



Original Article

Comparative Analysis: India's Anti-Defection Law vs. Global Anti-Defection Laws

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Abstract

Political defection, which involves the defecting of an elected representative from the party that has assisted him/her to come to power and joining another party, poses a significant threat to democracy globally. This paper will compare the defection laws in 28 countries in the context of single-party, two-party, and multi-party systems. This research is conducted based on qualitative comparative analysis, legal analysis, principal-agent theory, and deliberative democracy theory to investigate the differences between various countries' approaches to defection. Three trends emerged through the analysis. First, countries with strong anti-defection laws are characterized with less deliberation in the parliament as compared to countries without anti-defection laws that maintain party loyalty with political culture and voter responsibility. Secondly, defection cases in countries whose constitution requires the Speaker of the parliament to decide on the case, like the Tenth Schedule in India, are associated with inefficiency and biases. In addition, the loophole created in the merger rules and resignation laws in certain countries has facilitated the organised defections. This paper presents two novel concepts. The first concept is referred to as the Democratic Loyalty Paradox. The second one is the Mandate Breach Theory – the notion that the defection process is not merely a violation of the party's guidelines but a breach of the agreement made by the candidate to the electorate. On the basis of the findings from the research, the paper recommends the PADA framework (Parliamentary Accountability and Defection Act) and the Legislative Loyalty Index (LLI).

Keywords: anti-defection law; Tenth Schedule; party-system typology; political defection; comparative constitutional law; Aaya Ram Gaya Ram; PADA Framework; Democratic Loyalty Paradox; Mandate Breach Theory; Legislative Loyalty Index; parliamentary reform.

Introduction

When a voter exercises his franchise, he not only votes for an individual but also for the party, its ideology, its leadership and its promises. But if the chosen leader switches from that party to another, the vote is totally wasted. The process is known as political defection and is one of the biggest threats to democracy (Strom, 2000). Political defections weaken the government, undermine the confidence of people and make parliamentary discussions nothing but a bargaining ground. In India, the issue gained attention after the 1967 Haryana case when an elected candidate called Gaya Lal switched from one party to another and then to another thrice in one single day. This created the well-known phrase "Aaya Ram Gaya Ram" (Ram came, Ram went) which is used till date for the purpose of describing political opportunism (Kashyap, 1990). There have been numerous cases of political defections since 1967 to 1985 in India. The Rajiv Gandhi Government introduced the Tenth Schedule to the Constitution via the 52nd Amendment Act, 1985. This statute stated that any lawmaker who changes parties or defies the dictates of his/her party can be disqualified from being a lawmaker.

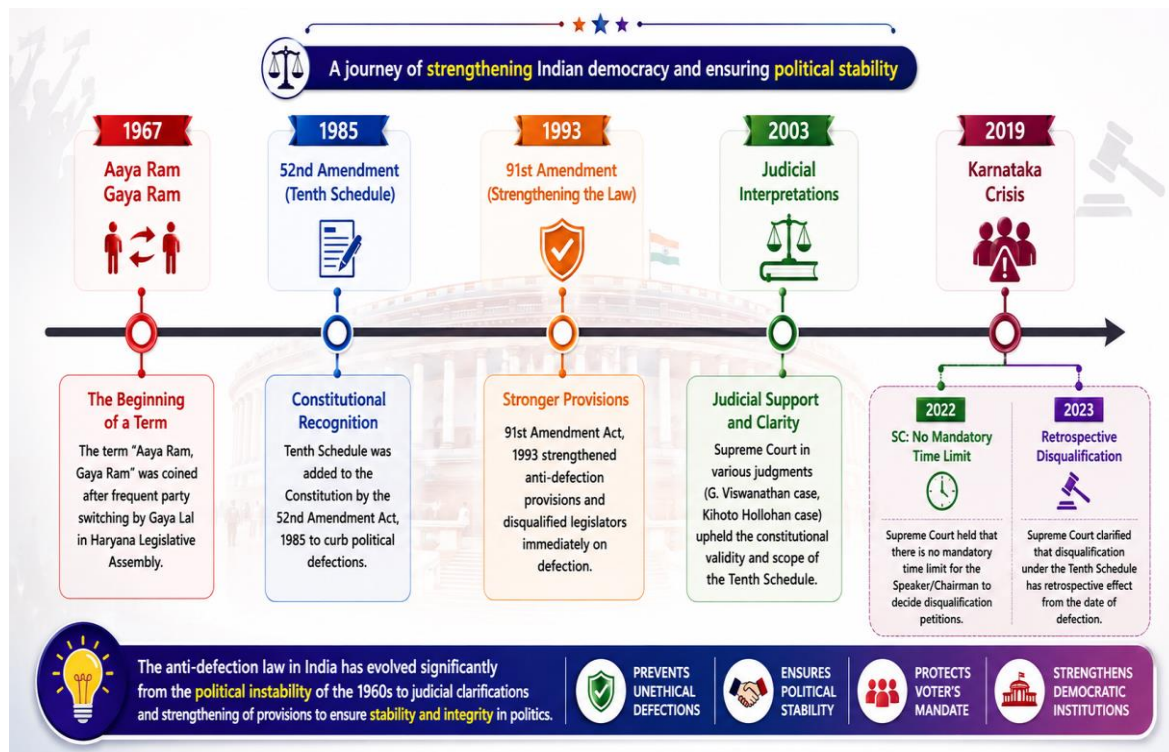
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Figure: Timeline of Anti-Defection Law in India.



This act is flawed after almost four decades. The Speaker, who makes defection judgments, is mostly from the government coalition party, making judgments biased. This act's two-thirds merger rule, which was aimed at accommodating actual party mergers, has been applied to safeguard organized defections. The resignation loophole gives legislators a chance to resign even before any action can be taken against them, like what happened in the 2019 Karnataka controversy. In addition, the use of the whip on any matter instead of significant votes destroys Parliamentary debates (Sharma, 2022; Reddy & Bhargava, 2022).

This problem is not unique to India. Various nations have varying means of handling defection. This is a problem not experienced in one-party states. Two-party systems, including the US and UK, employ political culture and voter pressure in the place of legislation. Multi-party democracies like Bangladesh have strict laws (Article 70), while in Germany, the constitution ensures that every legislator receives a free vote (Article 38, Basic Law). However, there is no research comparing all the above approaches.

This paper bridges this knowledge gap with the help of three contributions. Firstly, it provides a comparison of the anti-defection laws in 28 different countries. Secondly, the paper presents two new theories, which are the Democratic Loyalty Paradox theory and the Mandate Breach theory. Lastly, it provides an alternative framework, PADA, for India's anti-defection law with Legislative Loyalty Index (LLI).

Literature Review and Theoretical Framework

1. Indian Studies on the Tenth Schedule

The majority of studies carried out in India about anti-defection law deal with legislation and judicial decisions. Malhotra (2005) gives an in-depth history of the Tenth Schedule from the era of post-1967 crisis up to the introduction of this law. However, according to his study, the anti-defection law indeed managed to curb individual

defection, but he does not analyze its impact on parliamentary discussion.

However, recent studies are more critical. According to Sharma (2022), the Tenth Schedule became a way to control party members by party leaders, as well as to protect against defection. She points out that the Speaker is biased because he is part of the ruling party. Reddy and Bhargava (2022) analyze political tactics such as mass resignations, sham mergers, and delaying tactics used to avoid the implementation of the law. Tyagi (n.d.) makes a crucial point by distinguishing "survival whips" and "control whips." The former are used only during confidence motion and budgets while the latter are used during all other votes. Two Supreme Court cases stand out particularly. In the case of Keisham Meghachandra Singh v. Speaker, Manipur (2020), the Court indicated that Parliament may consider establishing an independent tribunal to take over from the role of the Speaker. In the Subhash Desai v. Principal Secretary, Maharashtra (2023) case, the Court addressed the 2022 political crisis in Maharashtra, which arose from the defection of Eknath Shinde faction from the Shiv Sena with sufficient numbers to form a political party.

2. International Studies

Janda (2009) provided the most comprehensive worldwide study on party-switching legislation. The important conclusion that Janda made about anti-defection legislation is that such laws will create obedient legislatures, but not representative ones. Bari and Dey (2022) examined Article 70 of Bangladesh and showed that the latter resulted in "stability without deliberation." investigated floor-crossing legislation in South Africa and discovered that although the laws were supposed to provide for real political change, they were used as tools for party raids and were even cancelled. The Bundestag of Germany (2021) provides documents on its free-mandate principle.

3. Theoretical Foundations

Principal-Agent Approach: Voters as principals delegate their decision-making power to the legislator agents via elections. The anti-defection rule resembles a contract that

prevents agent from reneging on his/her promise. However, according to Strom (2000), legislators act for multiple principals including voters, the political party, the parliament as well as for himself/herself. The anti-defection rule makes the political party loyalty more important than other interests thus affecting the interests of the voter and the legislative independence.

Deliberative Democracy Approach: As argued by Habermas (1996) and Dryzek (2000), legitimacy of a parliament is defined through its deliberations rather than voting results. In case the legislators are deprived of their right to argue, to have an opposition opinion and to vote, the democratic nature of the parliament will be destroyed. Anti-defection laws that penalize any deviation of the legislators deprive the parliament of the deliberation role.

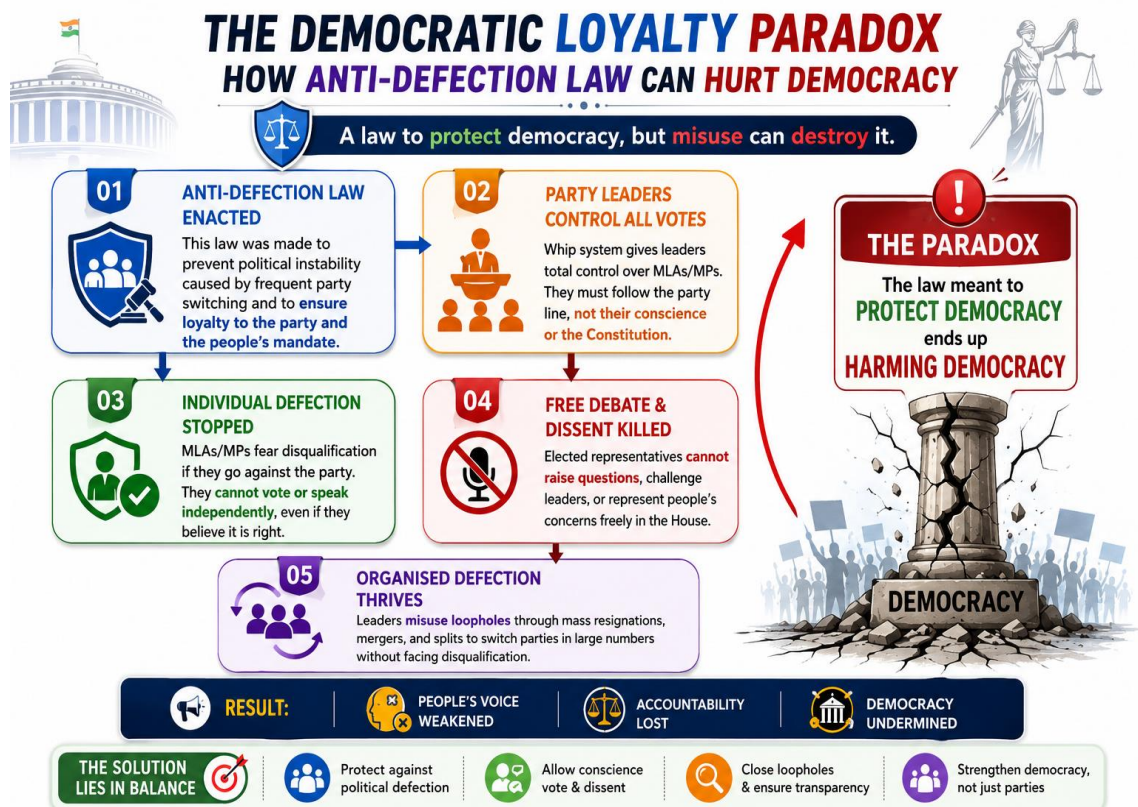
The Democratic Loyalty Paradox (Parkhi, 2026)

In this paper, I introduce a new phenomenon: the Democratic Loyalty Paradox. In essence, a rule designed to preserve democracy ends up undermining democracy. This paradox operates on three distinct layers:

Individual: Legislators cannot make a decision based on their voters' needs against the instructions of their party. They act as servants of the party, not representatives of the voters.

Party: Excessive powers are given to the leaders of the party. The healthy opposition in the party that supports democracy is stifled.

Systemic: The pressure that leads to defection remains unaltered. It merely seeks other avenues to overcome the legislation, such as resigning en masse or forging alliances.



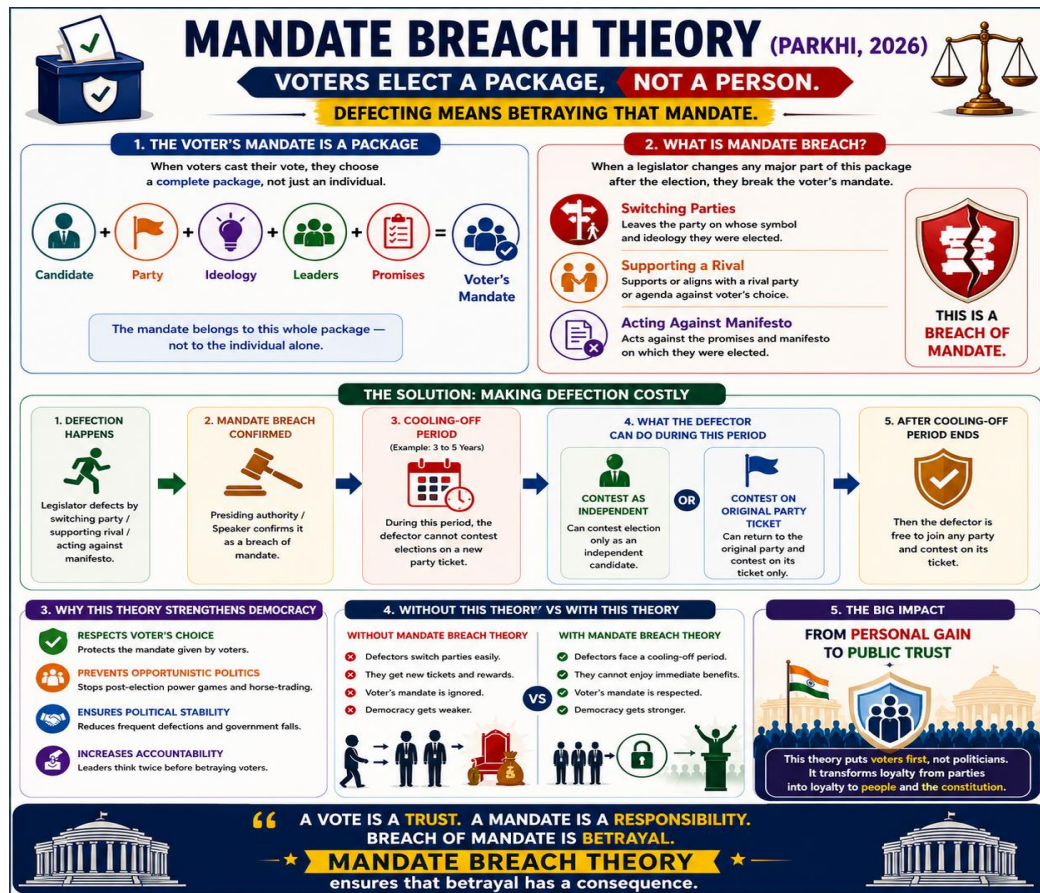
The Mandate Breach Theory (Parkhi, 2026)

The other theory that is a new introduction is the Mandate Breach Theory. When the voter votes for somebody through their ballot, they vote for everything else along with the politician including his party and ideology, his manifesto and everything else that makes up the entire package. The mandate of the voter thus lies with the entire package and not solely with the individual. Thus defection

in any way from this entire package constitutes a breach of mandate by the elected member of parliament.

It follows from the above theory that the solution to this problem is also obvious. If defection amounts to breach of mandate, then a cooling off period must be introduced during which the defector is not allowed to file for contest in a bye-election as the candidate of the new political party.

Figure: Mandate Breach Theory (Parkhi 2026)



Research Methodology

Research Design: The current study employs a qualitative comparative approach with three tools of research, namely: (a) doctrinal legal analysis of constitutional texts and judicial decisions, (b) comparative political analysis with respect to cross-national institutional comparison and its outcomes and (c) theoretical analysis via application of concepts of Democratic Loyalty Paradox and Mandate Breach Theory. Analytical Dimensions: The comparison is based on four dimensions: (1) historical-evolutionary: what political circumstances resulted in the establishment of anti-defection laws;

(2) Constitutional-legal the formal provisions and procedures of such laws;

(3) Institutional-enforcement: who makes decisions on defection and how neutral he/she is and (4) Democratic impact: impact on governmental stability, debate quality, voters' accountability.

Countries Selection: Twenty-eight countries have been selected so as to represent all three party-system types.

One-party/dominant-party systems include China, North Korea, Vietnam, Cuba, Myanmar, Laos, and Singapore. Two-party systems include USA, United Kingdom, Australia, Malta, Spain, Ghana, and Zimbabwe. Multi-party systems include India, Germany, Pakistan, Sri Lanka, Bangladesh, South Africa, Philippines, Malaysia, Israel, Nepal, France, Italy, Brazil, Indonesia, and Ireland. Sources of Data: All data is taken from secondary sources, which are freely available: constitutional provisions, legislative acts, judicial judgments (particularly Keisham Meghachandra Singh, 2020, and Subhash Desai, 2023), academic research (Malhotra, 2005; Janda, 2009; Sharma, 2022; Reddy & Bhargava, 2022; Bari & Dey, 2022), and institutional documents (International IDEA, 2021; PRS Legislative Research, 2023; Law Commission Reports 170 and 255).

1. Legislative Loyalty Index (LLI): Scoring Method

The Legislative Loyalty Index (LLI) is a new tool proposed in this paper for measuring how well different countries handle anti-defection. It scores five areas on a scale of 1 to 10, and the final score is the average of all five.

Table 1: LLI Scoring Dimensions

No.	Dimension	What It Measures	Scoring Guide (1=Low, 10=High)
D1	Neutrality of Enforcement Body	How independent is the body that decides cases?	1-3: Speaker with party ties 7-10: Independent tribunal or court
D2	Time-Bound Adjudication	Are cases decided within a fixed time?	1-3: No time limit; years of delay 7-10: Fixed deadline with consequences
D3	Conscience Vote Protection	Can legislators vote freely on some matters?	1-3: Whip on all votes 7-10: Protected free votes
D4	Genuine Deterrence	Does defection carry real costs?	1-3: No real consequences 7-10: Disqualification + cooling-off
D5	Party-System Alignment	Does the law fit the country's party system?	1-3: Severe mismatch 7-10: Well-calibrated to system

Limitations: Equal weighting of dimensions is a simplification. Scoring reflects the author's judgment based on available evidence. The index does not capture informal mechanisms like patronage networks.

Comparative Analysis and Findings

1. One-Party and Dominant-Party Systems

Defection is impossible in one-party regimes (China, North Korea, Vietnam, Cuba, Laos) and dominant-party regimes (Myanmar, Singapore) since there is no alternative party to defect to. Discipline is enforced through internal party mechanisms — ideological indoctrination, cadre control, and in some cases through punishment. These regimes have low scores on the LLI not because the system itself is not working, but rather because the environment for democratic discussion is not present.

Singapore is an example of a regime that formally has several political parties, but one single party (People's Action Party, PAP) has ruled from the time of the country's independence. Defection from the PAP is inconceivable, and defection from other parties does not matter at all. Thus, we see that the actual system of parties determines the applicability of anti-defection law.

2. Two-Party Systems

Two party systems such as the United States of America and the United Kingdom lack formal anti-defection laws. Party discipline is politically motivated by stripping the member of committees, campaign finance, and public backing. In the United States of America, the member of Congress is free to move from one party to another without facing legal sanctions. Cross-party voting is frequent, and it is considered a normal practice in politics and not a problem. United Kingdom utilizes the whipping system; however, this is a political convention and not a law. When a member loses the whip, he or she gets expelled from the parliamentary party and retains his or her seat. From the case of the United Kingdom, it is evident that party discipline can be achieved within a two-party system through culture and elections without bearing the cost of prohibition. Countries such as Australia, Malta, Spain, and Ghana operate similarly, while the only exception is Zimbabwe.

3. Multi-Party Systems

The multi-party system poses the toughest dilemma. Given coalition politics and slim majorities, any defection would

swing the balance and affect the power equation. Thus, every lawmaker's allegiance becomes an extremely important asset.

Germany represents the best illustration of how a multi-party system functions without an anti-defection clause. Under Article 38 of the Basic Law, every Member of the Bundestag enjoys a "free mandate", in the sense that they are "representatives of the entire people, not bound by any order or instruction and responsible only to their own conscience". However, Germany enjoys strict party discipline due to its system of proportional representation, party organization and political culture. Germany tops the LLI because it manages to solve the "Democratic Loyalty Paradox".

Bangladesh represents the other extreme end of the spectrum. According to Article 70 of the Constitution, any MP who fails to vote in line with the party loses his or her position in the House without exception. Bari and Dey (2022) note that as the consequence, the Parliament serves as a rubber stamp; discussions are formalities, dissent does not exist, and all the decisions are made before the bills arrive at the House by the party leadership. Bangladesh exemplifies the extreme case of the Democratic Loyalty Paradox where maximum stability is observed but deliberation is absent.

Pakistan has the halfway solution to defections: while defection issues are handled by the Speaker, the Supreme Court actively intervenes. This kind of intervention is not perfect but more credible than the system based only on the Speaker. Nepal and the Philippines have the Election Commission to handle defections.

The floor-crossing initiative of South Africa (2002-2009) stands as a warning.

The Constitution was amended to permit defections through fixed "window periods." Instead of bringing about real political transformation, these window periods were employed to conduct organized raids – government party officials would entice the members of the opposition to defect en masse. The window period provision was scrapped in 2009.



4. **India: How the Tenth Schedule Has Failed**
Speaker as Judge — A Conflict of Interest: The Tenth Schedule makes the Speaker the sole judge of defection cases. The assumption is that the Speaker is neutral. But the Speaker is almost always from the ruling party. PRS Legislative Research (2023) shows that defection petitions in several states stayed pending for years, with decisions coming fast when they helped the ruling party and getting delayed when they did not. In Keisham Meghachandra Singh (2020), the Supreme Court itself said the Speaker should be replaced with an independent tribunal.

The Two-Thirds Merger Loophole: The 91st Amendment (2003) said that if two-thirds of a legislative party agrees to merge with another party, it is not defection. The idea was to allow genuine political change. But in practice, if political actors can convince or pressure two-thirds of a party's legislators, they can call it a "merger" and

avoid all consequences. The 2022 Maharashtra crisis showed this in its most extreme form.

The Resignation Escape: The Tenth Schedule punishes defection but not resignation. So legislators simply resign before any case is filed. In the 2019 Karnataka crisis, 17 MLAs resigned from the Congress-JD(S) coalition, bringing down the government. The Supreme Court ruled that legislators have a right to resign. The disqualified MLAs were then allowed to contest by-elections — several on BJP tickets. The political goal of defection was achieved in full, while the legal punishment was meaningless.

Whip Overuse Kills Debate: The whip was meant for survival votes — confidence motions and budgets. But in India, whips are issued on almost all votes. This means legislators cannot debate, propose changes, or vote differently on any issue without risking disqualification. The result is a parliament where real discussion is almost absent. This is the Democratic Loyalty Paradox at work.

Table 2: Major Anti-Defection Crises in India (2019–2023)

Year	State	What Happened	Result
2019	Karnataka	17 MLAs resigned from Congress-JD(S) coalition	Government fell; MLAs contested by-elections on new party tickets
2020	Manipur	Defection petitions pending for years	Supreme Court said replace Speaker with tribunal
2022	Maharashtra	Shinde faction split from Shiv Sena with majority MLAs	Shinde government continued; ECI gave party symbol to Shinde
2023	Manipur/Nagaland	Post-election party-switching; petitions filed	No timely resolution; continued enforcement weakness

5. LLI Results

Key patterns from the LLI results: First, the highest-scoring countries (Germany, USA, UK) have no formal anti-defection laws — they use political culture and elections to maintain discipline. This directly supports the Democratic Loyalty Paradox. Second, Bangladesh scores high on

deterrence ($D4 = 8$) but lowest on conscience-vote protection ($D3 = 1$), showing that stopping defection and stopping debate often go together. Third, India's very low score (3.2) comes mainly from its failures in enforcement neutrality ($D1 = 3$) and timeliness ($D2 = 2$) — both caused by the Speaker system. Fourth, Nepal scores better among

multi-party systems because it uses the Election Commission for enforcement.

Figure 1: Legislative Loyalty Index (LLI) — Country Scores

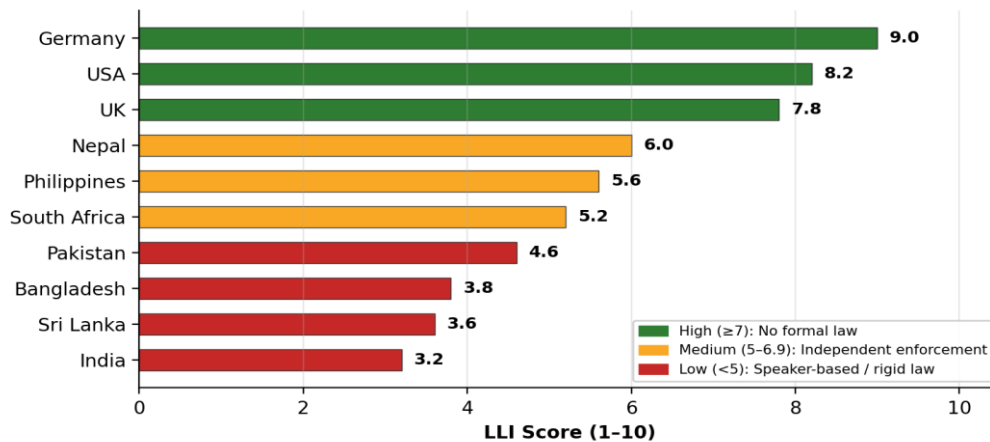
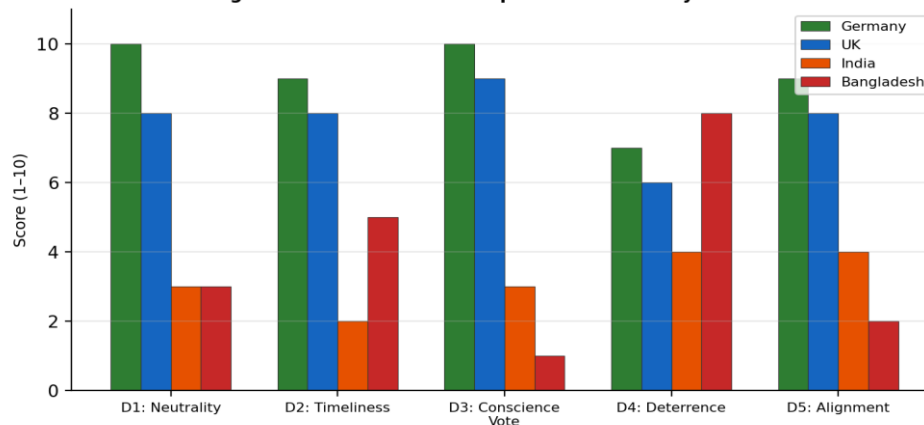


Figure 4: LLI Dimension Comparison — Four Key Countries



6. Hypothesis Assessment

H1: Strict anti-defection laws reduce debate. — SUPPORTED. Bangladesh's Article 70 has produced stable governments but no meaningful debate. India's Tenth Schedule has suppressed debate without stopping organised defection.

H2: Strong anti-defection laws can weaken democracy (Democratic Loyalty Paradox). — SUPPORTED. Countries with the strictest laws (Bangladesh, India) show most suppression of legislative independence. Countries without such laws (Germany, USA, UK) maintain both discipline and debate.

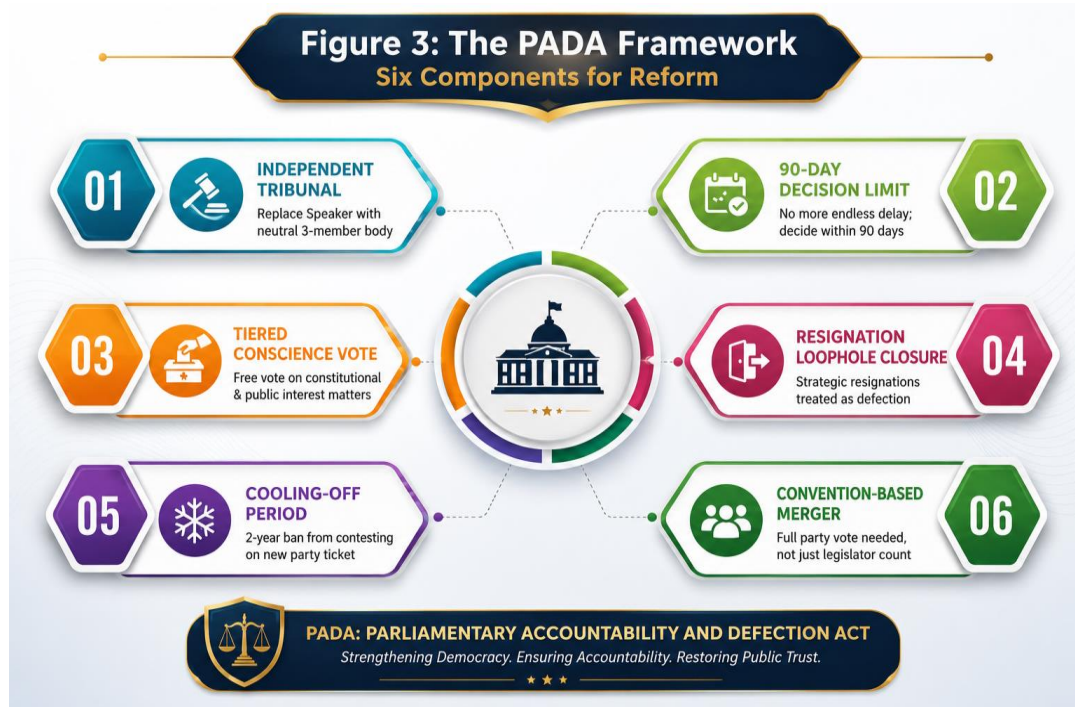
H3: Politically biased enforcement increases executive dominance. — SUPPORTED. India's speaker-based system tends to reinforce ruling party's power rather than provide neutral justice.

H4: Independent judicial or tribunal oversight is more credible. — SUPPORTED. Evidence from Pakistan, Nepal, the Philippines, and the Supreme Court's own recommendation converges on this finding.

H5: India needs comprehensive reform (PADA Framework). — SUPPORTED. The documented failures are design-level problems that require a new institutional architecture, not minor amendments.

The PADA Framework: Parliamentary Accountability and Defection Act

The PADA Framework is not a small change to the Tenth Schedule. It is a complete replacement of the current system. It balances three goals that the current law fails to reconcile: (a) party discipline on matters of government survival, (b) protection of voter mandate against opportunistic defection, and (c) legislative freedom on matters of conscience and public interest. The framework has six components.



Component 1 - Anti-Defection Independent Tribunal: Instead of the speaker, an independent tribunal consisting of three members, namely a retired Judge of Supreme Court (Chair), a retired Chief Election Commissioner, and a retired Comptroller & Auditor General of India, will make a decision in cases under consideration. These members will be appointed by a committee comprising the Prime Minister, the Leader of Opposition and Chief Justice of India. The Supreme Court's review will be possible on grounds of law. This component directly deals with the problem of conflict of interest described in this paper and is based on the Supreme Court's ruling in *Keisham Meghachandra Singh* (2020).

Component 2 - 90 Days Limit for Decision Making: A decision on each case should be taken within 90 days from its submission. The absence of a decision within this period results in suspension of the voting right of the legislator accused of defection.

Component 3 - Tiered Conscience Vote: The vote is split into three groups. Group A (Survival Votes): confidence motion, no-confidence motion, money bills, budget – whipping is absolute and any violation will lead to disqualification. Group B (Ordinary Votes): regular legislations – whipping is valid but any violation will lead to internal party action and not disqualification. Group C (Conscience Vote Protected): constitutional amendments, bill relating to fundamental rights and any matter of public interest – no whipping is there and legislator votes on conscience. This is inspired from UK law and solves Democratic Loyalty Paradox.

Component 4 - Defection Loophole Closing: In case of any defection, if a lawmaker resigns within six months of supporting other parties, voting against the party in survival matter or mentioned in defection petition, the tribunal can hold his resignation as defection.

Component 5 - Cooling-Off Period (Mandate Breach Theory): Once a member is convicted of being a defector, they cannot contest any elections in two years under a new party's ticket. They can contest as an independent candidate or on the old party's ticket. This ensures that there is a cost

attached to defection rather than enabling defectors to immediately contest bye-elections using a new party's ticket.

Component 6 - Convention-Based Merger: The two-thirds merger of parties through a legislature will be done away with in favor of a proper procedure: (a) Party convention with 30 days' notice in public domain; (b) Quorum of the whole of the membership of the party (as opposed to legislators alone); (c) Secret balloting among members of the party; (d) Filing of documentation of the merger in front of both tribunal and election commission; and (e) 30 day objection period.

Discussion

1. Main Finding

However, the link between anti-defection law and democracy turns out to be an inverse U-curve. The best scores for both dimensions go to countries that lack any law but have vibrant political culture (Germany, USA, UK). Next come countries that possess moderate anti-defection laws and independent institutions to enforce them (Nepal, Philippines). The countries with very rigid anti-defection laws that are enforced in a biased way (India, Sri Lanka), as well as countries that outlaw defection absolutely (Bangladesh) rank last. This is the Democratic Loyalty Paradox in action: after a certain threshold, the stricter law becomes a factor that worsens debate quality without decreasing opportunism.

India is the epitome of such paradoxes: the Tenth Schedule is too rigid to suppress dissent and too soft to prevent organized defection.

2. Can India Reform?

Constitutional amendment is essential for implementation of the PADA Framework, and this requires political will. However, three factors make such an amendment possible: (i) The explicit recommendation by the Supreme Court of an independent tribunal in the case of *Keisham Meghachandra Singh* in 2020; (ii) The recommendations by the Law Commission of India (Report Nos. 170 and 255); and (iii) The obvious shortcomings of PADA during the crisis situations in Karnataka, Manipur, and Maharashtra.

3. Limitations

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4. Directions for Future Research

Future research could quantify the Democratic Loyalty Paradox using variables such as debate hours, amendments proposed, and committee work. The validity of the LLI could be improved through inter-rater reliability testing. A case study on defection methods and simulations based on the PADA Framework would contribute to the practicality of the research.

Conclusion

However, the anti-defection law of India is a solution to an actual problem – the political chaos following

opportunistic party defections since 1967. The Tenth Schedule must be credited for preventing the most blatant cases of individual defections. However, from the analysis done by comparing twenty-eight countries and applying two theoretical models presented above, it can be seen that the Tenth Schedule has created unexpected loopholes in its design.

Firstly, the Democratic Loyalty Paradox has demonstrated that anti-defection laws have the ability to end democratic deliberation. Secondly, the Mandate Breach Theory proves that defections are not just violations of internal party regulations but violations of mandate given by people to their representatives. The best performing systems of the world ensure party discipline via political culture and not legislation. When there is a need for legal provision, enforcement should be independent and adequate space for deliberation should be ensured.

Here lies the path which PADA framework presents to India — an independent tribunal, binding time frames, graded conscience votes, closure of the resignation route, a cool off period for real deterrence, and conventional merger laws. This approach is based on comparative analysis and adapted to the conditions of India. Indian democracy is healthy enough to foster dissent, disapproval, and change. It cannot sustain a law that stifles fair discussion yet facilitates betrayal in an organised manner. Voter's mandate, vested in good faith and democratic hope, needs to be safeguarded right from election day to end of the term. A new anti-defection law would ensure that lawmakers serve their constituencies and not just their parties.

Appendix A: Country Classification by Party-System Type

Party-System Type	Countries	General Approach
One-party /Dominant party	China, North Korea, Vietnam,Cuba, Myanmar, Laos, Singapore	Internal party discipline;no formal anti-defection law
Two-party	United States, United Kingdom,Australia, Malta, Spain, Ghana,Zimbabwe	Political convention;limited or no constitutional control
Multi-party	India, Germany, Pakistan, Sri Lanka,Bangladesh, South Africa, Philippines,Malaysia, Israel, Nepal, France,Italy, Brazil, Indonesia, Ireland	Legal rules; election bodies;courts; tribunal orparty-based enforcement

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Conflicts of interest

The authors declare that there are no conflicts of interest regarding the publication of this paper.

References

- Bari, M. E., & Dey, P. (2020). The anti-defection provision contained in the constitution of Bangladesh, 1972, and its adverse impact on parliamentary democracy: A case for reform. *Wisconsin International Law Journal*, 37(3).
- [The anti-defection provision contained in the constitution of Bangladesh.pdf](#)
- Chhibber, P., & Kollman, K. (2009). The formation of national party systems: Federalism and party competition in Canada, Great Britain, India, and the United States. In *The Formation of National Party*

Systems. Princeton University Press.[The formation of national party systems:](#)

- Devi, V. R., & Mendiratta, S. K. (2024). How India votes: Election laws, practice and procedures. LexisNexis India.
- [How India votes](#)
- Dryzek, J. S. (2002). *Deliberative democracy and beyond: Liberals, critics, contestations*. OUP Oxford. [Dryzek, J. S. \(2002\). Deliberative democracy and beyond:](#)
- Election Commission of India. (2023). Order in the matter of dispute between factions of Shiv Sena party (Press Note No. 3/2023). <https://eci.gov.in>
- Habermas, J. (1996). Between facts and norms: Contributions to a discourse theory of law and democracy. MIT Press. [Habermas, J. \(1996\). Between facts and norms](#)
- International IDEA. (2021). Political parties and democracy: A comparative study. International Institute for Democracy and Electoral Assistance. <https://www.idea.int>
- Janda, K. (2009). Laws against party switching, defecting, or floor-crossing in national parliaments (Research Paper). European Parliament. <https://www.europarl.europa.eu>

11. Kashyap, S. C. (1990). Anti-defection law and parliamentary privileges. Metropolitan Book Co. [ANTI-DEFECTION LAW AND PARLIAMENTARY PRIVILEGES \(1993\). 4](#)
12. Singh, A., & Ramkumar, M. (2024). Oppositional Practice in India: Understanding Parliamentary Responses to Populism. *Verfassung in Recht und Übersee*, 57(4), 10-5771.
13. [Keisham Meghachandra Singh v. The Hon'ble Speaker Manipur Legislative Assembly.](#)
14. Law Commission of India. (1999). Reform of the electoral laws (Report No. 170). Government of India. <https://lawcommissionofindia.nic.in>
15. Law Commission of India. (2015). Electoral disqualifications (Report No. 255). Government of India. <https://lawcommissionofindia.nic.in>
16. Lok Sabha Secretariat. (2022). Anti-defection law in India: Counters and concerns. Parliamentary Journal of the Parliaments of the Commonwealth, 2024 Edition. <https://loksabhadocs.nic.in>
17. Malhotra, G. C. (2005). *Anti-defection Law in India and the Commonwealth*. [Published for] Lok Sabha Secretariat [by] Metropolitan Book Company. [Malhotra, G. C. \(2005\). Anti-Defection Law in India and the Commonwealth \(p. 68\). Lok Sabha Secretariat, Metropolitan Book Co. Pvt. Ltd. - References - Scientific Research Publishing](#)
18. National Commission to Review the Working of the Constitution. (2002). Report of the National Commission to Review the Working of the Constitution. Government of India. [National Commission To Review The Working Of The Constitution Ncrwc | Department of Legal Affairs](#)
19. Parkhi, Y. (2026). Democratic Loyalty Paradox: When anti-defection law harms the democracy, it was created to protect [original theoretical framework introduced in this paper].
20. Parkhi, Y. (2026). Mandate Breach Theory: Political defection as violation of the voter-legislator social contract [Original theoretical framework introduced in this paper].
21. Parkhi, Y. (2026). PADA Framework: Parliamentary Accountability and Defection Act — A model legislative reform for India [Original policy proposal introduced in this paper].
22. Parkhi, Y. (2026). Legislative Loyalty Index (LLI): A cross-national measurement tool for legislative accountability [Original index introduced in this paper].
23. PRS Legislative Research. (2023). Anti-defection law: Provisions and cases. <https://prsindia.org>
24. Rahman, M. M. (2011). Article 70 and parliamentary democracy in Bangladesh: A critical appraisal. *Journal of South Asian Studies*, 34(1), 61-75. [\(PDF\) Parliamentary democracy in Bangladesh: A critical Assessment](#)
25. Reddy, C., & Bhargava, S. (2022). Laws may come and laws may go, but defections go on forever: A critical analysis of the role of the Speaker in Indian anti-defection laws. *NLIU Law Review*, 10(1), 344-368. <https://nliulawreview.nliu.ac.in>
26. Sharma, R. (2022). Anatomy of India's anti-defection law. Vidhi Centre for Legal Policy. [Vidhi Centre for Legal Policy](#)
27. Strom, K. (2000). Delegation and accountability in parliamentary democracies. *European journal of political research*, 37(3), 261-289. [Delegation and accountability in parliamentary democracies](#)
28. Strom, K. (2000). Delegation and accountability in parliamentary democracies. *European Journal of Political Research*, 37(3), 261-290. <https://doi.org/10.1111/1475-6765.00514>
29. Lupia A, McCubbins MD. Representation or abdication? How citizens use institutions to help delegation succeed. *European Journal of Political Research*. 2000;37(3):291-307. doi:10.1023/A:1007068904236
30. Abhyankar, A. S. (2023). Subhash Desai v. Principal Secretary, Governor Maharashtra & Ors-Unravelling the Importance of Schedule X of the Indian Constitution. *Jus Corpus LJ*, 4, 650.
31. <https://access.heinonline.com/HOL/LandingPage?handle=hein.journals/juscrp4&div=64&id=&page=>
32. Tyagi, V. K. (n.d.). Anti-defection law in India: An analysis of the effect of unregulated whip on parliamentary democracy. *Indian Law Institute Journal*. [ILI Law Review Summer Issue 2021 138 ANTI-DEFECTION LAW IN INDIA](#)