



Role of Opposition in Indian Parliamentary Democracy

Ankilla Shankar,

Department of Political Science, Kakatiya University, Warangal

Abstract

Democracy is a government by discussion and discussion pre supposes arguments and counter arguments. Parliamentary democracy is considered to be the best form of government because in this system, there is scope for the people to reflect their wishes and grievances through their elected representatives on the floor of the House. Parliamentary form of government is a method of arguments, discussion and decision of the majority and of accepting the majority decision providing for the right of the individual to hold a different view. Here, all points of views are expressed and discussed. As there could be always at least two sets of views on any subject, there could be at least two political parties. The essence of parliamentary democracy, therefore, basically lies in the fact that the majority has its way and the minority has its say. It is a government by criticism and exposition and therefore, it has to be governed by two political parties – a party or parties in power and a party or parties in Opposition. The opposition in India plays an important role in providing **practical criticism of the ruling party**. It is important for the opposition to have a leader who can represent the interests of the non-dominant parties in these roles. The absence of an opposition leader will weaken parliamentary democracy as the opposition will not be able to put up a unified front against the ruling party.

Keywords: Democracy, Opposition, Parliament, Leader of opposition

Introduction

While parliamentary democracy in India, as a political ideal, is still exposed to hazards arising from the attitudes of certain political parties and criticisms from others, the mechanism of the system functioning through Parliament is being progressively perfected. The mechanism can be an important factor contributing to the success of the system, but it cannot be the sole factor. The distinction between the two is evident. We may evolve satisfactory and even precise rules and procedures to guide the work of parliamentary institutions, as in fact we are doing, and thereby enable Parliament to carry on its work smoothly and efficiently. But the roots of the

parliamentary system lie in the democratic ideal, and they have to be fostered outside the confines of Parliament and among the masses of people. Unless the roots are vitalised and made to acquire self developing potentialities, the branches of the system represented by Parliament and the State Legislatures cannot draw the necessary sustenance.

Brief history of opposition parties in India

For a healthy Parliamentary democracy it is always considered essential that there should be a strong opposition, which should always be in a position to saddle itself in authority. But in India the



position has been quite different. It may be said that for quite some time it was believed that opposition's role is only negative but with the passage of time it is appreciated all over, that it has positive role to play in national politics. Hence one of the biggest parliamentary achievements of our country is that the role of the opposition has been **formally recognised and given a due place in parliamentary system.**

Post independence

After the independence of India, Indian National Congress enjoyed great respect and confidence of the people. It was difficult to dislodge them from authority. When the first general elections were held in the country Congress under the leadership of Pt. Nehru swept polls both of the Centre as well as the States. By this time, however, Shyama Prasad Mukherjee founded Bhartiya Jana Sangh as an opposition party. The Socialists under Ashok Mehta and the Communists also began to oppose the Congress party on its policies and programmes. By 1962 elections the Communists, the Socialists, Swatantra Party and Bhartiya Jana Sangh had started making their dents.

Opposition after 1967

But thereafter monolithic character of the party came under heavy strains and opposition became powerful and strong. In 1962, the Congress ruling party faced nation wide criticism for India's debacle in war against China. The people returned many opposition leaders to the Lok Sabha, who vehemently criticised government's policies and programmes. Due to PM Nehru's death in 1964, in 1967 elections were held in the country, the strength of the opposition very much increased. Monolithic character of the congress party was shattered completely in many states.

Opposition parties combined together as United Front and Samyukta Vidhayak Dal formed governments in several states. The opposition became so powerful that it moved a vote of no-confidence against the government, not only once but several times, though no such motion could successfully be carried. It was during this period that regional opposition parties also got roots on their soils. Their representatives in the Lok Sabha provided a formidable opposition to the ruling Congress at the Centre.

In 1969 Congress party got split in itself into two parts between Prime Minister Smt. Indira Gandhi and congress President K.Kamraj. This split made the opposition really strong. In 1975, national emergency was declared in the country and many opposition leaders of each party were put behind the bars. But after 19 months of emergency in 1977 elections were again held in the country. This time five national parties namely, the Bhartiya Jan Sangh, Congress (O), Congress for Democracy (CFD) formed by Jagjiwan Ram after the separation from the Congress, the Socialist groups and Bhartiya Lok Dal headed by Charan Singh joined together and formed a new party, called Janata Party.

Due to some of the policies of the Congress government during emergency and due to press censorship ruling Congress was badly defeated and newly formed Janata party, which was a national alternative to Congress came out victorious.

Opposition after 1977

But soon after coming to power, there were in-fights in the ruling Janata Party. Within 2.5 years, Janata party began to disintegrate. The House was dissolved after few months. At the end of 1979,



elections were again held. Congress (I) had a sweeping majority. When Congress won a bigger mandate in 1984, opposition party was the TDP which got 30 seats. Making a departure from the past, the Rajiv Gandhi government accorded the LoP status to the TDP's leader in the Lok Sabha.

Present status

The Congress has won 52 Lok Sabha seats in the just-concluded Lok Sabha election and remains the main Opposition party in the house. However, like the 16th Lok Sabha, the Congress has not qualified to have a Leader of Opposition in the 17th Lok Sabha. 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 Congress demanded an amendment to the relevant laws to allow the single-largest party in the Opposition to send its legislative party leader to attend meetings of key appointment panels. Amendment was made with regard to the appointment of the CVC and also the CBI director but the Lokpal Act was not modified to bring the single-largest Opposition party on board if it did not secure 10 per cent seats in the Lok Sabha.

Recognition of Leader of opposition (LoP)

- Under the existing rules, an Opposition party can claim to have a Leader of Opposition in any of the houses provided the party has won 10 per cent of the seats. This number is

55 in the Lok Sabha, which is a 543-member house.

- 10% Mavalankar rule This rule was spelt out by GV Mavalankar, the first Lok Sabha speaker. Mavalankar had ruled in the Lok Sabha that the strength of the main Opposition party, to be officially recognised as such, must be equal to the quorum of the house. Quorum is equivalent to 10 per cent of the members.
- The statutory definition of the Leader of Opposition, however, came with the Salary and Allowances of Leader of Opposition Act of 1977. It said the "Leader of Opposition will be from the Opposition party having the greatest numerical strength and recognised as such by the Lok Sabha Speaker or the Rajya Sabha Chairperson in the respective houses".
- The 1977 Act did not set the 10 per cent condition but Mavalankar's was a ruling of the Speaker and was enforceable as law.
- Mavalankar rule was finally incorporated in Direction 121(1) in Parliament (Facilities) **Act, 1998** which remains unchanged.
- LoP gets same salaries and allowances that are equivalent to a Cabinet minister paid by the government.

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 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.

Party Whip

The place of party whips in the working of the parliamentary system came up prominently in the last session of Lok Sabha. It has an important bearing on the functioning of the party system, through which the Parliament works. The whip is the instrument for keeping party members on the qui vive, especially when an important debate is in progress, on which votes may be taken. The issue came up sharply during the debate on the motion to amend the Constitution to extend the period of reservation of seats in Parliament and the legislatures for scheduled castes and scheduled tribes. The motion had been introduced by Government.

Accountability of the Executive

One of the cardinal rights and privileges of Parliament is to enforce the accountability of the Executive to Parliament. This is done efficiently by the Lok Sabha through various devices—interpellations, calling attention motions, half hour, one hour and two hour discussions on specific issues raised by members which the Speaker admits at his discretion. By far the most important of the agencies through which Parliament ensures that the responsibility of the ministries to it is discharged are the Estimates and the Public Accounts Committees. Representative of all sections of the House, these two Committees provide an effective check on Government policies and programmes. They scrutinise not only the estimates of

expenditure prepared by ministries but also the methods of spending funds voted by Parliament, so that there is neither misspending nor un authorized spending.

The parliamentary opposition – role and functions

Since this was written, democracy has spread, not least in Europe, where organized political opposition inside and outside of parliament can be said today to function at least reasonably well in almost all the 48 member states of the Council of Europe. For many European countries this is however a very recent phenomenon, which cannot be taken for granted. Even for the old and mature democracies of Western Europe, maintaining and perfecting a well-functioning system of political opposition is a challenging and continuous task.

In Resolution 1601 (2008) the Parliamentary Assembly stated that the existence of “a political opposition inside and outside of parliament is an essential component of a well functioning democracy”. The Venice Commission agrees with this, and is of the opinion that the legal and factual conditions for peaceful parliamentary opposition constitute a benchmark for assessing the democratic maturity of any given political system.

A parliament is by its nature not a monolithic and homogeneous institution, but a representative assembly, where the basic idea is that different interests and ideas should be represented, and where there will always be differences of opinion, and always a distinction between the majority and one or more opposing minorities. In modern parliaments this is organised along political party lines, with



the basic distinction running between the governing party (or parties) and the opposition parties that are represented in parliament.

Constructive Opposition

The Opposition necessarily has to play the role of vigilantly keeping the government on leash. But it has a very constructive role to play. Indeed, in the British parliamentary system, the senior leaders in the Opposition form "shadow cabinet" - to "shadow" each member of the government. It keeps government initiated laws and policies under scrutiny and offers alternative policies. Often, shadow cabinet members themselves become Ministers when the Opposition gets to form the government. Opposition unity and integrity is as important as unity and integrity of the ruling dispensation. People of the country should not lose out in terms of delivery of services in a merry ground of cyclical partisan hostility between the ruling dispensation and the Opposition.

Money and Muscle Power in Elections

Money power plays a significant role in our elections. Of course, the Election Commission does try to keep vigil through its expense monitoring mechanisms against efforts at mobilizing votes for money. That by no means can be considered to be adequate. At least the public perception is that the election expenses incurred by candidates are several multiples of the expenditure ceilings officially fixed. Even as ceilings have to be reviewed and revised, making them more realistic and consistent with ground realities, statutory regulations in respect of their breach should be made

stringent and deterrent. Criminalization of politics caused by the nexus between bureaucracy, political players and criminals has been a subject matter for public debates over several years. But the problem persists. Candidates having criminal background do enter legislative bodies. This is because parties, cutting across the political spectrum, give seats to candidates on ground of their so called "winnability." It is for the political parties themselves to set up standards regarding clean candidature policy. Of course, electoral contestants are now making declarations regarding their criminal antecedents, if any, as well as their assets in affidavits filed by them while filing nomination papers. At present, this is being done by them based on Supreme Court Ruling. It is desirable to have clear statutory provisions regarding mandatory declarations. Such provisions should also stipulate appropriate sanctions against non disclosure of full information.

Multi Party System

For a long time now, governance through coalition arrangements has more or less become the order of the day in the multi party system that we follow. In the current (15th) Lok Sabha, forty political parties have their presence. As of now, the present UPA II Coalition consists of 11 parties and is supported from outside by 9 parties. Running the government by coalition formations like this is like running a handicapped race. The government gets to be hamstrung in taking effective policy/reform measures. Coalition partners have their regional, local and ideological agendas which they are often unable to harmonize with the overall coalition programmes. While the Government tries to ventilate its helplessness by referring to "coalition



compulsions," the constituent partners complain of violation of "coalition dharma" by the government in not reaching out to them. There needs to be effective and meaningful efforts on the part of ruling coalitions at what late Prime Minister V.P Singh characterized as "management of contradictions". This is feasible only if coordination mechanisms are perfected and made functional by ruling coalitions.

Role of active Opposition is important in Parliamentary democracy: PM Modi

On the first day of the inaugural session of the 17th Lok Sabha on Monday, Prime Minister Narendra Modi said a vibrant Opposition, notwithstanding whatever its numbers are, is important in a parliamentary democracy. The day was spent with members, starting from the PM and the Union Cabinet, taking oath as MPs. The Lok Sabha is set to spend the next two days with the process of all MPs taking the oath.

Controversial Start: The BJP's Bhopal MP Sadhvi Pragya Singh Thakur created an uproar in the House when she suffixed the name of her spiritual guru — Swami Purna Chetnanand Avdheshanand Giri — to hers while taking the oath in Sanskrit. Opposition members protested, saying that such a thing was not permitted, even as she insisted on the suffix as part of name.

Amid objections, Pro tem Speaker Virendra Kumar ruled that only the name on her election certificate would go on record.

A Teaser: BJP members raised Bharat Mata Ki Jai slogan after oath taking by every party member, thus, teasing the Opposition. After the BJP's Gajendra Umrao Singh Patel completed his oath with Bharat Mata Ki Jai, N K Premchandran of the Revolutionary Socialist Party urged the Pro tem Speaker to maintain the prescribed format of the oath, a demand which he allowed.

Linguistic Diversity: Union ministers Harsh Vardhan, Sripad Yesso Naik, Pratap Chandra Sarangi and Ashwini Choubey were among nearly dozen members who took oath in Sanskrit. Several MPs took the oath in their respective mother tongues. Congress M P K Suresh (from Mavelikkara in Kerala) took the oath in Hindi, while Congress President Rahul Gandhi, who is an MP from Kerala's Wayanad, took the oath in English. Gandhi had taken the oath in Hindi in 2014 when he was an MP from UP's Amethi.

Echoes of Jai Shri Ram: BJP MPs greeted Union ministers Babul Supriyo and Debashree Choudhury, who are from West Bengal, with cries of 'Jai Shri Ram' when the two were called to take the oath. It was a dig at West Bengal CM Mamata Banerjee, who has apparently been upset at people raising that slogan.

The Longest Applause

Union Minister Smriti Irani, who defeated Rahul Gandhi in Amethi, received the longest applause when she took the oath. Even the PM and Home Minister Amit Shah enthusiastically thumped the desk for a long time.



Conclusion

Today the parliamentary Opposition in India is not merely fragmented but also in disarray. There seems to be hardly any Opposition party with a vision or strategy for its institutional working or for the Opposition as a whole. Such a state of affairs is probably worse than the defeat most of the Opposition parties have suffered in the elections to the 17th Lok Sabha. Given this impasse, some of them may seek an alternative in strengthening their State-level bases either to ward off poaching by the ruling dispensation or to work to better their prospects in the elections in the offing. There would also be much showcasing of Opposition unity particularly during a Lok Sabha session. It is, indeed, the hope of all those who have laboured for the establishment of the parliamentary system, and are engaged in operating it, that favourable conditions—political, social, economic, etc—for its successful working should come into existence so that it can strike deep and procedures have to be evolved, and healthy roots in the soil. If in this process certain forms and procedures have to be evolved. Which differ from those prevalent in other countries with similar political systems, because they are called for on the special circumstances and traditions of India? The leader of the opposition has a defined role to play, according to some legislation, though the position is **not a constitutional position**. This seems to contradict the other rule that the leadership of the opposition cannot belong to a party with fewer than ten percent of the seats in Parliament. The Opposition's main role is to question the government of the day and hold them accountable to the public. The Opposition is equally responsible in

upholding the best interests of the people of the country.

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