

QUALIFYING FOR LEADER OF THE OPPOSITION

Relevant for: Indian Polity | Topic: Parliament - structure, functioning, conduct of business, powers & privileges and issues arising out of these

“For the success and survival of democracy, an effective Opposition is an imperative.” Prime Minister Manmohan Singh with the Leader of the Opposition in the Lok Sabha, Sushma Swaraj, during the golden jubilee celebrations of the Central Vigilance Commission in New Delhi in 2014.PTI

After the election of the Lok Sabha Speaker, the question of a formally recognised Opposition party and Leader of the Opposition (LoP) of the Lok Sabha under the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977, will arise. The Act extends to LoPs in the Lok Sabha and the Rajya Sabha the same official status, allowances and perks that are admissible to Cabinet Ministers. In the case of the Lok Sabha, however, this is subject to recognition of the leader by the Speaker. In the 16th Lok Sabha, the largest party in the Opposition, the Congress, had 44 seats. After careful consideration, it was decided not to recognise the party's leader as LoP. Now, the matter needs to be revisited in the context of the 17th Lok Sabha.

The election to the 17th Lok Sabha was the most fiercely and bitterly fought one in the history of the Republic. The decisive victory of the ruling alliance and its leadership has been widely welcomed as being in the best interests of the polity and the people. Above everything, the nation needs a stable government and a strong leader capable of taking firm decisions to ensure security, development and good governance within the rule of law. However, for the success and survival of democracy, an effective Opposition is also a categorical imperative. It is said that if no Opposition exists, one may have to be created. Also, if there is no Opposition outside, there is every danger that it may grow within.

Historically, the first officially designated Opposition party in Parliament emerged from the break up of the all-dominant Congress party in power. In 1969, when Indira Gandhi was the Prime Minister, the Congress split to form the Indian National Congress (Requisitionists) and the Indian National Congress (Organisation). The Leader of INC(O), Ram Subhag Singh, became the first person to be formally recognised as LoP in the Lok Sabha.

In the 6th Lok Sabha, the Congress sat in the Opposition. Following splits in the Congress as well as the Janata Party, Yashwantrao B. Chavan, C.M. Stephen and Jagjivan Ram were successive LoPs.

Until 1977, there were no emoluments and perks attached to the position of LoP. There is no provision in the Constitution or even in the Lok Sabha Rules of Procedure in regard to the recognition of the LoP. Right from the first Lok Sabha, the practice has been to recognise the leader of the largest party in Opposition as the LoP provided that party has a strength that is enough to constitute the quorum for a sitting of the House, or one-tenth of the total membership of the House — at present that comes to 55 members. From the 9th to the 15th Lok Sabhas, since the requirement of having a minimum strength of 55 members was fulfilled, the Lok Sabha had duly recognised Opposition parties and LoPs, including Rajiv Gandhi, L.K. Advani, Atal Bihari Vajpayee, P.V. Narasimha Rao, Sharad Pawar, Sonia Gandhi and Sushma Swaraj.

The 1977 Act defines LoP as that member of the House who is the “Leader in that House of the party in opposition to the Government having the greatest numerical strength and recognised as such by the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.” The Speaker's decisions in this regard have so far been determined by Direction

121(c) which laid down one of the conditions for recognition of party or group as having “at least a strength equal to the quorum fixed to constitute a sitting of the House, that is one-tenth of the total number of members of the House”. The Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Act, 1998 also refers to a recognised party in the Lok Sabha as a party that has not less than 55 members.

In the recently concluded election to the Lok Sabha, the Opposition was decimated, but thankfully not obliterated. In fact, the largest party in Opposition, the Congress, has improved its position from 44 in 2014 to 52 now. It is short of only three members to reach the magical number of 55. Given the level at which ground-level politics has been operating in recent decades, it should not be difficult for the Congress leadership to augment its party strength by three members. At the same time, the ruling dispensation is expected to show magnanimity at this hour of its splendid victory, and the new occupant of the office of Speaker, realising the importance of an effective and respected Opposition in a democracy, may reconsider the content of Direction 121(c) suitably.

Since there is no constitutional provision, the 1977 law does not provide for the requirement of 55 members as an essential pre-requisite. As it all depends on the Speaker’s directions and discretion, it may be hoped that rightful action will be taken. The simple way out is to substitute ‘pre-poll alliance’ for ‘party’ or say ‘party or pre-poll alliance’. In any case, pre-poll alliances are a fact of our political life and are already being extended credibility and legitimacy in the matter of the President and Governors deciding on who to call first for forming the government in cases where no party secures a clear majority support in the House.

Incidentally, what is decided in the matter of recognition of the LoP, and in treating pre-poll alliances at par with parties, may hold tremendous potential for the growth of a sound two- or three-party (or alliance) system. It could end the present system, a preposterous one, of more than 2,000 parties being registered with the Election Commission. If and when the much-awaited law for political parties is enacted, it may provide for candidates of an alliance contesting on a common symbol and an agreed common minimum programme with only national alliances or parties contesting for the Lok Sabha. These aspects, however, call for separate in-depth analysis, consideration and debate.

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