What’s the Party Like? The Normative Status of the Political Party in South Asia

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Oxford

2 p.m., Tuesday 19th February
Syndicate Room, Old Main Building St Antony’s College

Current commentary in legal and political philosophy conceptualises political parties either as private organisations, immune from legal regulation in their internal affairs, or as quasi-public institutions, where the state may justifiably mandate certain internal regulations. I argue that, in jurisdictions with anti-defection laws, neither conception accounts for the normative status of the political party. Instead, the party ought to be conceptualised as a legislative actor. This paper then examines how conceptualising the party in this way can affect the way in which we understand the relationship between the law and a party. I explore three possible avenues of legal regulation of parties: the process of candidate selection, the selection of party leaders, and interaction between a party and its parliamentary wing. I argue that conceptualising the party as a legislative entity has the most salient implications for the third of these: the interaction between the extra-parliamentary organisation and the parliamentary party.

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All are welcome

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The South Asia Seminar is co-funded by the Ashmolean Museum, the Asian Studies Centre of St Antony’s College, the Contemporary South Asian Studies Programme at the School of Interdisciplinary Area Studies, the Department for International Development and Faculty of History and the Faculty of Oriental Studies. Picture: Ministry of Parliament Affairs, Government of India (ID31665)