**National Press Release**

*19 May 2018 – for immediate release*

**The liberal position on defections – by Swarna Bharat Party**

Mr Rahul Pandit, Working President of Swarna Bharat Party, India’s only liberal party, said our understanding of defection should be framed by the understanding that in a democracy, the people are the masters (principal) and MPs and MLAs their agents (representatives). At the same time, we must defend freedom of speech for legislators, as enshrined in Article 105 of the Constitution.

The people of India are given two options while voting: either pick an independent candidate or pick a political party candidate. Where they elect a political party candidate, an implicit sovereign contract comes into place between them and their representative that limits the legislator’s freedom of expression and power to defect.

Mr Pandit said that while independent candidates should have full speech rights, these rights must be reasonably curtailed for political party candidates. Unfortunately, the current anti-defection provisions are too harsh and empower a High Command culture in political parties. The party whip can be issued on virtually any matter. As a result, instead of legislatures being a forum for serious debate, meaningless aggression and shouting has become the norm. With the final outcome known in advance, speeches on the floor of the house have lost their importance.

The anti-defection law needs to be amended in two ways. First, freedoms under Article 105 must prevail for political party candidates except in the case of a motion of confidence, no-confidence and money bills, as suggested by the Dinesh Goswami Committee on Electoral Reform. Second, the sovereign contract with the master – the people – must be recognised and no party legislator should be able to violate these motions without forfeiting his seat.

But there is a more fundamental question. Why do Indian politicians show such low moral standards and are attracted by the lure of money or of office? No other democracy displays such a sordid state of affairs.

Mr Pandit said that this issue can only be addressed through electoral reforms, mainly: (a) state funding of elections on per vote basis, and (b) high salaries for MPs and MLAs so they can live a reasonable life while representing their constituents. That will reduce moral pygmies (or worse, blatant crooks) entering our legislatures.

Mr Pandit acknowledged that till the moral standards of politicians become extremely high, we will need a law to prevent political party candidates from defecting. When they defect, they must be deemed to have resigned their seat and must seek re-election.

**Notes for Editors**

SBP is India’s only liberal party, committed to defending liberty and promoting prosperity.

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