Leader of Opposition

Click here for Supreme Court order on Lokpal.

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What is the issue?

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- The Supreme Court has asked the Union government to appoint the Lokpal without the Leader of Opposition being a part of the selection panel.
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- It is surprising that the SC did not ask the government why the position is vacant in the first place.
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What are the misconceptions?

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- **Leader of Opposition is a statutory office** provided for in the Salary and Allowances of Leaders of Opposition in the Parliament Act, 1977.
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- Two things are made clear by the act.
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- The leader of the party in opposition to the government which has the greatest number becomes the Leader of Opposition.
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- The **Speaker needs to recognise him/her** as the Leader of Opposition.
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- The law is clear that the Speaker is required to recognise the leader of the numerically largest party in opposition as the leader of opposition.
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- **The option of not recognising him/her is just not available.**
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- The rule that a party should have at least 10% of the members of the House for the Speaker to recognise someone as the Leader of Opposition is not part of this act.

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- G V Mavalankar, the first Lok Sabha Speaker, said the main opposition party's strength must equal the quorum i.e. 10% of the total strength.
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- This point was later incorporated in Direction 121 (1) of the Directions by the Speaker, Lok Sabha, and The Leaders and Chief Whips of Recognised Parties and Groups in Parliament (facilities) Act of 1998.
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- It has become redundant after the enactment of the Tenth Schedule of the Constitution under which even a one-member party is recognised as a legislature party.
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Did the Judiciary overstep by this order?

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- **Article 122 of the Constitution mandates the courts not to inquire into proceedings of Parliament.**
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- But recognising the Leader of Opposition is not a proceeding of the House within the meaning of Article 122.
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- It is a statutory duty of the Speaker and the court can thus ask why action hasn't been taken, resulting in the delay in appointing a Lokpal.
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- When the SC asked the government to select the Lokpal, even in the absence of the Leader of Opposition, it should also have asked why the statutory provision was ignored.
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Source: The Indian Express

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