exercised unreasonably or without limits to gain personal advantages at the expense of the political party and the rights of the people. The purpose of the anti-defection law is to prioritize ethical and social conduct over certain theoretical assumptions. Therefore, the law does not violate the rights of legislators; instead, it prevents them from engaging in malicious activities. As a result, the anti-defection law is deemed a fundamental part of the constitution's basic structure, safeguarding both citizens' and government's rights simultaneously.

**Rajendra Singh Rana v. Swami Prasad Maurya and Others:** In the case of Rajendra Singh Rana v. Swami Prasad Maurya and Others, the interpretation of the phrase "voluntarily giving up the membership" was further broadened. The court ruled that in situations where a member of a chosen political party writes a letter to the Governor, urging them to invite the leader of the opposing party to form a Legislature, this action alone constitutes an act of voluntarily relinquishing membership from the party to which the member belongs.

**Keshavananda Bharati and Others v. the State of Kerala and Another:** In the landmark case of Keshavananda Bharati and Others v. the State of Kerala and Another, the concept of judicial review was affirmed as a fundamental feature of the Constitution, and it was established that the Constitution cannot be amended in a way that violates its basic structure. This case addressed numerous aspects later incorporated into the Indian Constitution. It emphasized that judicial review is an essential component of the Constitution's basic structure and cannot be removed from the purview of the courts under any circumstance. Therefore, subjecting the decisions of the Speaker or the Chairman to judicial review by the courts is entirely valid and in line with constitutional principles.

**Mannadi Satyanarayan Reddy v Andhra Pradesh Legislative Assembly and Others:** In the case of Mannadi Satyanarayan Reddy v. Andhra Pradesh Legislative Assembly and Others, the issue of the jurisdiction of the Speaker or Presiding Officers was raised. The court ruled that Paragraphs 1, 2, and 6 of the Tenth Schedule do not restrict the Speaker's authority to decide such matters. The appellant questioned the authority of the chairperson or presiding officer in this case. However, the High Court of Andhra Pradesh clarified that there are no provisions in the Tenth Schedule that completely limit the chairperson from making decisions. The Court also stated that judicial review is not available while proceedings are ongoing, and preemptive actions are not permissible. Any interference during the proceedings is prohibited. The power to resolve disputes vested in the Speaker or chairperson is considered a judicial power, and their decisions are deemed final. Therefore, the decisions they make carry significant weight and cannot be challenged during the proceedings.

## 2.7 Conclusion

The Tenth Schedule of the Constitution lacks a clear definition of a political party, allowing nominated members to affiliate with a party within six months of taking office. However, independent members face disqualification if they join a political party after being elected, which is viewed as discriminatory. Enacted through the Constitution (Fifty-Second Amendment) Act, this legislation aimed to curb opportunistic party-switching for immediate political gain, which often leads to political instability. The Constitution (Ninety-First Amendment) Act of 2003 introduced exceptions to disqualification in the event of a party merger. Critics argue that such exemptions should only apply when the merging parties share similar broad features outlined in their election

manifestos. There's a growing concern over Speakers deviating from their constitutional duty of neutrality, leading to corruption and defection, thus undermining citizens' confidence in stable governance.

In India, the Speaker plays a crucial role in Parliament's functioning as its constitutional and ceremonial head. However, recent conduct of some Speakers has raised doubts about their impartiality, as individuals well-versed in parliamentary practices become scarce. The Speaker, designated as the final arbiter of disputes in the Tenth Schedule, lacks a provision for appeal or revision to an independent authority. Their decisions, made in a quasi-judicial capacity, are subject to judicial review to ensure accountability.

Given that Speakers often owe their position to the ruling party's support, it's unrealistic to expect complete neutrality in decisions regarding defection under the Tenth Schedule. The Speaker's handling of party splits and disqualification cases often undermines the spirit of the Amendment Act of 1985 in the federal system. To bolster political institutions and party structures, amendments should be introduced. Wholesale defections should be prohibited, as dissenting opinions are vital to democracy. Limits should be placed on the size of the Council of Ministers to prevent political rewards for defecting members. Additionally, internal democracy within political parties should be reinforced to eliminate autocratic tendencies within the party system.

## **CHAPTER III**

### **Defection Dynamics: Assessing Impacts on Governance and Representation**

#### **3.1 Introduction**

Democratic with Parliamentary form of Government required multi-party system to run the democracy. Where Government is by people choice and role of the government to look for the people, by framing policy which will help to strengthening the state and development of the people. In the parliamentary system majority get a chance to run the Government with five years of validity. To sustain power for next election or for long term government framing policy which mostly strengthening the party and development of their party members instead strengthening the state and development of the people. Defection is another leading factor which affecting all the main 3 organs of the governance that is legislature, executive and judiciary. Defections can destabilize power by changing legislative bodies and government structures. As government priorities change, this may impact policymaking and governance. It calls into question the democratic process and the public's trust in elected officials.

Political desertion in India involves elected officials switching between political parties, altering the government and coalition structure. This issue has a long history, dating back to the early days of democracy. In the 1960s and 1970s, political defections increased, leading to instability. In 1985, the Tenth Schedule of the Indian Constitution, also known as the Anti-Defection Law, was introduced to prevent such changes. However, elected officials still switch parties for various reasons, including personal goals, ideological differences, dissatisfaction with party leadership, and political incentives. Despite the law, political desertion continues to be a significant issue in

India's political landscape. Defection has become so common in Goa that even the voters are not surprised as they observe this large-scale defection. The state election saw defection by members who swore that they would remain loyal to their old Party. These members of Congress have time and again criticized BJP and now they are a part of the same party. The government in power did manage to get 2/3rd of the elected congress members to defect as per the 91st amendment of 2003.

The impact of political defection on democratic stability in India is a multifaceted issue with significant implications for the functioning of the country's democratic system. Political defections, where elected representatives switch party allegiance, have been a recurring phenomenon in Indian politics, leading to shifts in government compositions, coalition dynamics, and public trust in the democratic process.

Political defections can disrupt government stability significantly. In parliamentary democracies like India, where governments are formed based on the majority in legislative bodies, defections can lead to a change in government composition. Defections often result in the ruling party losing its majority, potentially leading to the collapse of the government or the formation of a new coalition. Frequent changes in governments can create an atmosphere of uncertainty, affecting policymaking and the implementation of crucial reforms.

Political defections can have a big impact on how policies are made in India. When the government becomes unstable because of defections, it tends to focus more on short-term politics rather than long-term planning for good policies. This makes it harder to create and put into action effective plans for the country's progress. When politicians switch parties, it can make people lose trust in the democratic process and the politicians themselves. People might feel like their votes were betrayed, leading to less trust in how elections work and in the leaders they elected. Even though there are laws to stop defections and keep governments stable, these laws are not always

enforced well. Some politicians find ways around them, which makes others feel like they can switch parties without consequences. This makes it harder for parties to stay united and for governments to work smoothly.

### **3.2 History of Defections**

Since the 1960s, the issue of political defection, colloquially referred to as the "Aaya ram, Gaya ram" culture, has been a persistent and detrimental phenomenon in Indian politics. This culture denotes the trend of elected officials switching political parties primarily for personal gains such as monetary benefits, increased power, and higher positions within the government or party structure. This practice not only undermines the foundational principles of democratic governance, which prioritize political stability and accountability, but it also erodes the credibility of political institutions in the eyes of the public. Political defection leads to frequent disruptions in legislative processes, coalition formations, and policy implementations, causing instability and hindering the effective functioning of democratic governance mechanisms.

Goa's political system is notably complex and unique, characterized by a history of defections that have had profound effects on governance. The Maharashtrawadi Gomantak Party, under the leadership of Shri Dayanand Bandodkar, initially set the tone for political success in Goa, dominating the scene for nearly 16 years post-liberation. However, from 1990 to 2002, the state witnessed a series of defections akin to a revolving door, with politicians switching parties frequently. Even after the implementation of the Anti-Defection Law in 1985, defections continued unabated. Between 1990 and 1994 alone, Goa saw seven different governments, with some Chief Ministers holding office for as little as 2 days or as long as 8 months. During this period, 14 to 20 representatives defected, with some doing so multiple times. "In the 9th Assembly there are 44



defectors more than the strength of the house, which only means that some members did so a number of times” (DeSouza, 2006 p.394).

This culture of defection has led to unstable governments lacking a clear mandate. It contributes to political instability and hampers policy formulation and implementation, as governing parties are often preoccupied with managing internal conflicts rather than addressing public issues. Defection politics also weakens party structures, as frequent party-switching undermines grassroots support and organizational stability. Consequently, political parties struggle to formulate cohesive long-term agendas, leading to a fragmented political landscape in Goa.

Defections frequently result in changes in the balance of power in legislative assemblies, which can affect how the legislature functions. It can lead to the formation of minority governments, which may struggle to pass legislation or carry out their agenda. Several significant defections have occurred in the Goan legislative assembly over the years. Which tells about how it affect the governance and government stability. “The Tenth Schedule has also been criticized on the ground that it allows bulk defections while declaring individual defections as illegal” (DeSouza, 2006 p.394).

### **3.3 Historical Analysis of Defections in Goa**

Defections can significantly impact governance, as evidenced by Goa's history of MLAs' defections, which illustrates the ineffective nature of the Anti-defection law in curbing defections. These incidents have led to civil servant transfers, speaker resignations, assembly dissolutions, and delays in government work. Defections also disrupt legislative bodies, causing instability and challenges in decision-making processes. This instability can exacerbate issues such as corruption, inefficiency, and lack of accountability in governance.

This crisis can manifest in inability to pass crucial legislation, delays in policy implementation, and political uncertainty. Defections can also create a domino effect, with legislators switching sides for personal gain, further destabilizing the political landscape and eroding public trust in the democratic process. The impact of defection on governance extends beyond political maneuvering, directly affecting institutions, public services, and the overall health of democracy. few cases which tells about how defection impact governance which I mentioned below:

**Luis Proto Barbosa Case (Goa LA, 1990):** In 1990, Luizinho Faleiro, MLA, filed a petition against Luis Proto Barbosa, MLA, seeking his disqualification for voluntarily giving up his membership of the Indian National Congress (INC). The petitioner argued that the respondent's resignation from the INC led to disqualification under paragraph 2 of the Tenth Schedule to the Constitution of India. Both the petitioner and the respondent were elected as members of the Assembly in 1989. However, on 24th March 1990, the respondent resigned from the INC and departed from the INC Government. Following this, a seven-member breakaway group formed the Goan People's Party (GPP) and established the Progressive Democratic Front (PDF) Government in collaboration with the Maharashtrawadi Gomantak Party (MGP). However, the MGP withdrew its support from the PDF Government on 30th November 1990, leading to Dr. Barbosa's resignation and the subsequent collapse of the Government (MALHOTRA, 2005, p. 308). This case serves as a prime example illustrating how defections can disrupt governance and undermine the stability of the government.

**Churchil Alemao and Others Case (Goa LA, 1990):** Dominick Fernandes, an MLA, along with 11 others from the Goa Legislative Assembly, filed a petition with the Speaker under India's Tenth Schedule. They sought the disqualification of Sarvashri Churchill Alemao, J.B. Gonsalves, Somnath Zuwarkar, Luis Alex Cardozo, Mauvin Godinho, and Miss Farrel Freda Furtado, all

MLAs, for voluntarily leaving the Congress (I) Party. The Speaker accepted the petition and requested a response from the accused MLAs. In their defense, the accused MLAs argued that they formed a new group because the Congress (I) Party had split, which they believed was permissible under the rules. They also highlighted procedural issues with the petition, noting that it should have been signed by all 12 members, not just one person. After hearing both sides, Speaker Shri Surendra V. Sirsat made his decision on December 13, 1990. He agreed with the accused regarding the petition's procedural flaws and, in accordance with the rules, dismissed the petition. The Speaker's decision was published in the Official Gazette of the State of Goa and the Bulletin Part-II of the Goa Legislative Assembly (MALHOTRA, 2005 p. 308). This case serves as an example illustrating how the anti-defection law can protect defectors from disqualifications when certain procedural requirements are not met. It suggests that the law may offer more leeway for defection when done collectively as a group rather than individually.

**Ravi Naik Case (Goa LA, 1991):** On January 25, 1991, Dr. Kashinath Jhalmi, an MLA, filed a petition against Shri Ravi S. Naik, another MLA, under India's Tenth Schedule. Naik was accused of giving up his membership in the Maharashtrawadi Gomantak Party (M.G.P.) by becoming Chief Minister of Goa. The Speaker accepted the petition and asked Naik and M.G.P. Leader Shri Ramakant D. Khalap for their responses within seven days. Naik confirmed leaving the M.G.P. and forming a new group but asked for more time to reply due to illness. The Speaker gave him an extension. During the hearing on February 13, 1991, Naik's lawyer submitted a resolution from the new group claiming a split in the M.G.P. The Speaker, after reviewing everything, didn't accept the split claim and disqualified Naik. Naik challenged the decision in court and got a temporary stay. Later, he sought a review of the Speaker's order, arguing that the split was valid. The Acting Speaker agreed, overturning the disqualification. This decision was challenged in the High Court,

which initially rejected it but later disqualified Naik. He appealed to the Supreme Court and got permission to stay as an Assembly member (MALHOTRA, 2005 p 308). This case clearly shows full use of Anti-defection law and political power. He succeeded to remain member after defection and finally he made speaker disqualified instead of members who did defection.

**Wilfred A. D'Souza and Others Case (Goa LA, 1998):** On July 27, 1998, Shri Pratapsingh R. Rane, an MLA, filed a petition against several MLAs who had left the Indian National Congress (INC). Dr. Wilfred Menezes Mesquita, another MLA, also filed a similar petition against these MLAs. Both petitions alleged that the MLAs voluntarily left the INC and formed a new group called Goa Rajiv Congress. The Speaker consolidated both petitions for consideration. The petitioners argued that the MLAs should be disqualified under the Tenth Schedule for leaving the INC voluntarily. Notices were sent to the MLAs for their responses, but they did not appear before the Speaker. The High Court affirmed the Speaker's authority to provide relief but invalidated the temporary orders. The MLAs claimed bias by the Speaker and contended that their group formation complied with the Tenth Schedule's rules. After reviewing the petitions and responses, the Speaker concluded that the MLAs had indeed voluntarily left their original party. Consequently, he disqualified them from the Assembly. However, the High Court later overturned the Speaker's decision due to concerns of natural justice and alleged bias. The matter was then taken to the Supreme Court, but with the dissolution of the Goa Legislative Assembly, the case became moot (MALHOTRA, 2005 p. 308). This case highlights how defection can significantly disrupt the stability of the government and raise legal and procedural challenges in handling such instances.

The above cases of defections in Goa underscore critical challenges across institutions, government instability, assembly dissolutions, and delays in decision-making processes,

highlighting the disruptive impact on governance. Despite the existence of the anti-defection law, its perceived ineffectiveness in curbing defections has contributed to political turmoil and raised questions about the accountability of elected representatives to their original parties and constituents. This phenomenon has emphasizing the need for robust mechanisms to maintain democratic values and accountability in the face of defections.

### **3.4 Impact of defection on governance**

The Bombay High Court at Goa on Thursday dismissed petitions seeking disqualification of 12 members of the Goa Legislative Assembly for defection from the Congress party to the Bharatiya Janata Party (BJP) in 2019. In an 89-page judgement, the bench of Justices Manish Pitale and RN Laddha upheld the order passed by the Speaker of the Goa Legislative Assembly dismissing petitions filed for disqualification of the MLAs. The petitions were filed by Congress MLA Girish Chodankar and Maharashtrawadi Gomantak Party MLA Sudin Dhavalikar. This decision has raised concerns within the Congress, with state chief Girish Chodankar announcing plans to challenge the verdict in the Supreme Court. The controversy stems from the interpretation of the anti-defection law's Section 4 (2), which states that a merger is valid if two-thirds of the members of the legislature party agree to it. The court upheld this interpretation, stating that even if the original political parties did not merge formally, a "deemed merger" occurs when two-thirds of the legislators switch sides. The BJP, benefiting from these defections, welcomed the court's decision, emphasizing the importance of democracy and constitutional processes. This ruling has broader implications for political parties across India, as it potentially allows lawmakers to change party affiliations without facing disqualification, a move that critics argue undermines the spirit of the Constitution's 10th Schedule designed to curb defections. According to this case clearly it comes to know the Anti-defection law is not able to stop the defection but it allows the large member to

defect. Before this defection took place In 2017, Congress had emerged as the single largest party in the state, winning 17 seats but the BJP, which won 13 seats, managed to form the government with the support of the Goa Forward Party and the MGP which had won three seats each, and two independents. Later in 2019, Chandrakant Kavlekar, the former Leader of Opposition, switched from the Indian National Congress (INC) to the Bharatiya Janata Party (BJP) along with 10 other Congress MLAs. His move was rewarded with the role of Deputy Chief Minister of Goa, where he handled key responsibilities like Town and Country Planning, Agriculture, Archives, Archaeology, Factories, and Boilers (India Today,2019).

Despite his influential position, Chandrakant Kavlekar lost in the 2022 Goa Assembly elections when he contested from the Quepem constituency against Congress candidate Altone D'Costa. However, his stint as Deputy Chief Minister left a significant impact on Goa's political landscape, showcasing the complexities of politics and governance in the state. This show how people are dissatisfied with leader when they got betrayed or lost trust from candidate (Hindustan Times,2020).

Another incident that illustrates the impact of defection on the functioning of governance highlighting the dominance of the ruling party. This action took place in the Goa Assembly shortly after Congress party members joined the BJP. Where Satya Pal Malik was appointed as the governor of Goa in October 2019, following his previous tenure as the governor of Jammu & Kashmir during its reorganisation. He played a crucial role during Jammu & Kashmir's transition from a state to two union territories in August 2019. However, less than a year later, Malik was transferred to Meghalaya. This transfer was accompanied by differences of opinion with Goa's chief minister, Pramod Sawant, which were highlighted during Malik's tenure in Goa. The Press Information Bureau confirmed Malik's transfer to Meghalaya, with Bhagat Singh Koshyari, the

governor of Maharashtra, assuming additional charge of Goa. Malik's disagreements with Sawant, particularly regarding the handling of the Covid-19 crisis and infrastructure projects like the construction of a new Raj Bhavan, attracted attention. His criticism of the BJP-led government in Goa provided ammunition for opposition parties and sparked discussions about truthfulness and governance in the state. Despite his short tenure in Goa, Malik's impact was notable, as reflected in statements from opposition leaders and the sentiments of the public (Hindustan Times,2020).

### **3.5 Defections of Goa MLAs in the year 2022**

It has become increasingly common in Goa for party members to switch to other parties. There are hardly any elections in Goa where defections do not occur. More recently, former Congress Chief Minister Digambar Kamat, along with the leader of the opposition Michael Lobo and six others, returned to the saffron party, further weakening the opposition in the state. This move underscores Goa's political volatility, where politicians frequently switch parties despite earlier pledges of loyalty. Chief Minister Pramod Sawant has successfully orchestrated the split in the Congress for the second time in three years, consolidating BJP's power in the Assembly. The previous Assembly witnessed a mass exodus of 15 out of 17 Congress MLAs to the BJP, showcasing a pattern of defections that challenge democratic mandates. In the 2022 Assembly election, the Congress fielded many newcomers who pledged loyalty multiple times, including in religious settings, promising not to defect. However, these efforts failed to prevent the defections, exposing the fragility of party loyalty in Goa's political landscape. The BJP, already in a dominant position with 20 MLAs and support from independents and the MGP, now commands a more significant majority with the addition of the defected Congress MLAs (The Hindu, 2022).

As a voter, the frequent defections and political volatility in Goa are concerning. It reflects a lack of stability and consistency in governance, which can hinder long-term development and decision-

making. The pattern of politicians switching parties despite previous pledges of loyalty undermines the trust and confidence of the electorate. It also raises questions about the integrity of political commitments made during elections. The same leaders who defected from Congress to BJP in 2019 stood in the election from Congress and then switched back to BJP in 2022 after getting elected. The confusion arises as to whether they are using the party as a winning strategy or why people are giving their vote to the same candidate who betrays them by switching parties. It clearly shows that in Goa, voting based on party or being inspired by party ideology is very wrong because party members can change their party at any time.

### **3.6 Role of Election Commission of India (ECI)**

The ECI oversees the entire electoral process, including the conduct of elections, voter registration, candidate nominations, polling, and counting. It ensures that election rules and guidelines are followed by political parties, candidates, and voters. The ECI appoints observers to monitor the election process, ensuring impartiality and adherence to norms. It coordinates with local authorities, security forces, and other stakeholders to maintain law and order during elections. The ECI also recognizes the efforts of electoral machinery, including polling staff, security personnel, and health authorities, in conducting safe elections. In 2022, an incident highlights the crucial role of the Election Commission of India (ECI) during elections. The Trinamool Congress (TMC) lodged a complaint with the ECI concerning the Goa government's transfer of 114 police officers after the implementation of the model code of conduct. Saket Gokhale, TMC's national spokesperson, accused the Goa government of not obtaining ECI's approval for these transfers, which included 57 PSIs, 39 Police Inspectors, and 18 deputy SPs. The TMC criticized these transfers as a "blatant abuse of power" by the BJP and urged the ECI to take swift action within 48 hours (The Indian Express, 2022).



### **3.7 How defection impact the Policy formation**

Political defections can have a direct impact on policy-making processes. When a government faces instability due to defections, it may prioritize short-term political considerations over long-term policy planning. Policymaking becomes more challenging as the ruling party needs to appease coalition partners or accommodate the demands of newly aligned members. This can hinder the formulation and implementation of coherent and effective policies for the country's development.

After the Goa Legislative Assembly Election 2022, political defections significantly impacted the Goa government's policy formation. The Bharatiya Janata Party (BJP) emerged as the clear winner, securing 20 out of 40 seats in the assembly. Although the BJP fell short of the majority mark (21 seats), it devised a strategic plan for government formation. With a comfortable majority, the BJP can shape policies and governance in alignment with its agenda. "We can see the implementation of many policies that they can easily implement because of their majority in the assembly. For example, the Tourism Shack Policy 2022-23 and the Goa Electric Mobility Promotion Policy 2021. The majority support has helped a lot in passing these bills."(Goa Tourism Shack Policy 2022-23). The defections allowed the BJP to consolidate power and maintain stability in the coastal state. The Indian National Congress (INC), which won 11 seats, faced setbacks due to defections. The defection of eight Congress MLAs to the BJP weakened the opposition.

### **3.8 Ministry distribution and Government stability**

The distribution of ministries in Goa, or any state government in India, typically follows a pattern based on political alliances and negotiations after an election. If a single party secures a majority of seats in the state assembly, they usually form the government on their own. The Chief Minister

and other key ministers are chosen from the party's elected MLAs based on factors like seniority, expertise, and loyalty to the party leadership. If no single party secures a majority, parties often form alliances with smaller parties or independent MLAs to gain enough seats to form the government. In such cases, the distribution of ministries is negotiated among the coalition partners based on factors like the number of seats each party has, their political influence, and the agreements reached during the coalition formation.

Defections in a state government can significantly impact the distribution of ministries. In coalition governments, defections can change the power balance among partners, leading to renegotiations of ministerial portfolios. The departure of defectors holding ministerial positions may also necessitate reshuffling portfolios within the party or coalition. This can disrupt governance and decision-making processes, affecting policy implementation. Defections can strain party alliances, potentially leading to changes in ministry distribution to adapt to the new political dynamics.

**To understanding the ministry distribution this is one of the good example :** Goa's Chief Minister, Pramod Sawant, undertook a cabinet reshuffle following the defection of 10 Congress MLAs to the Bharatiya Janata Party (BJP). He replaced three ministers from the ally Goa Forward Party (GFP) and an Independent legislator with four new appointees, including three Congress defectors. Chandrakant Kavlekar, formerly the Opposition leader, now holds the position of deputy chief minister. Sawant justified these changes as per the BJP's guidelines. The GFP criticized Sawant, accusing him of betraying their alliance and the legacy of Manohar Parrikar. Among those removed from their ministerial positions were outgoing deputy chief minister Vijai Sardesai and two GFP colleagues. Sardesai announced that his party would transition to the opposition, withdrawing its support for the government. (Hindustan Times,2020).

### 3.9 Factors driving defections in Goa

Defections in Goa are driven by various factors. as per the history of Goa politic and ministry and distributions of positions in the cabinet it look like MLAs may defect for personal political gains, such as securing ministerial positions or aligning with ruling parties. Internal party dynamics like discontent, factionalism, or policy disagreements can also lead to defections. In coalition governments, shifts in power dynamics or dissatisfaction with coalition functioning can prompt defections. Lack of strong ideological commitment, constituency pressure, national political influences, expectations of better governance, and legal factors such as anti-defection laws all play a role in defection dynamics. These factors interact in complex ways, shaping the political landscape in Goa.

After defection, the ministerial positions obtained by defectors often reveal their personal interests behind the switch. For instance, in the case of Ravi Naik in 1991, his swift defection from MGP led to him becoming the Chief Minister of Goa shortly thereafter. Another notable example is Chandrakant Kavlekar, a prominent Congress member who defected to the BJP in 2019 and subsequently became the Deputy CM of Goa.

Also many corruptions activities like for example Goa's Town and Country Planning Minister Vishwajit Rane accused some members of his department's State Level Steering Committee (SLSC) of irregularities in drafting the Regional Plan 2021. He alleged that certain committee members, including a non-Goan without town planner qualifications, engaged in fraudulent activities for personal gain. Rane highlighted instances where property zones were changed arbitrarily, potentially resulting in scams worth hundreds of crores. (The economic times,2023

One more example in 2016, the Goa Congress spokesman Sunil Kawathankar revealed allegations of irregularities against State Power Minister Milind Naik concerning the issuance of tenders for various works within his department. The accusations pointed to a substantial sum of approximately Rs 328.82 crore being involved in these irregularities, (business Standards,2016).

And one more recent example is, Speaker Ramesh Tawadkar has raised concerns and called for an investigation into the actions of art and culture minister Govind Gaude. The issue at hand revolves around the allocation of special grants to 13 organizations for cultural activities in Canacona villages, with allegations that proper procedures were not followed in this process. Speaker Tawadkar emphasized the need for a thorough inquiry into these matters and urged Chief Minister Pramod Sawant to oversee the investigation. While refraining from outright labeling it as a scam at this stage, Tawadkar highlighted that the allocated funds for these activities amounted to approximately Rs 8 crore. ( The Times Of India,2023).

The examples illustrate a troubling pattern where leaders from the ruling party, despite facing allegations of misconduct, often encounter limited legal scrutiny. This perception of leniency towards ruling party members can encourage others to join, driven by the belief that legal consequences are less severe for those aligned with power. Such dynamics may lead to a prioritization of party loyalty over ethical behavior, potentially eroding public trust in governance integrity and fairness

### **3.10 Impact of defection on political representation**

Defections have a significant impact on political representation across various dimensions. Firstly, they lead to a shift in the composition of political parties within legislative bodies, altering the balance of power and influencing decision-making processes. Secondly, defections often result in

a loss of public trust in politicians and political parties. This erosion of trust occurs when elected representatives switch parties, raising doubts among voters about the sincerity of electoral promises and party loyalties. Voters elect representatives based on party platforms and ideologies, and defections can undermine the legitimacy of these electoral choices, posing challenges to democratic principles.

The distinction between the ruling and opposition parties has become unclear in Goa. Both the BJP and INC resemble each other, lacking a distinct identity. The true essence of opposition, offering a contrasting choice to the ruling party, is lost as both sides welcome defectors. The focus has shifted from public service to power acquisition, where having the right numbers is crucial. Elected legislators often switch parties through splinter groups and mergers, exploiting constitutional provisions.

In the political landscape of Goa, the actions of politicians often reflect a lack of fear or concern for the electorate. Rather than prioritizing the interests and concerns of the voters, politicians seem to rely on unique strategies to win elections. This trend is evident in the tendency of political parties to field candidates who may have previously betrayed the party by defecting to another, without facing strict consequences. The welcoming stance of other parties toward defectors further indicates a system where personal interests and strategic calculations often outweigh party loyalty or accountability to voters. Moreover, political parties in Goa appear to prioritize winning seats over upholding principles or disciplining members who switch allegiances. This is evident in the way party tickets are distributed, with emphasis placed on candidates perceived as having a higher chance of victory rather than those who align closely with the party's values. Candidates, in turn, evaluate their options based on potential benefits such as securing ministerial positions or gaining influence within the government.

This dynamic highlights a disconnect between democratic ideals centered on voter trust and representation and the pragmatic realities of politics in Goa. The focus on winning elections and securing power can overshadow considerations of accountability, transparency, and the genuine representation of constituents' interests. Thus, the political landscape in Goa reflects a complex interplay of strategic calculations, personal ambitions, and the quest for political dominance, often at the expense of democratic principles.

### **3.11 Conclusion**

In conclusion, the phenomenon of political defection in Goa has far-reaching implications for democratic stability, governance effectiveness, and political representation. The historical analysis reveals a longstanding pattern of defections that have disrupted government stability, led to frequent changes in power dynamics, and challenged the integrity of the democratic process. The Anti-Defection Law, while designed to curb defections, has not been entirely effective in preventing politicians from switching parties for personal gain or strategic reasons. The impact of defection on governance is profound, as it often results in unstable governments, hindered policy formulation, and a focus on short-term political goals rather than long-term development. The distribution of ministries and government stability are directly affected by defections, leading to reshuffles, coalition realignments, and challenges in decision-making processes. Political representation suffers as well, with voters facing a dilemma of trust and accountability when elected representatives switch parties. The erosion of public trust in politicians and political parties is a significant consequence of defections, raising questions about the authenticity of electoral mandates and party ideologies. Furthermore, defections can create a blurred distinction between ruling and opposition parties, leading to a political landscape where power acquisition takes

precedence over principled governance. The role of the Election Commission of India (ECI) becomes crucial in addressing defection-related disputes and upholding democratic principles during elections.

Overall, the impact of defection on Goa's political landscape underscores the need for stronger mechanisms to ensure party loyalty, transparency, and accountability among elected representatives. This requires a concerted effort from political parties, institutions like the ECI, and the electorate to uphold democratic values and promote stable governance for the benefit of the state and its people.

## **CHAPTER IV**

### **People's Perception on Defections in Goa**

#### **4.1 Introduction**

In the Indian Constitution and democratic context, the "people" is referred to the collective citizenry or populace of India vested with sovereign power. The preamble starts with "We, the people of India," highlighting that ultimate authority rests with the citizens. This concept of popular sovereignty means that all political power originates from the people. In a democratic setup, people exercise their sovereignty through elected representatives, chosen in regular elections at different government levels. These representatives are accountable to the people's will and interests, ensuring democratic governance. But in contemporary times, democracy often appears to exist merely within the confines of constitutional texts. Outside of the constitution, in practice, it does not work as it is depicted in written documents. The concept of a "people's government" may seem nominal, limited to citizens' right to vote. However, the actual formation of government is decided by elected representatives, especially in parliamentary systems. Political defections further challenge the essence of democracy, questioning its integrity and functionality.

Political defection has been a recurring phenomenon in Goan politics, shaping the electoral landscape and influencing governance dynamics. The Anti-defection law, introduced to curb such practices, has had mixed effectiveness in addressing the challenges posed by defections. However, understanding the perceptions of the people of Goa regarding defections is crucial in deciphering the underlying factors driving this phenomenon and its impact on democratic processes.



In democracy, voters often bear the brunt of neglect or manipulation by political leaders seeking power. Defection is a critical issue as it undermines voters' rights to choose their preferred government. For instance, in Goa, despite being one of the smallest states, there is a notable occurrence of defections across all political parties. These defections not only raise questions about party competence but also devalue the significance of party labels, which are crucial for voters in navigating the ideological landscape.

When parties are fragmented due to defections, it becomes challenging for citizens to discern their actual stances on various issues. The party label serves as a guide for voters, helping them understand where parties stand ideologically. However, when parties are divided and candidates betray voters, it breeds distrust, disappointment, and frustration among the electorate. This erodes the foundation of trust necessary for a healthy democratic process.

In Goa, there are several examples and recent cases that serve as good illustrations of the impact of defection on the people. People's actions in certain constituencies clearly demonstrate this impact. For instance, some candidates have lost elections due to defections, highlighting the consequences of such political maneuvers. However, in some constituencies, the political landscape appears puzzling, as certain candidates have been involved in multiple defections yet continue to hold significant sway in winning elections in their respective areas.

Understanding people's perceptions is crucial to grasping their viewpoints in the political arena. It helps us determine if elections are indeed free and fair, if people are satisfied with their representatives, if they feel betrayed by them, and what hurdles exist for their democratic rights. The essence of democratic governance lies in elected representatives being accessible to their constituents and being chosen by the people.

Political parties play a crucial role in giving concrete shape to divergent ideologies and are essential for the success of any democracy. They serve as platforms for political debate, policy formulation, and representation of citizens' interests. However, defections within political parties are a matter of concern, as they can disrupt the party system and rewrite the political landscape. Defections often occur due to personal ambitions, disagreements over policies or leadership, or other factors that undermine the stability and integrity of political parties.

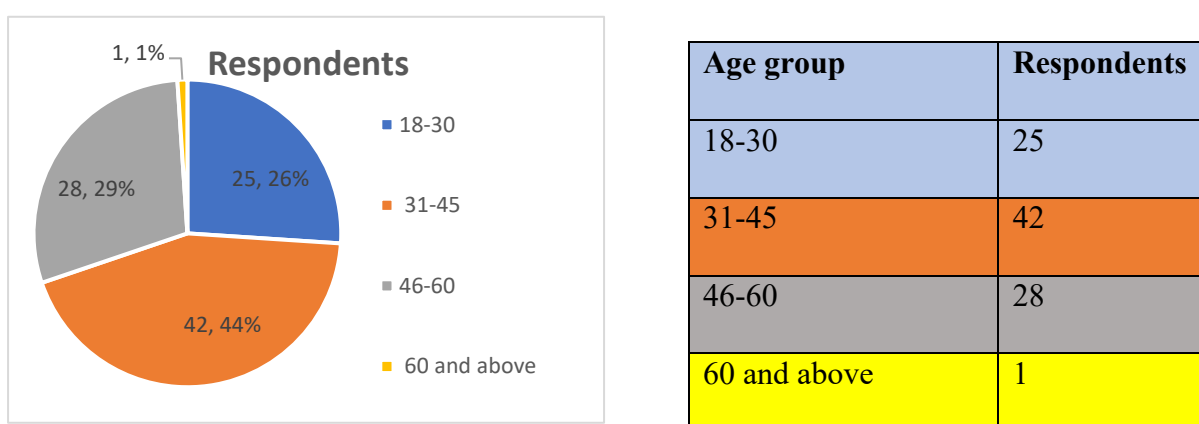
People's participation in elections is crucial in a democratic country like India for several reasons. Firstly, elections enable citizens to choose representatives who can voice their concerns and interests in the government, ensuring that governance reflects the diversity and aspirations of the population. Secondly, voter participation holds elected officials accountable, maintaining transparency and integrity in governance. Thirdly, it lends legitimacy to the government and its policies, demonstrating consent and support from the majority. Additionally, voter engagement influences policy direction, shaping agendas based on public needs. Moreover, high participation contributes to political stability by fostering citizen ownership and reducing dissatisfaction. In essence, active participation in elections strengthens democracy by ensuring representation, accountability, legitimacy, responsive governance, and stability.

This chapter delves into the intricate web of perceptions, beliefs, and attitudes of the people of Goa towards defection in politics. It seeks to unravel the reasons behind voter choices, the role of political parties, and the implications of defections on governance and public trust. Through surveys, interviews, and analysis of existing literature, this chapter aims to provide a comprehensive understanding of people's perception of defection in Goa.

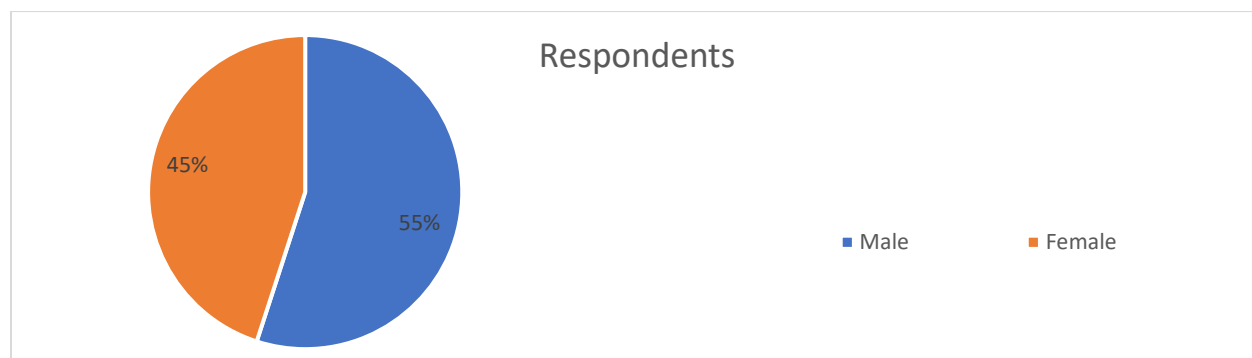
## 4.2 Profile of The Respondent

For the study 100 responses were collected from two constituency of Goa that is 50 responses from Calangute constituency and 50 responses from Margao constituency. Also collected data are from different polling station of each constituency. In this context, age, sex, occupation, education, location of voter have been discussed in the following.

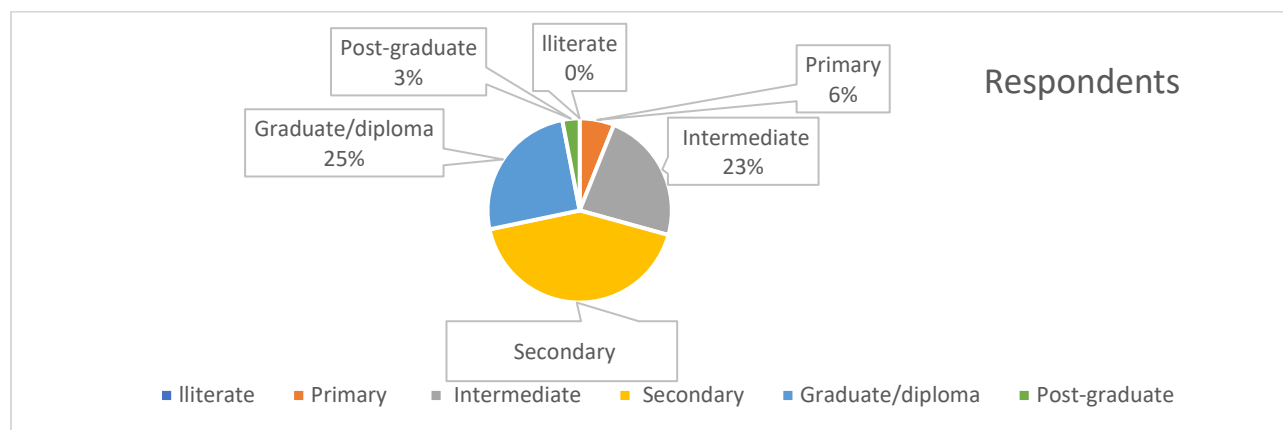
**Figure 4.1 Age group**



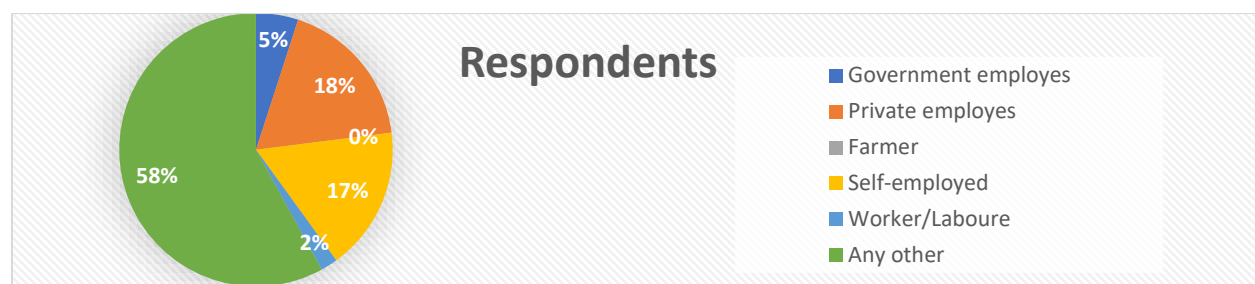
As per the above given chart it shows the age group of the respondents from both constituency. All the respondents are above 18 years and collected data are only from those who are eligible to vote in Goa. Around 26 Percent of the respondents are in age group between 18-30, majority of the responses I got from age group between 31-45 which is approximately 44 Percent, around 29 Percent of respondents are belong to age group between 46-30 and minority of the responses which is 1 Percent I got from age group between 60 and above.

**Figure 4.2 Gender****Fig 4.2**

The attempt has been made to maintained gender parity. The study comprises 45 male respondents and 55 female respondents. The survey included 100 respondents of which around 55 Percent of respondents are female and 45 Percent are male.

**Figure 4.3 Education**

The education profile of the respondents shows that 43 Percent of respondents have completed their education up to secondary school, 25 Percent belong to the category of graduates and diploma holders, 23 Percent completed their intermediate education, 3 Percent have completed their post-graduation, 6 Percent have completed primary education, and no one is non-literate

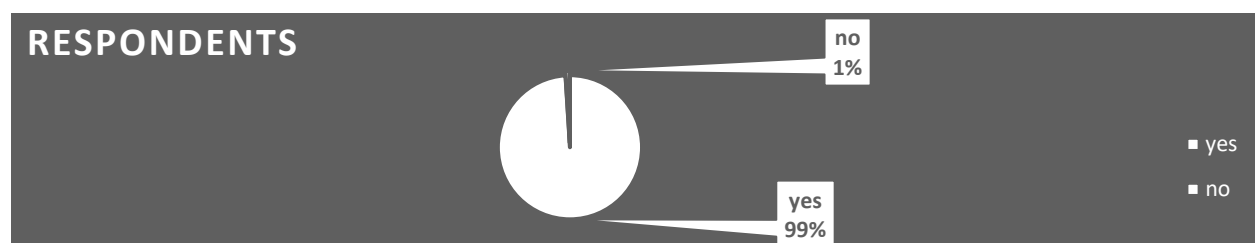
**Figure 4.4 Occupation**

In the above chart, the occupations of the respondents signify the knowledge, attitude, behavior, and practice of voting. 17 Percent of the respondents are self-employed, with many involved in taxi businesses, bars & restaurants, renting houses, small restaurants, and owning shops. Out of 100 respondents, 18 Percent work as private employees, 5 Percent are government employees, and the highest number of respondents are involved in other work, which includes household tasks, part-time jobs, unemployment, and being tourist guides. The category of "any other work" also includes students. Unfortunately, there are no farmers among my respondents.

### **4.3 Public perception of defection**

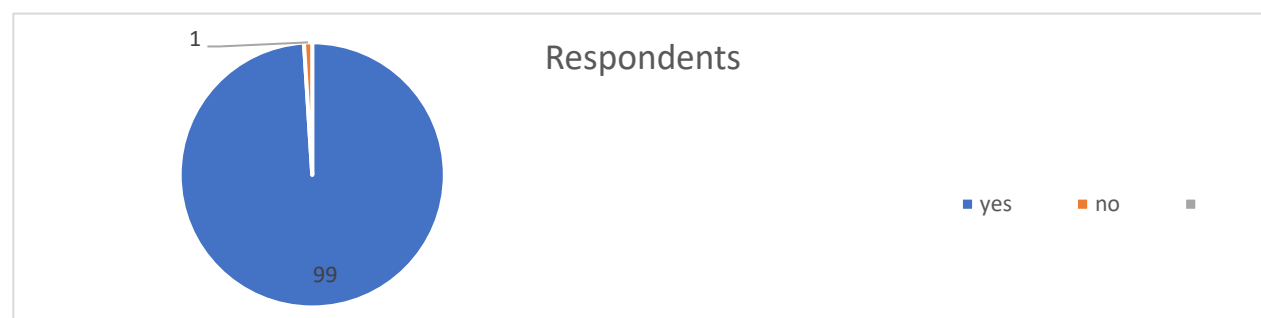
Many questions were posed to the respondents regarding their views on defection, aiming to comprehend the impact of defection on the public sphere, and specifically inquiring about their awareness of defection and the anti-defection law. This section featured questions in a binary "YES" or "NO" format, designed to delve into the respondents' understanding and opinions regarding political defections and related legal frameworks:

**Figure 4.4 Have you heard of candidates defecting from one party to another in Goa? If yes, do you feel that in recent years the cases of defection are increasing?**



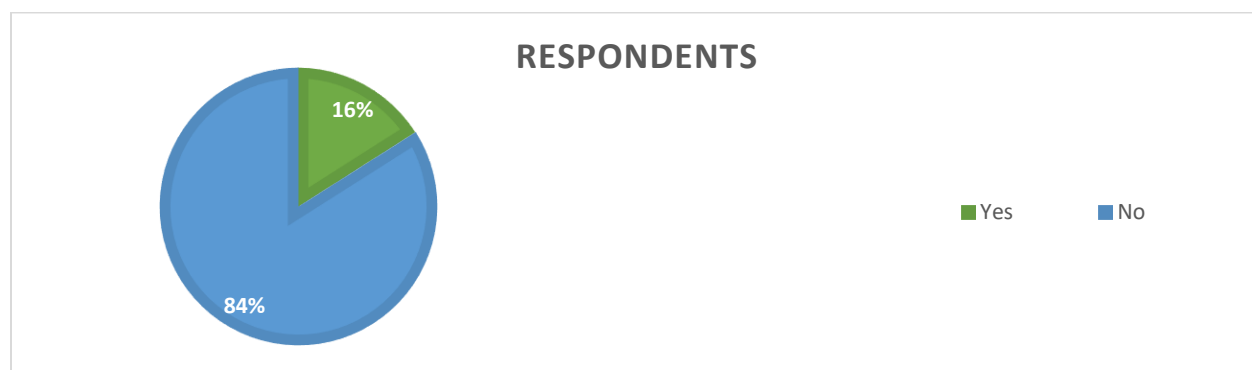
The above chart shows that out of 100 respondents, 99 Percent have heard of candidates defecting to another party in Goa, and they feel that in recent years, the cases of defection are increasing. Only 1 Percent are unaware of candidates' defections.

**Figure 4.5 In your opinion, does political defection reduce public trust in politicians?**



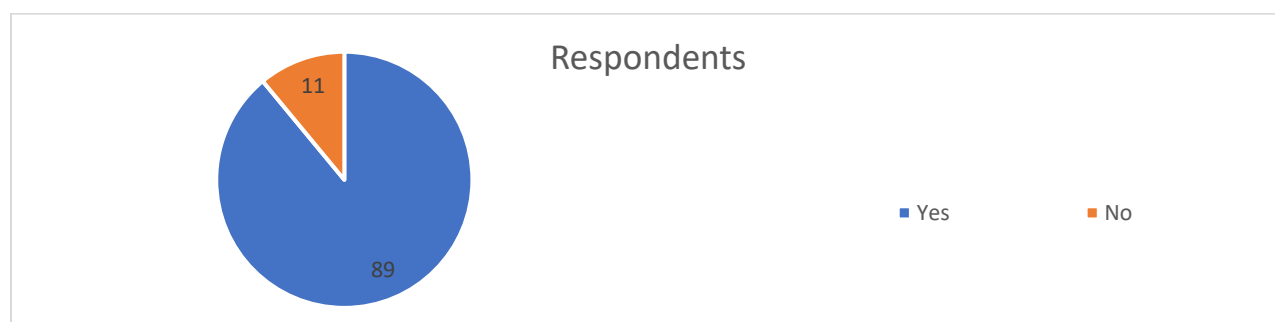
When asked whether political defection reduces public trust in politicians, 99 Percent of the 100 respondents answered "Yes," indicating a strong consensus against defection. Only 1 Percent of the respondents answered "No," suggesting that a vast majority of people do not support defection due to its negative impact on public trust in politicians.

**Figure 4.6 Will you be able to vote or do trust the defected MLA again?**



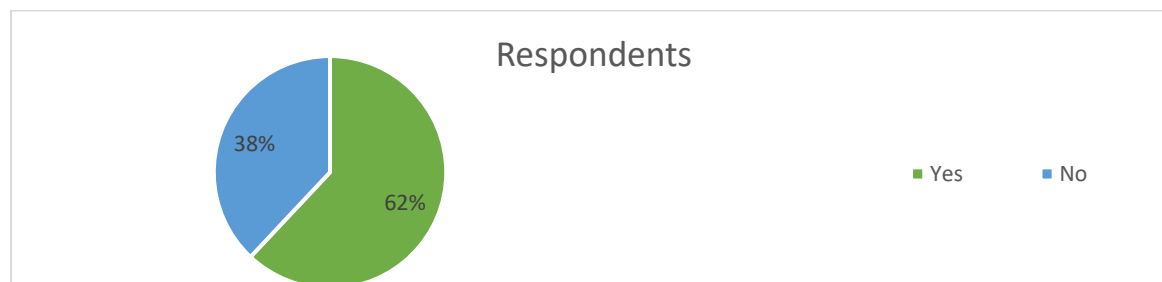
When asked to the respondents that will you able to vote or do trust defected MLA again? out of 100 respondents 84 Percent percent are said NO and 16 Percent of the respondent are said Yes. This shows that majority of the people from both constituency are feeling betrayed from the candidates but still 16 Percent of people from the collected data are ready to do trust and do vote again.

**Figure 4.7 Do you think there should be penalties for politicians who defect and join another party?**



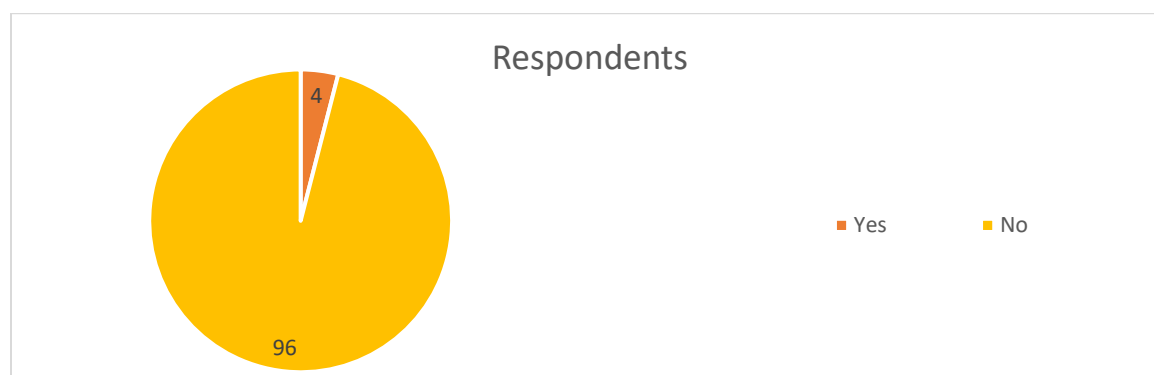
The responses received for the above question are as shown in the chart. Out of 100 respondents, 89 Percent said "Yes" and 11 Percent said "No" to the penalties for politicians who defect and join another party. It is evident that voters feel strongly about the actions taken by politicians to change their party without considering the concerns of their respective constituency

**Figure 4.8 Do you agree that, Politicians change their views after defection.**



When asked Do you agree that, Politicians change their views after defection, 62 Percent of the respondents are said Yes and 38 Percent of the respondents are said NO.

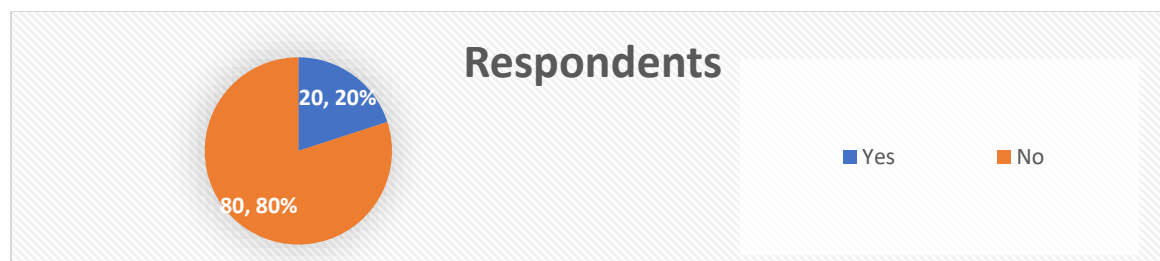
**Figure 4.9 Are you satisfied with the action taken by political parties to resolve the issue of defection in Goa?**



When asked Are you satisfied with the action taken by political parties to resolve the issue of defection in Goa, 96 Percent of the respondents are said no and 4 Percent of the respondents are said Yes. Clearly shows that there are no strict actions are taken by political parties to resolve the issue of the defection.

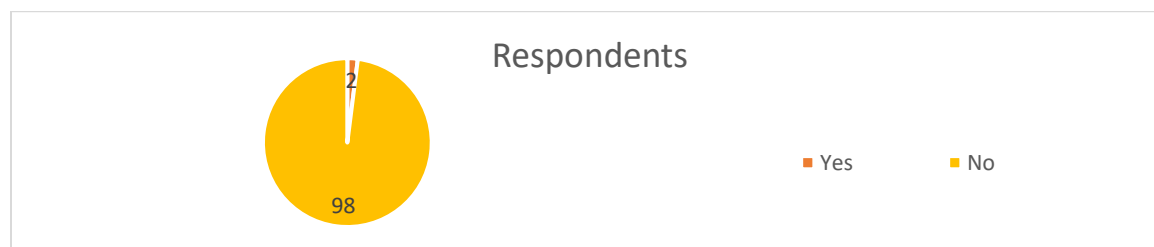


**Figure 4.10 Are you aware about Anti-defection law?**



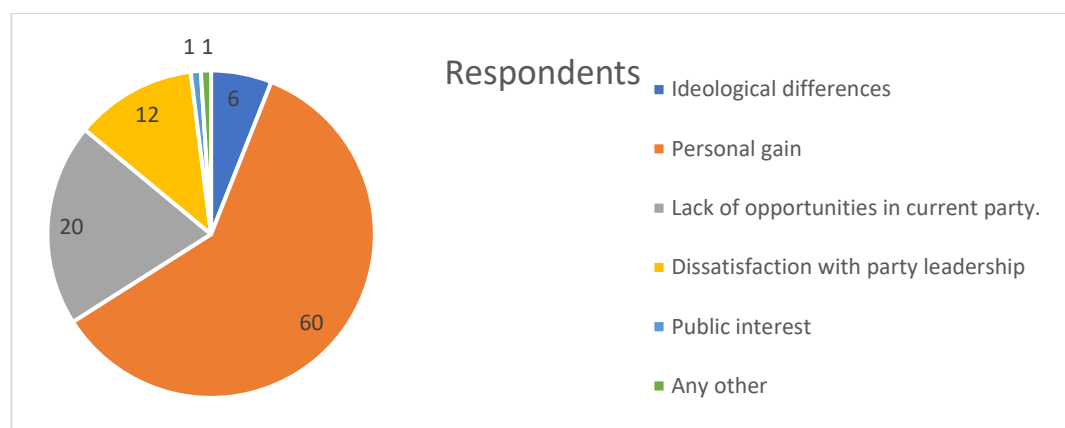
When inquired with the respondents about their awareness of the Anti-defection Law, around 80 Percent of them said "NO," while 20 Percent said "Yes." This means the majority of voters are not aware of the anti-defection law. Some of the respondents were shocked to learn that there is even an anti-defection law to curb political defection.

**Figure 4.11 Do you think the existing anti-defection law is sufficient to prevent political defections?**



When asked, "Do you think the existing anti-defection law is sufficient to prevent political defections?" 98 Percent of the respondents said "no," while 2 Percent said "yes." Most of the replies were "No" due to a lack of awareness about the anti-defection law of India. As political defections are taking place in Goan politics, everyone will give the same answer that the anti-defection law is not sufficient to prevent political defections.

**Figure 4.12 In your opinion, what motivates politician in Goa to switch from one party to another?**

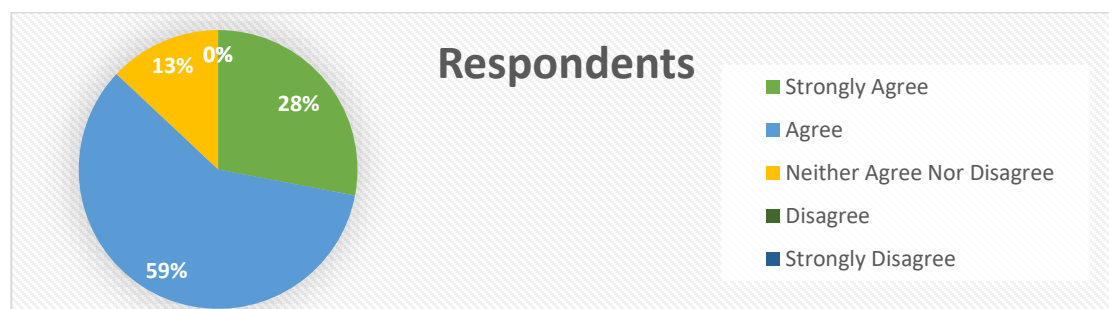


When asked about the opinions that motivate politicians in Goa to switch from one party to another, 60 Percent of the respondents said "Personal gain," 20 Percent said "lack of opportunities in the current party," 12 Percent said "Dissatisfaction with party leadership," 6 Percent said "Ideological differences," 1 Percent said "public interest," and 1 Percent said "any other." The majority believes that candidates are shifting their affiliated party because of personal gain.

#### **4.4 Patterns And Trends Of Defection**

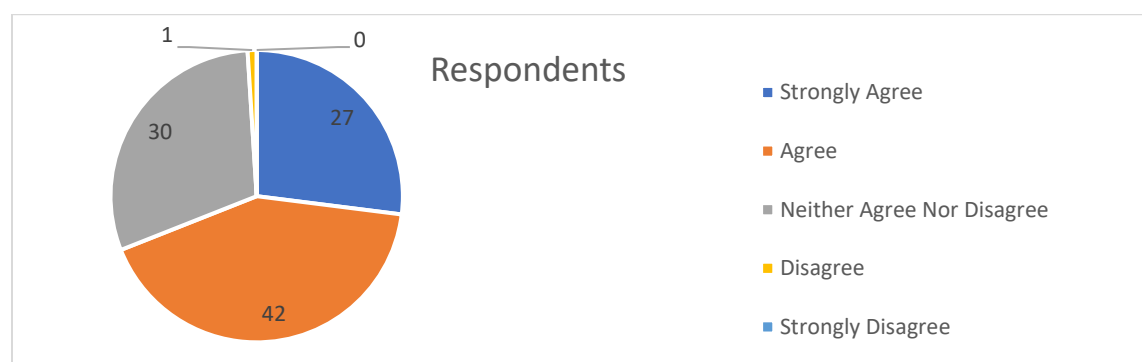
In this section, a few statements are framed to ask the respondents about their views on the ongoing defection, considering the history of defection in Goa, which follows a trend of defection from the opposition to the ruling party, as seen in the 2019 and 2022 defections in Goa. The main concern is to understand people's perceptions and the impact of defection on governance.

**Figure 4.13 From the opposition to the ruling party is the trend of political defection in Goa.**



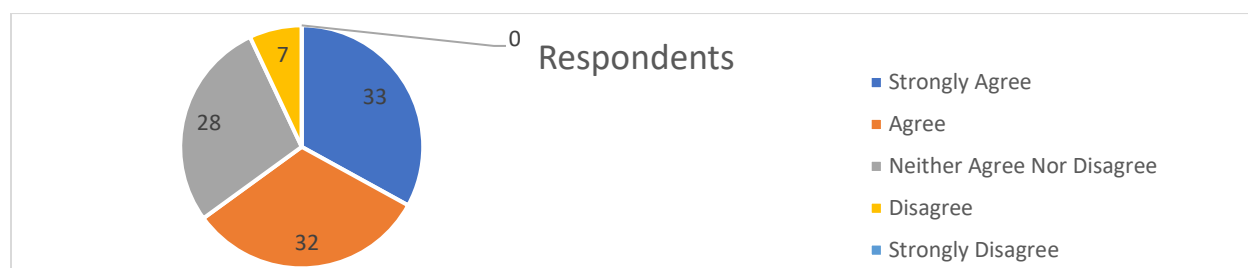
When asked whether they agree with the following statement: "From the opposition to the ruling party is the trend of political defection in Goa," 28 Percent of the respondents strongly agreed with this statement, 59 Percent agreed, 13 Percent neither agreed nor disagreed. Not even a single respondent out of 100 disagreed or strongly disagreed with this statement.

**Figure 4.14 The history of defection influences the politician to defect.**



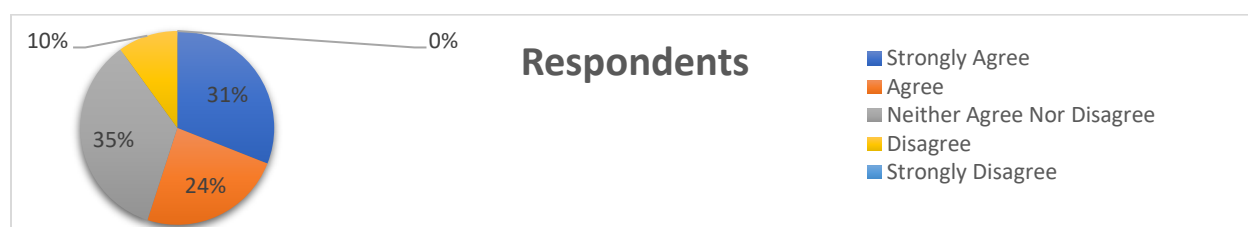
When asked whether they agree with the following statement: "The history of defection influences the politician to defect," 27 Percent of the respondents strongly agreed with this statement, 42 Percent agreed, 30 Percent neither agreed nor disagreed, and 1 Percent disagreed. Not even a single respondent out of 100 disagreed strongly with this statement.

**Figure 4.15 As the defection are happening at any time do you think that impact the Governance of the state?**



When asked whether they agree with the following statement: "As defections are happening at any time, do you think that impacts the governance of the state?" 33 Percent of the respondents strongly agreed with this statement, 32 Percent agreed, 28 Percent neither agreed nor disagreed, and 7 Percent disagreed. Not a single respondent out of 100 disagreed strongly with this statement.

**Figure 4.16 Defections in Goa has some pattern in recent years of joining a particular party.**

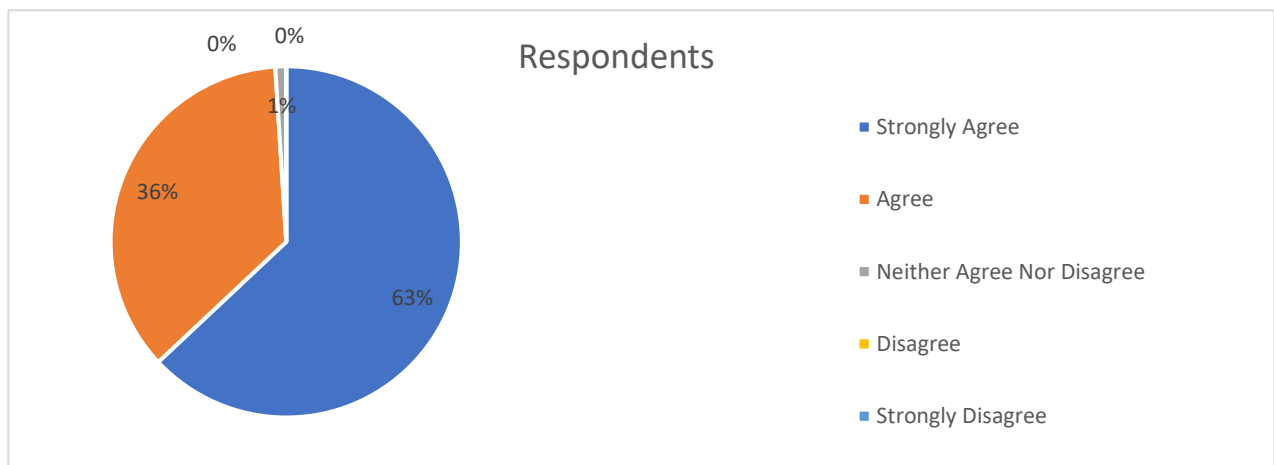


When asked whether they agree with the following statement: "Defections in Goa follow a pattern in recent years of joining a particular party," 31 Percent of the respondents strongly agreed with this statement, 24 Percent agreed, 35 percent neither agreed nor disagreed, and 10 percent disagreed. Not a single respondent out of 100 strongly disagreed with this statement..

## 4.5 Contemporary Instance Of Defection

In this section, questions were framed to understand the reasons behind what helps candidates get elected repeatedly. Several critical statements were made to know what respondents are saying and what their viewpoints are on these framed statements.

**Figure 4.17 Money power is the reasons that help the candidate to get elected again and again**



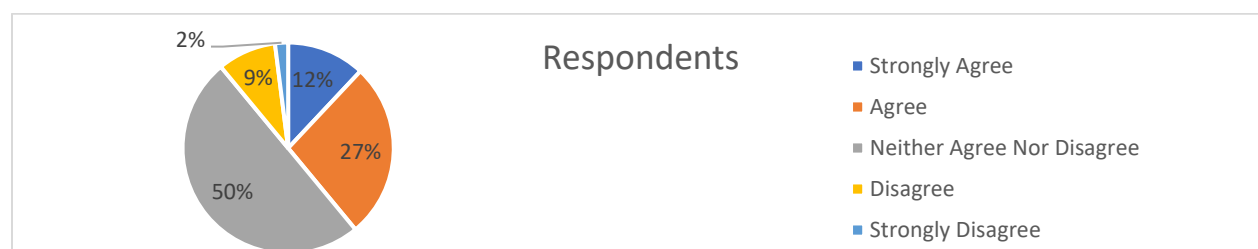
When asked whether they agree with the following statement, " Money power is the reasons that help the candidate to get elected again and again" 63 Percent of the respondents strongly agreed, 36 Percent agreed, and 1 Percent neither agreed nor disagreed. Not a single respondent out of 100 disagreed or strongly disagreed with this statement.

**Figure 4.18** Vote bank politics is the reason that help candidate to get elected again and again



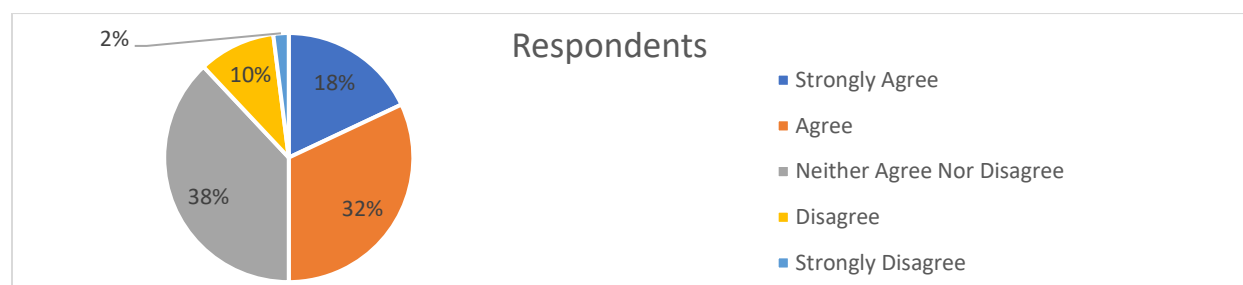
When asked whether they agree with the statement "Vote bank politics is the reason that helps candidates get elected again and again," 62 Percent of the respondents strongly agreed, 36 Percent agreed, 1 Percent neither agreed nor disagreed, and 1 Percent disagreed. Not a single respondent out of 100 disagreed strongly with this statement.

**Figure 4.19** Charismatic personality of the candidate is the reasons for him/her to get elected again and again



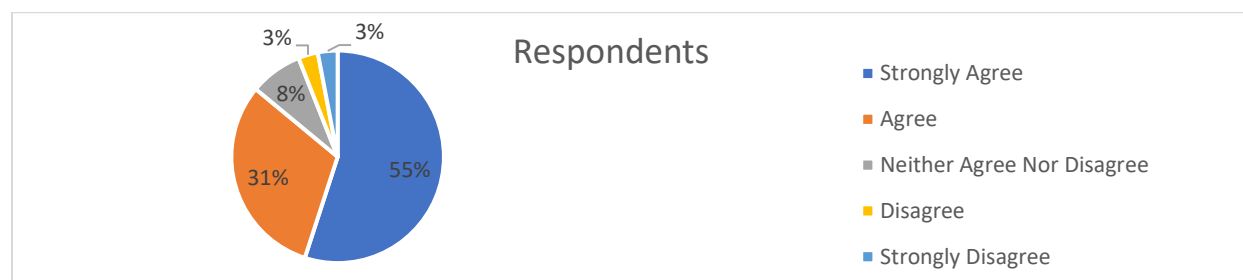
When asked whether they agree with the statement "Charismatic personality of the candidate is the reason for him/her to get elected again and again," 12 Percent of the respondents strongly agreed, 27 Percent agreed, 50 Percent neither agreed nor disagreed, and 2 Percent disagreed. Out of 100 respondents, 2 Percent strongly disagreed with this statement.

**Figure 4.20 Leadership quality is the reasons that help candidate to get elected again and again**



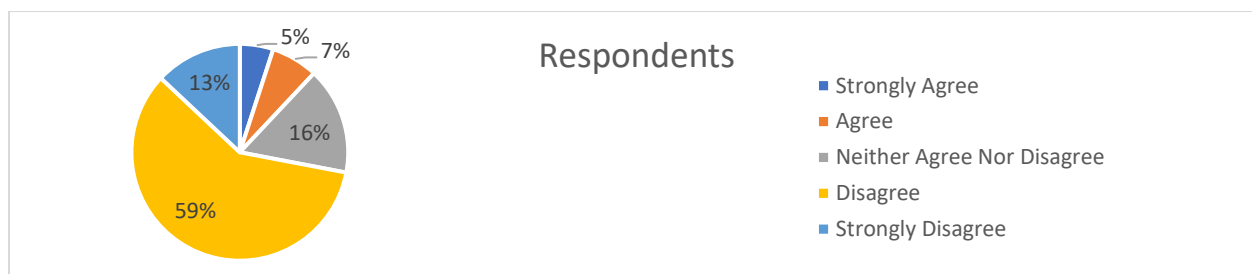
When asked whether they agree with the statement "Leadership quality is the reason that helps candidates get elected again and again," 18 Percent of the respondents strongly agreed, 32 Percent agreed, 38 Percent neither agreed nor disagreed, and 10 Percent disagreed. Out of 100 respondents, 2 Percent strongly disagreed with this statement.

**Figure 4.21 Social works is the reasons that help candidate to get elected again and again**



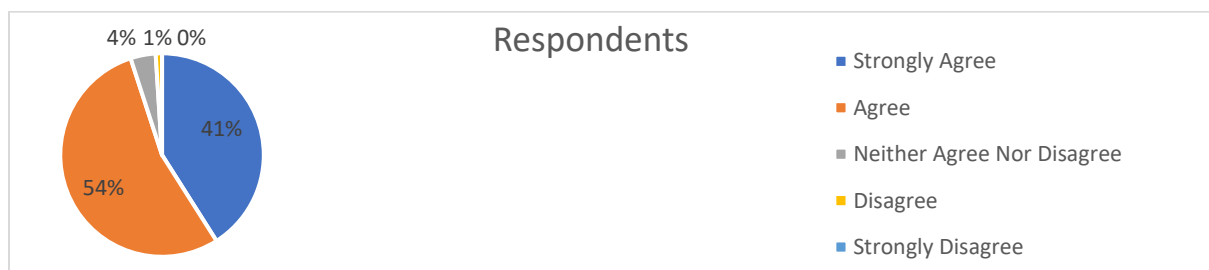
When asked whether they agree with the statement "Social work is the reason that helps candidates get elected again and again," 55 Percent of the respondents strongly agreed, 31 Percent agreed, 8 Percent neither agreed nor disagreed, and 3 Percent disagreed. Out of 100 respondents, 3 Percent strongly disagreed with this statement.

**Figure 4.22 Importance of party loyalty for the political representatives in Goa is very important.**



When asked whether they agree with the statement "The importance of party loyalty for political representatives in Goa is very important," 13 Percent of the respondents said they strongly agree, 7 Percent said they agree, 16 Percent said they neither agree nor disagree, 59 Percent said they disagree with this statement, and out of 100 respondents, 5 Percent said they strongly disagree.

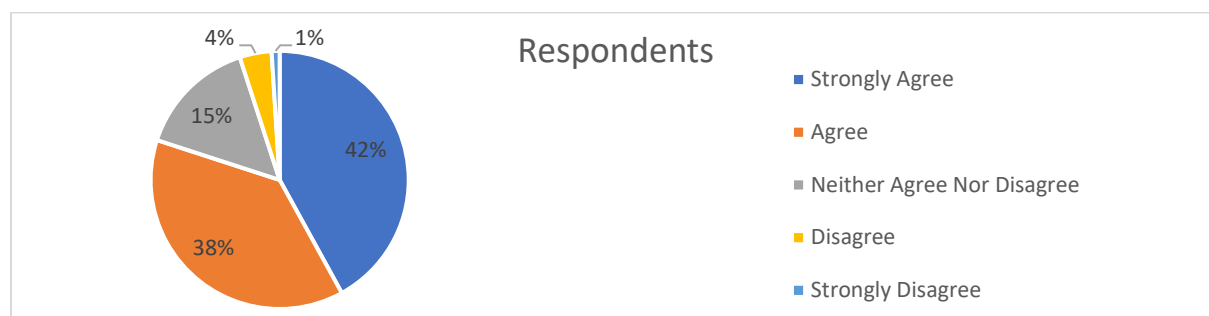
**Figure 4.23 Do you think that more than ideological disagreements, personal interests are what lead to political defections?**



When asked whether they agree with the statement "Do you think that more than ideological disagreements, personal interests are what lead to political defections," 41 Percent of the respondents said they strongly agree, 54 Percent said they agree, 4 Percent said they neither agree nor disagree, 1 Percent said they disagree. Not even a single respondent out of 100 respondents said they strongly disagree with this statement.

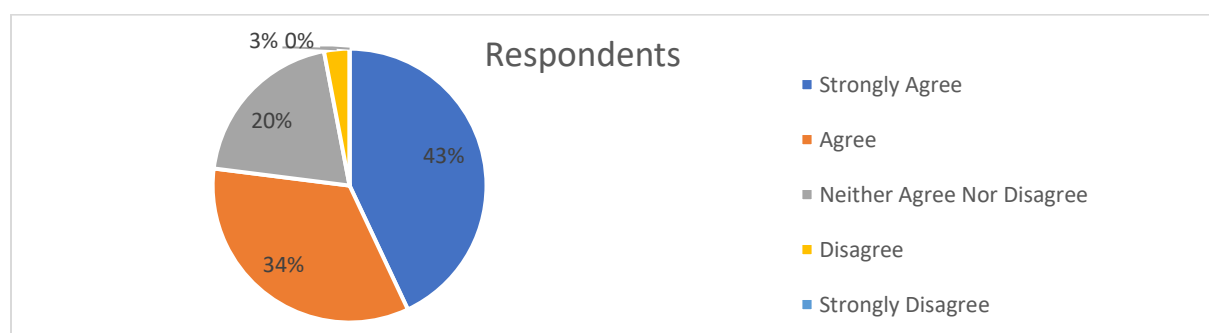


**Figure 4.24 Political defection is helpful to form a government or strengthened party.**



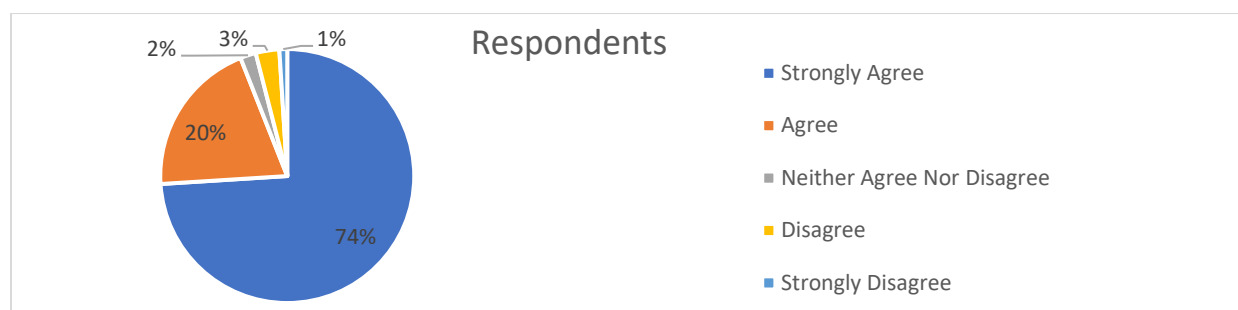
When asked whether they agree with the statement "Political defection is helpful to form a government or strengthen a party," 42 Percent of the respondents said they strongly agree, 38 Percent said they agree, 15 Percent said they neither agree nor disagree, and 4 Percent said they disagree. Out of 100 respondents, 1 Percent strongly disagree with this statement.

**Figure 4.25 The main reason for defection of MLAs in Goa is political parties.**



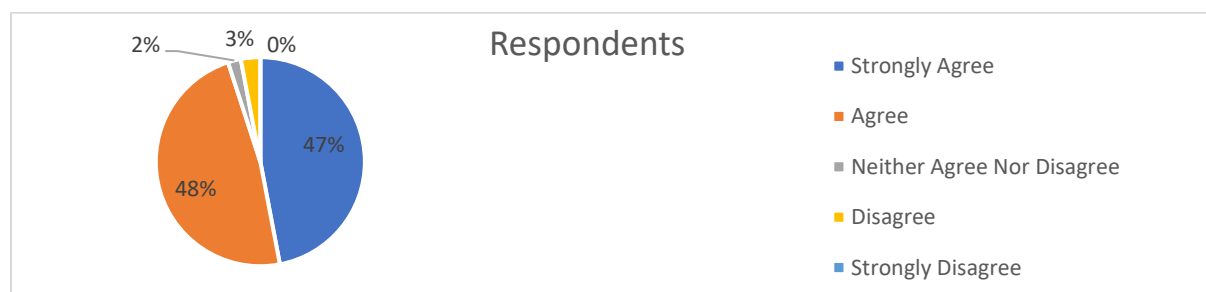
When asked whether they agree with the statement "The main reason for defection of MLAs in Goa is political parties," 43 Percent of the respondents said they strongly agree, 34 Percent said they agree, 20 Percent said they neither agree nor disagree, and 3 Percent said they disagree. Not a single respondent out of 100 disagreed strongly with this statement.

**Figure 4.26 Do you think the double engine government has left no option for opposition members except defection?**



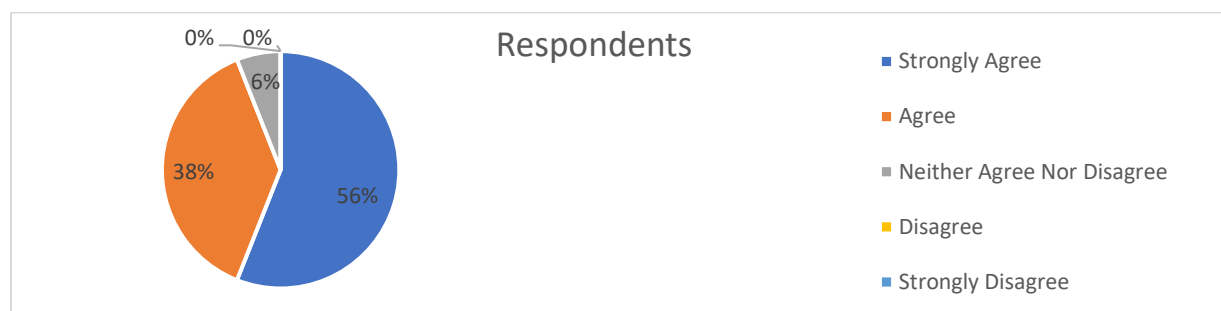
When asked whether they agree with the statement "Do you think the double engine government has left no option for opposition members except defection," 74 Percent of the respondents said they strongly agree, 20 Percent said they agree, 2 Percent said they neither agree nor disagree, and 3 Percent said they disagree. Out of 100 respondents, 1 Percent strongly disagreed with this statement.

**Figure 4.27 Do you think political defection is a sign of weak government administration?**



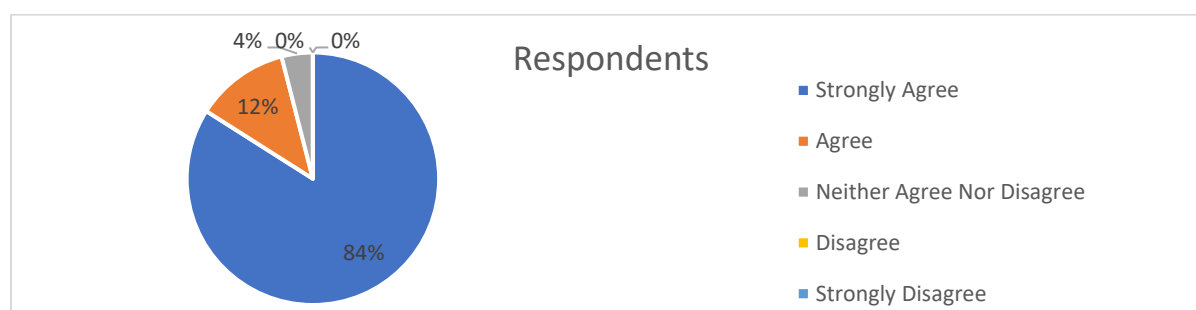
When asked whether they agree with the statement "Do you think political defection is a sign of weak government administration," 47 Percent of the respondents said they strongly agree, 48 Percent said they agree, 2 Percent said they neither agree nor disagree, and 3 Percent said they disagree. Not even a single respondent out of 100 disagreed strongly with this statement.

**Figure 4.28 Do you think political defection affects policy making?**



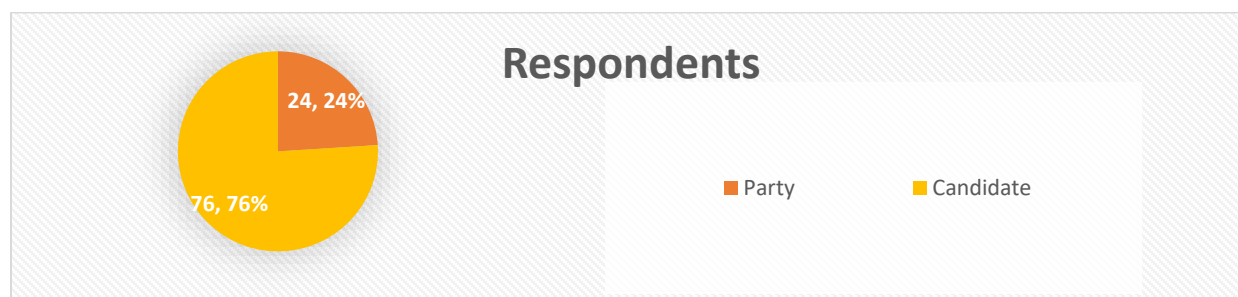
When asked whether they agree with the statement "Do you think political defection affects policy making," 56 Percent of the respondents said they strongly agree, 38 Percent said they agree, and 6 Percent said they neither agree nor disagree. Not a single respondent out of 100 disagreed or strongly disagreed with this statement.

**Figure 4.29 Do you think Goa politicians use party as a strategy to win elections?**



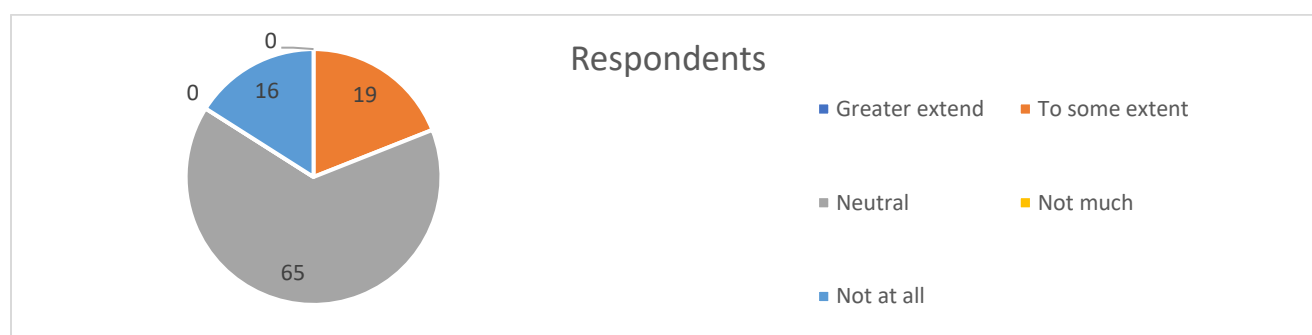
When asked whether they agree with the statement "Do you think Goa politicians use party as a strategy to win elections," 84 Percent of the respondents said they strongly agree, 24 Percent said they agree, and 4 Percent said they neither agree nor disagree. Not a single respondent out of 100 disagreed or strongly disagreed with this statement.

**Figure 4.30 What matters for you most when you vote in assembly election?**



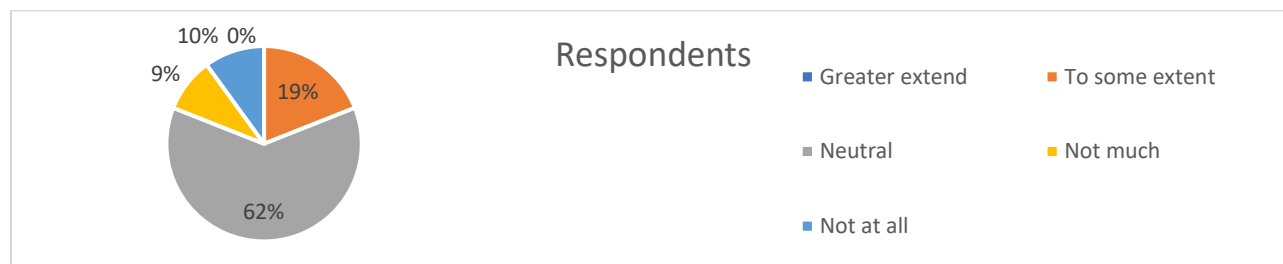
When asked about what matters most to them when they vote in assembly elections, 76 Percent of the respondents said the candidate, and 24 Percent out of the 100 respondents said the party. From these statements, it becomes clear that the candidate is more important for voters in Goa than the party. This aspect explains why the same candidates are getting elected again even after defection.

**Figure 4.31 To what extent do you believe that anti-defection law contributes to political stability?**



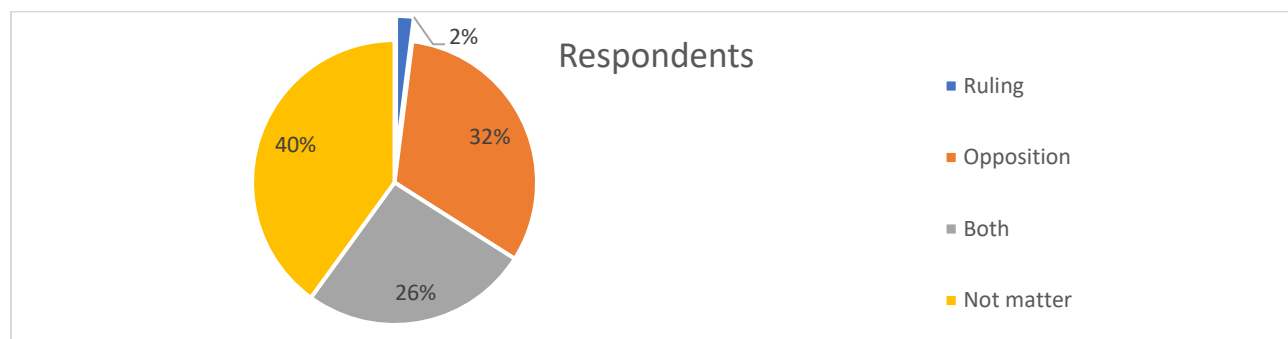
When inquired about to what extent respondents believe that the anti-defection law contributes to political stability, 65 Percent said neutral, 19 Percent said to some extent, and 16 Percent said not at all. Not a single respondent mentioned a greater extent or not much. Most respondents remained neutral to this question because they are not aware of the anti-defection law. Those who said to some extent and not at all have at least some knowledge about the anti-defection law.

**Figure 4.32 Has the presence of anti-defection laws affected your trust in the political system?**



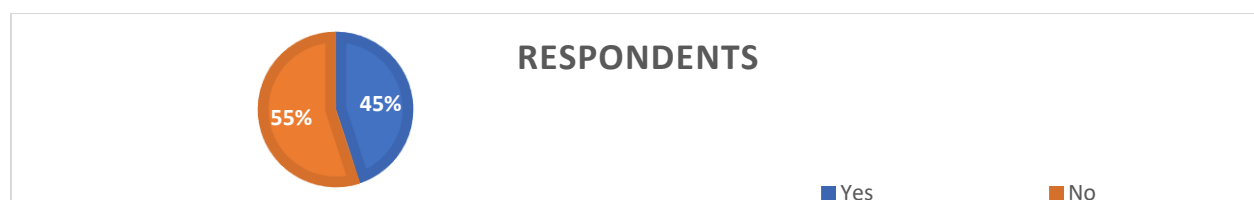
When inquired about whether the presence of anti-defection laws has affected their trust in the political system, 62 Percent of the respondents said neutral, 19 Percent said to some extent, 10 Percent said not at all, and 9 Percent said not much. Not a single respondent mentioned a greater extent.

**Figure 4.33 In your opinion, which parties are most often involved in defection, for example, the ruling party or the opposition?**



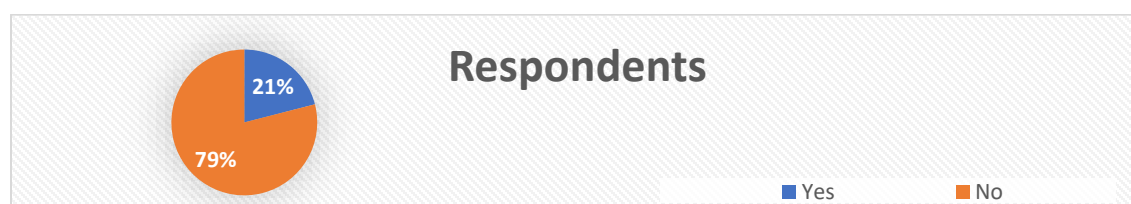
When asked about their opinion on which parties are most often involved in defection, for example, the ruling party or the opposition, 32 Percent of the respondents said opposition parties, 26 Percent said both, 40 Percent said it doesn't matter, and only 2 Percent said the ruling party.

**Figure 4.34 do you think political defection is more prevalent in Goa compared to other state?**



When inquired about the political defection is more prevalent in Goa compared to other state, 55 percent said no and 45 Percent said Yes.

**Figure 4.35 Would you still vote for the candidate if he/she defect from one party to another?**



When asked, "Would you still vote for the candidate if he/she defects from one party to another?" 79 Percent of the respondents said no, while 21 Percent said yes. This shows that 21 Percent are still satisfied with the work of MLAs, though they do not support defection; their candidates matter most to them.

**Figure 4.36 how do you rate the performance of your present MLA?**



When asked to rate the performance of their present MLA, 44 Percent of the respondents remained neutral, 30 Percent said somewhat satisfied, 6 Percent said highly satisfied, 17 Percent said somewhat dissatisfied, and 3 Percent said highly dissatisfied.

#### **4.6 people perceptions about the anti-defection law**

As per the conducted survey, it was found that there is a lack of awareness about the Anti-Defection Law in India. Questions were asked regarding awareness of the Anti-Defection Law, and out of 100 respondents, 80 Percent of the people don't know that the anti-defection law exists. Few people were shocked after learning about the law to curb defections. This includes the 12 respondents who completed graduate/diploma and the 3 respondents who completed postgraduate degrees but are not aware of the Anti-Defection Law. It shows the need for awareness about the Anti-Defection Law among voters.

When questioned about whether they believe political defection is a sign of weak government administration, the majority of the respondents strongly agree. They also agree that political defection affects policy-making. In Goa, after defections, the ruling party has a large majority in the opposition, making it easy for them to formulate policies and pass bills in the assembly as they desire.

Politicians in Goa are strategically using political parties to win elections. Out of 100 respondents, 84 Percent strongly agree with this statement. Parties provide funding and campaign support to candidates, and voters influenced by party ideology also vote for these candidates. After winning, elected candidates assess which party offers power and benefits, often joining that party. This strategy reflects insights gathered from responses and survey experiences.

#### **4.7 People Views On The Political Defection As Per Surveys**

People have their own different views on their MLAs and defections. According to the conducted survey, almost all the people are aware of political defection in Goa and are well-informed about Goan politics, as they are aware of the recent defections and the increasing cases of defections.

Though political defections reduce public trust in politicians, many people are ready to trust them and vote for them again. Out of 100 respondents, 99 Percent said defection reduced public trust in politicians, but when asked if they would vote for the same defected candidates, 21 Percent said yes. As open-ended questions were kept to know the reasons if they said yes and received responses from 21 Percent of respondents, the reasons given include social work, admiration for great persons, the best leader, good development, no other best options, etc.

The reasons behind these statements can be social work or leadership quality of the candidates, including the developmental works done by the candidates. When asked about the reasons helping the candidates get elected again and again, statements were made like Money power, Vote bank, Charismatic personalities, and leadership quality can be the reasons for the candidates to get elected again and again. Out of 100 respondents, 63 Percent strongly agree that money power is the reason they are getting elected again and again, and 36 Percent agree with this statement, indicating a significant role of money in politicians' electoral victories.

Apart from this, vote bank is another reason for the winning of the politicians, as 62 Percent of the respondents strongly agree with this statement, and 36 Percent agree, indicating its importance in post-defection victories. Leadership quality and charismatic personality of the candidates do not seem to influence the voters, but social work is a major reason that attracts voters to gain votes. 55 Percent of the respondents strongly agree, and 31 Percent agree with the statements that social work is the reason that helps the candidates get elected again and again. According to the conducted surveys, it is evident that for Goan voters, candidates hold more importance than the party when it comes to voting. A significant 76 Percent of the respondents stated that the candidate is more important to them than the party during elections.



The majority of respondents indicated that politicians in Goa switch from one political party to another for personal gain. According to the conducted surveys, out of 100 respondents, 60 Percent cited personal gain as the primary reason for defection. Only 20 Percent mentioned that political leaders change parties due to a lack of opportunities in their current party. This suggests that personal benefits heavily influence politicians to switch parties. A notable observation is that many elected candidates in the Goan Assembly are joining the ruling party from the opposition. This trend is supported by 59 Percent of the respondents who agree with this statement, with an additional 28 Percent strongly agreeing with it.

Goa politics is unique, as political defection is seen as detrimental to democracy. The nature of defection is considered a betrayal of the voters and can lead to government instability. However, in the case of Goa, opposition members joining the ruling party have strengthened both the government and the party. According to voter views, the "Double engine government" has left opposition members with no choice but to defect and join the ruling party. 74 Percent of the respondents strongly agree with this statement.

When asked to rate the performance of their present MLA, out of 100 respondents, more than 30 Percent are somewhat satisfied, 44 Percent are neutral, and only 17 Percent are somewhat dissatisfied. This indicates that voters are still satisfied with the work of their MLA even after defection. It shows that for voters, candidates are more important than the political party, resulting in politicians getting elected again even after being involved in defection.

## 4.8 Conclusion

In this survey, found that many respondents are aware of defections in Goa. A significant point is that even though people lack faith in defected MLAs, they still vote for them. There are several reasons for this. Firstly, people trust the candidate regardless of party affiliation. Secondly, many are well influenced by the leader's social work rather than the party itself, akin to how leaders like Jawaharlal Nehru were known for their leadership during independence. Even recently, many leaders have defected from one party to another without facing strict actions from their party or legal consequences. This lack of consequences has led to a sense of betrayal among voters, yet some remain somewhat satisfied with the social work and development efforts of these leaders, which is why defected MLAs get elected repeatedly despite defections. Some MLAs have a fixed vote bank, as evident in survey data, which aids their election despite defections. Another significant finding is that MLA views change when they switch parties, which becomes biased against common people. Additionally, most people are not aware of defection laws in India, highlighting the need for education to make them aware of their rights, which their MLAs are violating despite having the chance to change parties. Politicians switch parties for various reasons such as gaining political power, personal gain, dissatisfaction with their current party, or historical factors. Defection in Goa also affects governance in the particular area, putting pressure on civil servants, raising questions about judiciary independence, affecting policy formation, and government stability. While it may seem like the opposition joining the ruling party strengthens the government, it also raises concerns about reduced stability.

## **CHAPTER V**

### **Conclusion**

Defection refers to elected representatives changing their party affiliations, often for personal or political gain. It can be likened to rebellion or dissent within a political entity. In practice, defection can resemble a candidate market, where parties offer money, ministries, or positions to form or sustain a government. Defection can also be a political strategy, as seen in Goa's 2022 election, where a candidate took an oath of allegiance with leader Rahul Gandhi but defected and joined the BJP. This study helps understand the reasons for defection and the impact of anti-defection laws in Goa and the overall democratic system. It also discusses the work of anti-defection law in Goa and the impact of defection on the public.

The phenomenon of political defection in Goa and its impact on governance, policy formation, political representation, and democratic principles is a multifaceted issue that requires careful consideration and effective solutions. This research has delved deep into the historical context, legal framework, practical implications, and public perception surrounding defections in Goan politics, shedding light on the challenges and opportunities it presents for democracy through a hypothesis that "Political defection in Goa is primarily driven by individual career motivations rather than ideological differences." And "The Anti-Defection Law in Goa has been ineffective in reducing the frequency of defections." In the course of the study, this Hypothesis is tested and proven valid.

The first chapter of my study explains the theoretical framework, including the research structure, core meaning of defection, historical background, and insights into India's anti-defection law. Most of the data cover information about defections from literature reviews such as G.C. Malhotra

(2005) and Dr. Peter Ronald DeSouza's articles (2006). It also addresses the research gap, uncovering flaws in India's anti-defection law and the core reasons for political defection in Goa, including the mystery of defected MLAs repeatedly winning, which is not addressed in available research. The work aligns with my objectives, evident throughout all chapters. Data were collected using my methodology, proving fruitful in obtaining valuable data and people's responses. The first chapter also outlines the scope of the study and introduces the ideas explored in subsequent chapters.

The second chapter includes core ideas about the limiting factors, called the Anti-defection law of India, which is framed to curb political defection. A very detailed work has been done to understand the flaws in the anti-defection law from the beginning of its genesis. Through this chapter, it becomes clear that the existing anti-defection law in the 10th schedule of the Constitution is not able to impose total restrictions on political defection. It restricts individual defections according to their nature but allows group defections. The most problematic cause is the wide power in the Speaker's hand, which questions why the judiciary does not take strict action on defected parties, and the exception of a 2/3rd majority from disqualification. These two factors contribute to the failure of the anti-defection law.

Another factor is Paragraph 2 of the anti-defection law mandates party members to strictly follow party instructions and principles, limiting the freedom of legislators to criticize party actions, policies, leaders and legislation. In this scenario, political parties act as dictators, imposing obedience on their members and suppressing dissent. This undermines the essence of representative democracy, where elected representatives must give priority to the will of the people over the directives of the party leadership.

The third chapter of this study insight the impact of political defection on governance and representation. The impact of defection on governance is profound, as seen in cases like the Luis Proto Barbosa Case and the Ravi Naik Case, where defections led to political instability, ministerial reshuffles, and challenges in decision-making processes. The distribution of ministries and government policies have been influenced by defections, highlighting the need for stronger mechanisms to ensure party loyalty, transparency, and accountability among elected representatives. Defections have also impacted political representation in Goa, blurring the lines between ruling and opposition parties and challenging democratic principles. The erosion of party identities and ideologies due to defections raises questions about the integrity of electoral choices and the trustworthiness of elected representatives. The focus on power acquisition over public service further underscores the challenges posed by defections to democratic ideals.

The fourth chapter covers people's perceptions on defection, where surveys were conducted to understand the post-scenario of defection. 100 responses were collected, which helped to understand the reasons behind MLAs repeatedly winning elections after defection. Many reasons, such as social work and voters' main priority being candidates over political parties, vote banks, and somewhat development in the eyes of voters, made them elected repeatedly even after defection. Through this study, it becomes clear about the people's views behind the MLAs' defection. After analyzing all the collected data, it shows that political leaders mostly defect for their personal gain and political power. The distribution of ministries is the best example to understand their motive behind defection. The lack of knowledge about anti-defection laws among voters really highlights the need for awareness.

Successive democracy is not existed in Goan political arena as per its nature present in Indian constitution, as people are not getting government of their own choice but they are adjusting by believing candidates are more important than party and maintaining democratic values. Voters are not taking political development as serious concerns only believing basic development and social work as real development of an government system. Apart from the individual welfare and long term development peoples bending towards short term and temporary development.

The impact of defection on Goa's political landscape underscores the need for stronger mechanisms to ensure party loyalty, transparency, and accountability among elected representatives. This requires concerted effort from political parties, institutions like the Election Commission of India (ECI), and the electorate to uphold democratic values and promote stable governance for the benefit of the state and its people.

There is a need for reforms in the existing Anti-defection law, especially in the 7th paragraph of the 10th schedule of the constitution, by limiting the Speaker's powers and involving the judiciary. Currently, Speakers have significant discretion in interpreting and applying anti-defection provisions, leading to concerns about impartiality and political influence. By limiting the Speaker's powers and involving the judiciary in adjudicating defection cases, transparency and fairness can be enhanced, ensuring that decisions are based on legal principles rather than political expediency. Paragraph 2 of the Anti-defection law requires party members to strictly follow party instructions and principles, limiting legislators' freedom to critique party actions, policies, leaders, and legislation. This transforms political parties into authoritarian entities, enforcing compliance and stifling dissent. This setup challenges representative democracy, where elected representatives are expected to prioritize the people's will over party mandates.

Based on the responses and study experiences, it highlights that the distribution of money among voters is a pivotal reason for attracting voters and a leading factor in winning elections. This underscores the need to emphasize free and fair elections by implementing stricter measures regarding the duties of election officials.

The overall findings of this study contribute a ground-level understanding of the relationship between voters and candidates. It also explores the factors that impede the effectiveness of the anti-defection law and delves into governance issues. The study highlights the factors responsible for government instability and analyzes people's perceptions of the entire political system. Moreover, the study captures people's perceptions of the political system as a whole, including their trust in political institutions, satisfaction with governance, and views on democratic principles. Understanding these perceptions is crucial for addressing public concerns, improving governance, and strengthening democratic practices.

## References

- Anti-defection law in India. (2022). *PARLIAMENT LIBRARY AND REFERENCE, RESEARCH, DOCUMENTATION AND INFORMATION SERVICE* .
- DESouza, P. R. (2006). *political nomadism and the party system in india: the struggle between the Fence and Field*. new delhi: New Delhi ; London : Sage.
- GEHLOT, N. S. (1991). THE ANTI-DEFECTION ACT, 1985 AND THE ROLE OF THE SPEAKER. *The Indian Journal of Political Science*, 52, 327-340. Retrieved from <https://www.jstor.org/stable/41855565>
- Kamath, P. M. (1985). Politics of Defection in India in the 1980s. *Asian Survey*, 25, 1039-1054. Retrieved from <https://www.jstor.org/stable/2644180>
- MALHOTRA, G. (2005). *ANTI-DEFECTION LAW IN INDIA AND THE COMMONWEALTH*. New Delhi: B.V. Gupta, managing Director, Metropolitan Book Co. Pvt, Ltd.,1, Netaji Subhash Marg, New Delhi-110002, India.
- Parmanand Singh. (1994). ANTI-DEFECTION LAW AND PARLIAMENTARY PRIVILEGES by . *Journal of the Indian Law Institute*, 36, 531-535. Retrieved from <https://www.jstor.org/stable/43952377>
- Shaikh, R. M. (2023). Political Defections in India: its' Past, Present, and Analysis. *reflections*. Retrieved from <https://reflections.live/articles/8785/political-defections-in-india-its-past-present-and-analysis-an-article-by-reshma-mohammad-anwar-shaikh-8457-le2d68n3.html>
- TENTH SCHEDULE. (n.d.). *THE CONSTITUTION OF INDIA*, 349-353.
- Thakur, R. K. (2022, Jan 12). Goa govt transferred 114 cops despite poll code in force: TMC to election panel. panaji, Goa. Retrieved from



<https://www.newindianexpress.com/nation/2022/Jan/12/goa-govt-transferred-114-cops-despite-poll-code-in-force-tmc-to-election-panel-2406023.html>

times, h. (2022, aug 18). Goa governor Satya Pal Malik transferred to Meghalaya. new delhi, goa, india.

Retrieved from <https://www.hindustantimes.com/india-news/goa-governor-satya-pal-malik-transferred-to-meghalaya/story-p4gsGnc2hFLnh342hO3ofM.html>

DeSouza, P. R. (1999). Pragmatic Politics in Goa, 1987-99. *Economic and Political Weekly*, 34, 2434-2439.

Retrieved from <https://www.jstor.org/stable/4408338>

Diwan, P. (1979). AYA RAM GAYA RAM : THE POLITICS OF DEFECTION. : *Journal of the Indian Law*

*Institute*, 21, 291-312. Retrieved from : <https://www.jstor.org/stable/43950639>

Engage, E. (2021). How Political Parties Exploit the Anti-Defection Law to Form Governments. *Economic and Political Weekly (Engage)*, .

Noronha, F. (1999). Goa Elections: Politicians Disappoint Again. *Economic and Political Weekly*, 2062-2064. Retrieved from <https://www.jstor.org/stable/4408227>

NORONHA, F. (2017). Carrying on a Dubious Game in Goa? 52.

Palshikar, S. (2017). Modi's Chale J ao vs Non-politics. *Economic & Political Weekly*.

Palshikar, S. (2022). Loss of Majority and Loss of Principles. *Economic & Political Weekly*, 26.

Sen, S. (2021). Anti-defection Law Towards a Paradigm Shift? *Economic & Political Weekly*, 10.

Verma, S. (2022). Goa's Tryst with Defections: A Look at 'Aaya Ram, Gaya Ram' Culture in the State's Recent History. *association for Democratic Reforms*, 2. Retrieved from <https://www.news18.com>

- BANERJEE, S. (2022, september 14). Congress meltdown in Goa as eight of party's 11 MLAs defect to BJP. pune, Ist- pune, India. Retrieved from <https://www.thehindu.com>
- Boyd, R. W. (1969). Presidential Elections: An Explanation of Voting Defection. *The American Political Science Review*, 63, 498-514. Retrieved from <https://doi.org/10.2307/1954703>
- Candland, C. (1997). Congress Decline and Party Pluralism in India. *Journal of International Affairs*, 51, 19-35. Retrieved from <https://www.jstor.org/stable/24357463>
- Chhabra, A. (2022). *Congress Collapses In Goa: 8 Of 11 MLAs Join BJP*. Panaji: NDTV. Retrieved from <https://www.ndtv.com/>
- Eldersveld, S. J. (1970). The 1967 Indian Election: Patterns of Party Regularity and Defection. *Asian Survey*, 11, 1015-1030. Retrieved from <https://doi.org/10.2307/2642821>
- Mehta, P. (2019). The Politics of Defection. *SSRN*, 1-9.
- Mittal, J. K. (1991). Editorial: PARLIAMENTARY DISSENT, DEFECTION AND DEMOCRACY. *Journal of the Indian Law Institute*, 33, 7-9. Retrieved from <https://www.jstor.org/stable/43951369>
- SACHDEVA, P. (1989, june ). COMBATING POLITICAL CORRUPTION : A CRITIQUE OF ANTI-DEFECTION LEGISLATION. *The Indian Journal of Political Science*, 50, 157-168. Retrieved from <https://www.jstor.org/stable/41855903>
- Singh, L. P. (1971). Political Development or Political Decay in India? *Pacific Affairs*, 44, 65-80. Retrieved from <https://doi.org/10.2307/2755816>
- Tiwana, S. (1994). CRISIS IN INDIAN PARLIAMENTARY DEMOCRACY. *The Indian Journal of Political Science*, 55, 55-62. Retrieved from <https://www.jstor.org/stable/41855680>

## Appendix I

### Survey Questionnaire

#### POLITICAL SCIENCE PROGRAMME

D.D KOSAMBI SCHOOL OF SOCIAL SCIENCE AND BEHAVIOURAL STUDIES, GOA  
UNIVERSITY

**Name Of The Topic:** Anti-Defection Law: A Study Of Defections In Goa

I, **Akash Gaonkar**, the student of M.A. II, Political Science Programme. D.D. Kosambi School of Social Sciences and Behavioural Study (DDKSSSBS), Goa University. As part of my M.A. course, I have to complete dissertation on the topic: 'Anti-defection law: A study of Defections in Goa' for which I have to conduct the survey. The identity of the respondents interviewed in this survey, will be kept strictly confidential the responses are used only for academic purpose. I need your active cooperation for making my study successful.

#### Section A : Personal Details.

1. . Are you agreed to give your consent for the survey?	I.	Yes	
	II.	No	
2. Location:	III.	Rural	
	IV.	Urban	
3. Constituency:	I.	Calangute	
	II.	Margao	
4. District :	I.	North Goa	
	II.	South Goa	
5. Polling station:			

6. Age:	I.	18-30	
	II.	31-45	
	III.	46-60	
	IV.	60 and above	
7. Gender :	I.	Male	
	II.	Female	
	III.	Others	
8. Education:	I.	Illiterate	
	II.	Primary	
	III.	Intermediate	
	IV.	Secondary	
	V.	Graduate/diploma	
	VI.	Post-graduate	
9. Occupation	I.	Government employes	
	II.	Private employes	
	III.	Farmer	
	IV.	Self-employed	
	V.	Worker/Laboure	
	VI.	Any other	

**Section B: Public perception and defection**

Sr. No	Statement	1)Yes	2)No
1.	Have you heard of candidates defecting from one party to another in Goa?		
2.	If yes, do you feel that in recent years the cases of defection are increasing?		
3.	In your opinion, does political defection reduce public trust in politicians?		
4.	Will you be able to vote or do trust the defected MLA again?		
5.	Do you think there should be penalties for politicians who defect and join another party?		
6.	Do you agree that, Politicians change their views after defection.		
7.	Are you satisfied with the action taken by political parties to resolve the issue of defection in Goa?		
8.	Are you aware about Anti-defection law?		
9.	Do you think the existing anti-defection law is sufficient to prevent political defections?		

### Section B.1

Sr. no	Statement	No.	Options	
1.	In your opinion, what motivates politician in Goa to switch from one party to another?	I.	Ideological differences	
		II.	Personal gain	
		III.	Lack of opportunities in current party.	
		IV.	Dissatisfaction with party leadership	
		V.	Public interest	
		VI.	Any other	

### Section C: Patterns and Trends of Defection

Do you agree to the following statements:

Sr. No	Statement	SA	A	NA/ND	D	SD
1.	From the opposition to the ruling party is the trend of political defection in Goa.					
2.	The history of defection influences the politician to defect.					
3.	As the defection are happening at any time do you think that impact the Governance of the state?					
4.	Defections in Goa has some pattern in recent years of joining a particular party.					

- i. Strongly Agree (SA) ii. Agree (A) iii. Neither Agree nor Disagree (NA/DA) iv. Disagree(D)  
v. Strongly Disagree (SD)

### Section C.1: Contemporary Instance of Defection

Do you agree that,

Sr.No	statement	SA	A	NA/ND	D	SD
1.	Money power is the reasons that help the candidate to get elected again and again					
2.	Vote bank politics is the reason that help candidate to get elected again and again					
3.	Charismatic personality of the candidate is the reasons for him/her to get elected again and again					
4.	Leadership quality is the reasons that help candidate to get elected again and again					
5.	Social works is the reasons that help candidate to get elected again and again					
6.	Importance of party loyalty for the political representatives in Goa is very important.					

- i. Strongly Agree (SA) ii. Agree (A) iii. Neither Agree nor Disagree (NA/DA) iv. Disagree(D)  
v. Strongly Disagree (SD)

### Section D: Motivations Behind Defections

Sr.No	statement	SA	A	NA/ND	D	SD
1.	Do you think that more than ideological disagreements, personal interests are what lead to political defections?					
2.	Political defection is helpful to form a government or strengthened party.					
3.	The main reason for defection of MLAs in Goa is political parties.					
4.	Do you think the double engine government has left no option for opposition members except defection?					

i. Strongly Agree (SA) ii. Agree (A) iii. Neither Agree nor Disagree (NA/DA) iv. Disagree(D)  
v. Strongly Disagree (SD)

### Section E : Impact of Defection on Governance

Sr.No	statement	SA	A	NA/ND	D	SD
1.	Do you think political defection is a sign of weak government administration?					
2.	Do you think political defection affects policy making?					
3.	Do you think Goa politicians use party as a strategy to win elections?					

i. Strongly Agree (SA) ii. Agree (A) iii. Neither Agree nor Disagree (NA/DA) iv. Disagree(D)  
v. Strongly Disagree (SD)



**Section E.1:**

<b>Sr. No</b>	<b>Statement</b>	<b>No</b>	<b>options</b>	
<b>1.</b>	What matters for you most when you vote in assembly election?	I.	Party	
		II.	Candidate	
<b>2.</b>	To what extent do you believe that anti-defection law contributes to political stability?	I.	Greater extend	
		II.	To some extent	
		III.	Neutral	
		IV.	Not much	
		V.	Not at all	
<b>3.</b>	Has the presence of anti-defection laws affected your trust in the political system?	I.	Greater extend	
		II.	To some extent	
		III.	Neutral	
		IV.	Not much	
		V.	Not at all	
<b>4.</b>	In your opinion, which parties are most often involved in defection, for example, the ruling party or the opposition?	I.	Ruling	
		II.	Opposition	
		III.	Both	
		IV.	Not matter	
<b>5.</b>		I.	Yes	
		II.	No	

	do you think political defection is more prevalent in Goa compared to other state?	III.		
6.	Would you still vote for the candidate if he/she defect from one party to another?	I.	Yes	
		II.	No	
7.	If yes what is the reason?		<hr/> <hr/> <hr/>	
8.	how do you rate the performance of your present MLA?	I.	Highly satisfied	
		II.	Some what satisfied	
		III.	Neutral	
		IV.	Somewhat dissatisfied	
		V.	Highly dissatisfied	

## Appendix II

### Library Records

**POLITICAL SCIENCE PROGRAMME**  
**D.D KOSAMBI SCHOOL OF SOCIAL SCIENCE AND BEHAVIOURAL STUDIES, GOA UNIVERSITY**

**Name of Researcher:** Akash Gaonkar

**Name Of The Topic:** Anti-Defection Law: A Study Of Defections In Goa

I, **Akash Gaonkar**, the student of M.A. II, Political Science Programme. D.D. Kosambi School of Social Sciences and Behavioural Study (DDKSSSBS), Goa University. As part of my M.A. course, I have to complete dissertation on the topic: 'Anti-defection law: A study of Defections in Goa'. As part of my dissertation, I need to complete an internship. This involves visiting libraries, doing fieldwork, surveys, and interviews. I have to keep careful records of everything I do. To show that I've visited places, I need to get signatures or stamps as proof. This helps make sure my research is genuine and accountable.

Sr.No	Visited Places/field	Date	Time	Stamp/Signatures
1	Krishnadas Shama State Central Library, Sanskruti Bhawan, Patto, Patto Centre, Panaji, Goa.	09/08/2023	11:30 am to 03:30 PM	<i>Nhane Kote</i> Incharge Goa & RB Section KRISHNADAS SHAMA GOA STATE CENTRAL LIBRARY
2	KRISHNADAS SHAMA STATE CENTRAL LIBRARY, SANSKRUTI BHAVAN, PATTO Patto Centre, Panaji Goa.	20/09/2023	12:15 PM to 04:20 PM	<i>Nhane Kote</i> Incharge Goa & RB Section KRISHNADAS SHAMA GOA STATE CENTRAL LIBRARY
3	Goa University Library.	18/03/2024	05:00 PM to 06:20	<i>Dr. Sanjay B. Dessai</i> UNIVERSITY LIBRARIAN Goa University Taleigao - Goa.

Sr.No	Visited Places/field	Date	Time	Stamp/Signatures
4	Krishnadas Shama State Central Library, Sanskriti Bhavan, Patto, Patto Centre, Panaji Goa.	13/10/2023	10:45 am to 03:40 pm	<i>Nhane K</i> incharge Goa & RB Section, KRISHNADAS SHAMA GOA STATE CENTRAL LIBRARY
5	Krishnadas Shama State Central Library, Sanskriti Bhavan, Patto, Patto Centre, Panaji Goa	14/03/2024	01:30 pm to 04:50 pm	<i>Nhane K</i> incharge Goa & RB Section, KRISHNADAS SHAMA GOA STATE CENTRAL LIBRARY
6	Gomant Vidya Niketan, Kashinath Damodar Naik Library, Margao Goa.	18/03/2024	02:00 pm to 03:30 pm	<i>Aleil</i> 18-3-24 GOMANT VIDYA NIKETAN LIBRARY
7	Goa University Library	19/03/2024	02:55 pm to 4:00 pm	<i>Dr. Sandeep B. Dessai</i> UNIVERSITY LIBRARIAN Goa University Taleigao - Goa.