

# Role of Opposition in Democracy

June 27, 2019

[Manifest pedagogy](#)

The issue of opposition has been a lot in news since 2014. More importantly the issue of giving recognition to opposition in news. There was also a question in Prelims on Opposition party. It is safer to prepare the topic from all angles

## In news

Recently, a petition has been filed in the Delhi High Court seeking a direction to the Lok Sabha Speaker to appoint a Leader of Opposition for the 17th Lok Sabha.

## Placing it in syllabus

Parliament and state legislatures – structure and functioning

## Static dimensions

- Provisions about opposition party
- Brief history about opposition parties
- Recognition process

## Current dimensions

- Controversy at present and solutions
- Importance of an opposition in Parliamentary democracy

## Content

On June 18, 2019, West Bengal MP Adhir Ranjan Chowdhury was named by the Congress as its leader in the Lok Sabha. The newly-appointed Speaker Om Birla has not appointed him as the Leader of Opposition. A petition has been filed in the Delhi High Court seeking a direction to the Lok Sabha Speaker to

appoint a Leader of Opposition for the 17th Lok Sabha contending that denying the second largest party the leadership in the parliament sets the wrong precedence and dilutes the democracy.

### **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.

### **Importance of LoP**

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. LoP in the Lok Sabha is involved in appointments to key offices including that of the Lokpal, CBI director, chief vigilance commissioner, chief information commissioner and the chairperson of the NHRC.

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. They have to ensure that the Government does not take any steps, which might have negative effects on the people of the country.

Hence denying the second largest party in Parliament, the leadership of the opposition sets the wrong precedent and dilutes democracy. LoP plays a crucial role in bringing bipartisanship and neutrality to the appointments in institutions of accountability and transparency – CVC, CBI, CIC, Lokpal etc. A powerful opposition is necessary to check the power of the ruling party as dissent is extremely important for mature democracies to function properly. 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 **categorically imperative**.