Chapter 12

Role of Opposition in Indian Democracy

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The presence of opposition parties in the legislature and a recognised Leader of Opposition guarantee the representation of minority views. The recent row over the appointment of Leader of Opposition led to emergence of different viewpoints. It started with Lok Sabha Speaker Sumitra Mahajan rejecting Congress demand for Leader of Opposition status for its nominee. The importance of having a Leader of Opposition came under discussion mainly due to the necessity of LOP in the appointment of CVC, Chairman and members of NHRC and Lokpal. In the light of these developments, the present chapter tries to analyse the role of opposition in the Indian Parliament and the recent issue of appointment of Leader of Opposition.

INTRODUCTION

Democracies manage conflicts in a better way than authoritarian regimes. The acceptance of dissent in democracy gives opponent hope that change is possible without destroying the system. The existence of organised opposition is often seen as an essential part of democracy. Opposition is recognised as an indispensable part of democracy. In most of the countries, opposition is institutionalised. In Parliamentary democracy, the accountability of the executive to the legislature ensures some opposition to the authority of the government. The Indian Parliament has seen gradual decline of the role of opposition. The argument in this chapter holds that party politics at electoral and parliamentary level is eroding the constructive role played by opposition parties.
THEORETICAL UNDERSTANDING OF OPPOSITION PARTIES

Opposition in simple terms means not agreeing to or having a different opinion or approach or ideology. Political parties as 'channels of expression' (Sartori, 1976) represent divergent opinions present in the society. In any society, it is not possible for a single party to ensure representation of all sections of the society. An understanding of classification of party system throws light on the role of opposition parties. Duverger (1959) analysed the role of opposition in three types of party system: one-party system, two-party system and multi-party system.

A political system having more than one political party provides for more formal and legitimate opposition, whereas in the single-party system opposition is not legitimised. It does not mean that in such system opposition does not exist; opposition is present in all systems in different forms. As opposition in a single-party system was not allowed to exist as a separate institution, it is present within the party and not as a separate political party. As observed by Duverger (1959), in a single party, opposition takes the form of dissident groups of minority tendencies, which criticise the government with varying degree of freedom at party meetings. In one-party system, the conflict or differences are not present in the form of inter-party conflicts, but are present in the form of intra-party conflicts/competitions (Sartori, 1976; Duverger, 1959).

While discussing a question over whether there is a functional equivalence between one-party system and more than one-party system, Sartori (1976) cautioned that intra-party competition does not have to pass the test of electoral completion. While in the case of more than one-party system, inter-party competition and conflict matters more. Leaders in these systems not only compete within the party, but their attention is focused more on inter-party competition. The struggle for votes is the essence of such party system. The point discussed by Sartori (1976) is that single-party system does not provide substitution. The single party lacks precisely what makes a polyarchy “democratic”: electoral competition and free elections (Sartori, 1976:50). In the two-party system, opposition tends to take the form of real institution (Duverger, 1959). There is a clear division of work between ruling and opposition party. A party in majority at one time forms opposition at another. The role of opposition in this form is not limited to providing criticism of the policies of ruling
party, but also be able to form government in case ruling majority steps down. From the 18th century onwards, the functions of the opposition were no longer separately organised; instead of creating within the state separate institutions in opposition to the true institutions of government, rivalry was established within the ranks of the latter: the same general aim was pursued by ‘limiting power by power’, by creating an opposition within the government instead of outside it (Ibid). To limit the power of the King, legislative assembly was established. The separation of the legislature from the executive is originally to restrict or limit the power of the executive. In England, the institution of opposition was officially recognised and accepted as vital as Cabinet. In Great Britain, the allocation to the leader of the minority party of a salary paid by the state together with the official title of ‘Leader of the Opposition to Her Majesty’s Government’ really gives the opposition the status of an official body (Ibid:414). The idea of Parliamentary opposition emerged as a well-organised part of British political system. “The phrase “His Majesty’s Loyal Opposition” was first coined in 1826 by John Cam Hobhouse who carried the reputation of being the radical statesman” (Sundar Ram, 1992:1). Since political parties have become inevitable part of democracy, role of opposition parties also gained significance and developed alongside to that of the party. While political parties are seen as a link between the formal structure of government and society, role of opposition parties gained significance as providing representation to minority views and interest which may not be represented by the majority party.

Duverger opines that, in a multi-party system the demarcation between the government and opposition is not clear because, “some governments are supported by shifting majorities, leaning on the Rights to secure the passage of some measures, on the Left for others: in such cases any distinction between government and opposition disappears” (Duverger, 1959:414). Multi-party system often leads to coalition formations when no single party is in a position to form government. The party in power in such form of governments is not stable. It requires the support of other parties often having different ideologies and programmes. The power politics plays a dominant role at the time of government formation. Parties keep aside their ideologies in the pursuit of power. Any disagreement among the partners may result in end of such coalition government. Political parties which are allies of one group are ready to ally with another formation to gain power.
SIGNIFICANCE OF OPPOSITION PARTIES IN DEMOCRACY

In a democracy, opposition parties are nurtured and developed alongside the majority party. The existence of opposition party is a bulwark against the tyranny of fanatical majority. It makes the rules responsive to the needs of larger sections of the society. It acts as a check on the abuse of power and position. In the words of Gilbert Campion, "The opposition is the party for the time being in the minority organised as a unit and officially recognised, which has had experience of office and is prepared to form a government when the existing Ministry has lost the confidence in the country. It must have a positive policy of its own and not merely oppose destructively to ruin the game for the sake of power" (Renu, 1986:4).

European Commission for Democracy through Law (Venice Commission) report on 'The Role of the Opposition in a Democratic Parliament' listed out some of the following functions of the opposition:

- Offering political alternatives
- Articulating and promoting the interests of their voters (constituents)
- Offering alternatives to the decisions proposed by the government and the majority representatives
- Improving parliamentary decision-making procedures by ensuring debate, reflection and contradiction
- Scrutinising the legislative and budgetary proposals of the government
- Supervising and overseeing the government and the administration
- To enhance stability, legitimacy, accountability and transparency in the political processes (Nussberger, Oxbudun and Sejersted, 2010).

Opposition parties play an equally important role as that of the ruling parties in ensuring representation of public opinion. The opposition mainly opposes and criticises the actions of government: but, as it also eyes on the next elections, the opposition tries to pursue the voters to vote for it in the next election. In an attempt to attract voters, it tries to
highlight on the omissions of party in power. The opposition while maintaining the support of its solid core of voters, has to make itself attractive to the floating voters, by keeping up a fire of sound and statesman like criticism and if need be, by taking as its own policy, with embellishments and improvements, those items of Government policy which seem most popular (Renu, 1986:12). Thus, the errors committed by the party in power can prove advantageous to the opposition.

A strong opposition can bring good governance by being watchful over the activities of the ruling party. Inside the Parliament, opposition parties raise questions, initiate debates, discussions and criticise government policy. It should also be in a position to suggest alternative policies and programmes. The two major roles of the opposition party are to expose the deficiencies of government and to provide alternative government when the party in power loses its majority. The presence of a strong opposition keeps a constant check on the government actions. A strong and vigilant opposition is an obstacle to despotism and tyranny. Opposition has to provide constructive criticism and correctives to the policies of the government in power. It is an integral element of the party system. Opposition with a strong leadership harnesses group loyalties in the interest of the nation, mainly the groups which are dissatisfied with the reforms and policies of the government in power.

LEADER OF OPPOSITION IN INDIAN PARLIAMENT

The role of opposition in the Indian Parliament can be analysed in two ways - as opposition parties (put together especially in multi-party system) and official Leader of Opposition. The results of 15th Lok Sabha elections produced the results where no minority party secured required number of seats to enable the officially recognised appointment of Leader of Opposition.

The recent row over the appointment of Leader of Opposition led to the emergence of different viewpoints. The issue of Leader of Opposition started with Lok Sabha Speaker Sumitra Mahajan rejecting Congress demand for Leader of Opposition status for its nominee Mallikarjun Kharge. Congress with 44 seats in the Lok Sabha has emerged as the second largest party but fell short by 11 seats to claim the position of the Leader of Opposition. The question over the appointment of Leader of Opposition gained momentum with government putting on hold the appointment process of the new Chief Information Commissioner due to
the absence of the Leader of Opposition in the selection committee.

The Chief Information Commissioner and Information Commissioners are appointed by the President following the recommendation of the committee consisting of Prime Minister as the Chairperson, the Leader of the Opposition and a Union Cabinet Minister to be nominated by the Prime Minister. The explanation given in Clause (12) of Right to Information Act, 2005 mentions that "For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the House of the People has not been recognised as such, the leader of the single largest group in opposition of the Government in the House of the People shall be deemed to be the Leader of Opposition" (GOI, 2005).

However, the government has put on hold the appointment process of the Chief Information Commissioner and other Information Commissioners due to the absence of the Leader of Opposition in the selection committee. It assured that it is looking for ways to decide on the appointment of the Chief Information Commissioner and Information Commissioners in the Central Information Commission (CIC).

The government has again made it clear that the absence of a Leader of Opposition in the Lok Sabha would not impact its functioning. However, the government has decided to go ahead with the appointments to various statutory bodies such as Central Vigilance Commission, National Human Rights Commission and Lokpal. While the appointments to these bodies also require Leader of Opposition as a member in the selection committee, however Section 4(2) of Central Vigilance Commission Act, 2003 and the Protection of Human Rights Commission Act, 1993 state: "No appointment of a Central Vigilance Commissioner or a Vigilance Commissioner shall be invalid merely by reason of any vacancy in the Committee" (GOI, 1993, 2003), which allowed the government to go ahead with other appointments in the absence of Leader of Opposition. Although Central Vigilance Commission Act has explanatory clause which mentions that in case the Leader of Opposition is not recognised, the leader of single largest group in opposition of Government in the Lok Sabha shall be deemed to be the Leader of Opposition; it also has Section 4(2) which validates the appointment in the absence of any member in the selection committee. No such provision is available in the Right to Information Act, 2005 which validates appointment in the absence of the member.

However, "This is not the first time that the Lok Sabha would be without a Leader of the Opposition. Until 1969, no party qualified for the post.
Between 1980 and 1989 too, no party had the requisite numbers” (The Hindu, 2014). “In 1969, in the fourth Lok Sabha, following the split in the Congress, the leader of the Congress (O), Ram Subhag Singh, became the first person to be formally recognised and given the status of Leader of the Opposition. During the seventh and eighth Lok Sabhas (1980-1989), no party in opposition had the requisite strength” (The Indian Express, 2014). During subsequent Lok Sabhas, covering the period 1989 to 2014, the Indian Parliament had duly recognised leaders of the opposition. In the 16th Lok Sabha with overwhelming majority to a single party, opposition parties are in a weak position. However, with the changed circumstances and new acts in place, there is a need to relook into Section 4(2) of CVC, PHRA and Lokpal and Lokayukta Act (GOI, 2013).

After the declaration of the election results, Modi commented that all these years, political parties were entering into an alliance to form government, this time political parties have to enter into an alliance to from opposition. As no party was in a position to get the Leader of Opposition post, voices were also heard for getting that post by cooperating with non-Congress opposition parties. However, Subhash Kashyap opined:

The post of Leader of the Opposition can go only to the leader of a political party and not to the leader of an alliance, whether formed before the election or after. Hence, neither the Congress, as the head of the pre-poll United Progressive Alliance (UPA), nor a post-poll grouping of regional parties in the new Lok Sabha can stake claim to the post (The Hindu, 2014).

He further added that there can only be Leaders in the Opposition and not a Leader of Opposition in the present scenario because public funds are involved, and the Leader of the Opposition enjoys the rank of a Cabinet Minister which can go only to a party which has required number of seats in the Lok Sabha. Until 1977, there was no allowances or salary attached to the post of Leader of Opposition. It was during Janata Party regime that the salary and allowances of Leaders of Opposition in Parliament Act was passed. The Act extends to leaders of the opposition in both Houses a certain official status and facilities, including salary, allowances and perks equivalent to a cabinet minister (The Indian Express, 2014).
OPPOSITION PARTIES IN INDIAN PARLIAMENT

BJP emerged as the single largest party with full majority in the recent general elections. Its growing popularity brought all minority parties in the Parliament together to form a united opposition against its policies and actions. As aptly pointed out by Duverger (1959), it is easier to secure agreement in opposition to a policy than in support of a policy; it is even possible for individuals to gather together in opposition without any real agreement, as occurs in the case of a ‘meeting of extremes’. Something similar was noticed when Congress along with other political parties boycotted Lok Sabha for eleven days over the row of suspension of its MPs. The same trend was followed during Bihar elections where JD (U), RJD and Congress formed grand alliance to defeat the NDA. Thus, parliamentary politics had an impact on electoral politics. However, the question is whether these trends represent the nature and purpose of opposition. Whether the opposition parties are providing constructive criticism and are in a position to provide alternative policies is debatable. Opposition parties for most of the time were weak since independence. However, the experience also shows that a united attempt by the opposition against party in power becomes stronger at two points: firstly, one when more centralised tendencies were represented by the party in power and secondly, when party in power was under the grip of criticism and weak. This united effort of the opposition party against the incumbent government is expressed more at the electoral level in both these cases. For the first point, the experience during and after the Emergency and the developments after 15th Lok Sabha election can be taken as examples where centralised tendencies of the incumbent government united the opposition. For examining the second point, we can take the case of India after 1989, when Congress Party lost power on the issue of ‘Bofors’ and in 2014 General Elections, when once again after providing a stable government for ten years United Progressive Alliance led by Congress came under criticism over corruption issues. The period from 1989 to 2004 witnessed weak government when minority parties/opposition parties played significant role in forming as well as toppling governments. While oppositions were claiming to provide alternative policy vision, they failed to provide any major alternative policies once they came to power. BJP criticised the liberalisation policy introduced by the Congress in 1991, but supported the same once it came into power. One major development that took place after 2004 elections was that the prominent critics of economic policies of the Government of India, the Left political parties, became part of the ruling coalition. This
development, in a sense, accommodated the opposition within the ruling dispensation. Left political parties played the role of a watchdog to the policy measures of the ruling government. The major scandals and governing problems associated with the government which was in power from 2004 to 2014 were severely criticised by the BJP as the main opposition party. However, the BJP which had spent its energy in severely criticising the UPA-I and II governments is almost following the same path in policy formulation and implementation.

Coalition governments which were formed after 1989 and more specifically which became the common feature of Indian parliamentary democracy after 1996, had oppositions of different nature and level. At parliamentary level, there was clear demarcation between ruling alliance/coalition and opposition alliance or parties. The nature of intra-party and inter-party competition also changed. Coalition politics to a great extent replaced the intra-party competition with intra-alliance competition. This became the major cause of instability of the governments for a certain period. It is not the opposition outside the coalition but within the coalition which proved more harmful to the ruling alliance. The experiences of coalition governments taught the partners to accommodate and adjust their differences for the sake of survival of government.

BJP’s victory in the 2014 general elections is seen as a big win, but it has not brought any major changes in the policies, although the approach towards many policies has definitely changed. BJP, when in opposition, had obstructed the proceedings of Parliament on many occasions. The same is true in the case of Congress or UPA, which once spoke of responsive and constructive role of opposition, following the path once taken by the BJP when in opposition. The conduct of the opposition parties is not only wasting the time and the money spent on these discussions, but is also obstructing the debates and discussion on major policy issues.

Governing parties need to recognise that the opposition is essential for the success of Parliamentary democracy. The government must therefore provide the necessary resources, parliamentary time, information, fair access to the media and opportunities for scrutiny if opposition to be able to discharge its duties. The opposition parties have to realise their role as providing constructive criticism to the policies of the government. The politics between the political parties should be restricted at electoral level. The discipline and dignity of the Parliament should be maintained.
by all the parties. Individual MPs can also introduce Private Member Bill, which is an opportunity available to the opposition parties to bring those policies for debate in Parliament which are not taken up by the party in power. “Between 1942 and 1970, 14 Private Member Bills were passed by Parliament. However, in the last three decades, no Private Member Bill has been introduced in the Parliament. In the 15-Lok Sabha, 372 Private Member Bills were introduced in the lower house and 22 of them were discussed, over a period of 16 days spread over five years” (PRS India, 2014).

In recent years, lack of debate and decline in the hours spent in constructive work is affecting the Indian Parliament. The 15-Lok Sabha proved to be most unproductive with disruptions and adjournments. “According to PRS survey, the Lok Sabha lost 42 per cent of the total time while Rajya Sabha lost 20 per cent due to adjournments. On 12 days, Lok Sabha sat for less than an hour. Question Hour was conducted for only 13 per cent of the scheduled time in Lok Sabha and 29 per cent in Rajya Sabha” (Vinod, 2013). While the 15-Lok Sabha worked for only 61 per cent of its scheduled hours of business, hit as it was by the deadlock between the UPA and the chief opposition party, the BJP, which allowed little work to be conducted in the last year of the UPA rule (newindiaonline, 2014). The use of pepper spray to protest the tabling of ‘Andhra Pradesh Reorganisation Bill’ is indeed a shameful act which brought disgrace to the Indian Parliament.

According to PRS Legislative Research survey, 14- and 15- Lok Sabha have met for a lower number of days and hours compared to the 1- and 2-Lok Sabha. “From 1952 to 1967, each of the three Lok Sabhas sat for an average of 600 days and more than 3700 hours. In comparison, the 15-Lok Sabha from 2009 till 2013 has met for 335 days and 1329 hours” (PRS India, 2014). The survey also pointed out that the time spent on discussion on the budget has reduced from an average of 123 hours in 1950, to 39 hours in the last decade. “However, in the past decade, about 95 per cent of these proposals have been passed without discussion. This year was an extreme case, as all Demands for Grants amounting to Rs. 16.6 lakh crore were voted and passed without any discussion in the House” (PRS India, 2014).

While 23 per cent of the bills were passed by the Parliament in the 15-Lok Sabha were discussed for more than three hours, 18 per cent were passed with less than five minutes of discussion (PRS India, 15-Lok Sabha).
The opposition can often take on the role of a spoiler, exploiting all opportunities to damage the governing party and, in the process, very often failing to distinguish between harm done to its opponents and harm done to the country.

The reality is that the interplay between governing and opposition parties is an essential part of politics – parliamentary opposition is crucial to a healthy democracy. The ruling party and the opposition parties should see themselves as partners in the development of the democratic process. It is constructive opposition that gives voice to those in society who represent a perspective other than the status quo, and the opposition must articulate arguments as to how and why that status quo should change. There should be a strong and vigilant opposition which is able to provide constructive criticism to the government policies.

An effective opposition restrains the Party in power from transgressing its functional limits, constantly reminds it of its responsibility, keeps its responsive to popular demands and forces a challenge to its position by promising better performance. It is the responsibility of the opposition to inform the nation in time the defects and dangers in the official plans and to mobilise public opinion to get them suitably modified (Sadasivan, 1977:54).

However, in the Indian scenario, the opposition is losing its credibility. The clash of personalities and politics has taken over the representative character of the political parties. Rather than being the channels of communication and reflecting upon policy issues, parties within the

**Source:** http://www.prsindia.org/media/essential-stats/15th-lok-sabha-how-much-time-does-parliament-spend-on-discussing-bills-it-passes-3028/
parliament have become party-centred. Interest of the party as well as party leadership prevailed over public interest. How well Indian democracy is able to accommodate these oppositions will determine in the long run the success of Indian parliamentary democracy.

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