



सत्यमेव जयते

## PARLIAMENT OF INDIA RAJYA SABHA

# ROLE OF THE LEADER OF THE HOUSE, LEADER OF THE OPPOSITION AND WHIPS





## **“BOOKLETS IN THIS SERIES”**

1. Information – At a Glance
2. Rajya Sabha – Its Contribution to Indian Polity
3. The Law Making Process
4. Committee System in Rajya Sabha
5. Parliamentary Privileges
6. Members – Do’s & Don’ts
7. Role of the Leader of the House, Leader of the Opposition and Whips
8. Executive – Its Accountability to Parliament
9. Information Management for Legislators
10. How to be an Effective Legislator



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AND WHIPS**



**RAJYA SABHA SECRETARIAT  
NEW DELHI**

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## **PREFACE**

This booklet is part of the series of booklets brought out for the benefit of the newly elected Members of Rajya Sabha. It contains information on parliamentary functionaries such as Leader of the House, Leader of the Opposition and Whips who play an important role in the functioning of Rajya Sabha. For detailed information, original sources may be referred to.

It is intended to serve as a handy guide for ready reference. I hope the Members will find the booklet useful.

New Delhi  
July, 2020

**DESH DEEPAK VERMA**  
Secretary-General

## CONTENTS

	PAGE (S)
1. Introduction .....	1
2. Leader of the House .....	2-12
(i) Origin and duties of the Office .....	2-4
in England	
(ii) Position in India .....	4-12
3. Leader of the Opposition.....	13-19
4. Whips .....	20-32
(i) Origin.....	20-21
(ii) Functions.....	21-26
(iii) Position in India.....	26-30
(iv) Attributes of a Whip.....	30-32
5. Select Bibliography.....	33-35

## **INTRODUCTION**

Our parliamentary system has the objective of enhancing participatory democracy in the sense that maximum Members are encouraged to take part in the debates and discussion on various issues affecting different spheres of our national life. There are quite a few functionaries in Parliament who facilitate members' participation in debates more effectively and meaningfully. Besides the Presiding Officer, these are the Leader of the House, the Leader of the Opposition and the Whips. These parliamentary functionaries exercise direct influence upon the course of the business of the House. Therefore, the functioning of our parliamentary system, by implication, depends greatly on the efficacy or otherwise of these parliamentary functionaries.



## LEADER OF THE HOUSE

### Origin and duties of the Office in England

As pointed out by Sir Ivor Jennings<sup>1</sup>, the British Constitution has a way of creating offices without legislation and without any formal decision. Such an office is that of Leader of the House of Commons. In England, a member of the Government who is primarily responsible to the Prime Minister for the arrangement of the Government business in the House of Commons is known as the Leader of the House. It is neither a statutory office nor is the Leader formally appointed by the Crown. It is usually held along with another office.

The title of the Leader of the House does not appear to have been thoroughly established until the middle of the 19<sup>th</sup> Century. In those days, when it was not uncommon for the Prime Minister to be in the House of Lords, a leading Minister had to take his place in the Commons.<sup>2</sup> Until 1942 the Prime Minister, if a Minister of the House of Commons, generally also acted as Leader of the House, although after 1922 the day-to-day duties were frequently carried out by an appointed Deputy Leader. Since 1942 it has been the regular practice to have a separate Leader of the House, and there have also been instances of the appointment of a Deputy Leader of the House.<sup>3</sup>

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<sup>1</sup> Jennings, Ivor: *Parliament*, 2<sup>nd</sup> Edn., 1970, p. 73.

<sup>2</sup> Wilding, Norman and Laundry, Philip: *An Encyclopedia of Parliament*, 4<sup>th</sup> Edn., pp. 27-28.

<sup>3</sup> May, Erskine: *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 24<sup>th</sup> Edn., 2011, p.50.

According to Gladstone, the Leader of the House suggests, and to a great degree fixes, the course of all principal matters of business; supervises and keeps in harmony the actions of his colleagues; takes initiative in matters of ceremonial procedure; and ‘advises the House in every difficulty as it arises’.<sup>4</sup> The details of the advice of the Government business are settled, subject to his control, by the Chief Whip. The Leader of the House announces the business for the following week every Thursday. He moves procedural motions about the business of the House from time to time. In the absence of the Prime Minister, the Leader of the House of Commons has the responsibility of expressing the sense of the House of Commons on formal occasions like moving the ‘Motion of Thanks’ or congratulations. His function, however, is not confined to Government business alone. On the basis of the recommendations of the Leader of the House, decisions are taken by the Government on Private Members’ Motions and Bills. Herbert Morrison, a former Leader of the House, has suggested that the Leader of the House should be the Chairman of the Cabinet Committee on Legislation and also of the Committee dealing with the future legislative programmes. He should be conscious of five responsibilities *i.e.*, to the Government, to the Government’s own supporters on the back benches, to the opposition, to the House as a whole, and to the individual Minister in charge.<sup>5</sup> He should be accessible to both sides of the House. His relations with the Government Whips should

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<sup>4</sup> Gladstone, W.E: *Gleanings of Past Years*, 1879, p. 241 (referred in Erskine May’s *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 24<sup>th</sup> Edn., p.50).

<sup>5</sup> Morrison, Herbert: *Government and Parliament*, pp. 117-18.

be close, cordial, and cooperative, and he must be ready to listen to them even though he is not always bound to agree with their views. He should always keep in mind that the duty of the Government is to provide all reasonable facilities for the House to discuss matters about which it is genuinely concerned, and must regard himself not only as a member of the Government but as one of the principal guardians of the rights of the House of Commons as a whole.<sup>6</sup>

The Leader of the House is, in fact, more than a Manager. He is not merely the Leader of his Party and the Leader of the Government, but also the Leader of the House. In short, when the House speaks as a corporate body, he speaks on its behalf. He represents the House on events of national or international importance such as the funeral of a distinguished statesman in the country or outside or any important development concerning the Royal Family.<sup>7</sup>

## **Position in India**

In India, the position with regard to the Leader of the House is somewhat different. The term ‘Leader of the House’ has been defined in the Rules of Procedure of the Lok Sabha and the Rajya Sabha. ‘Leader of the Council’, according to Rule 2 (1) of the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha) means the Prime Minister, if he is a member of the Council or a Minister who is a member of the Council and is nominated by the Prime

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<sup>6</sup> *An Encyclopedia of Parliament*, p. 427.

<sup>7</sup> Jennings, Ivor : *Parliament*, p. 427.

Minister to function as the Leader of the Council. The Prime Minister is invariably the Leader of the Lok Sabha.<sup>8</sup>

Rule 2 of the Rules of Procedure and Conduct of Business in the Lok Sabha also gives a similar explanation for Leader of the House.

It has been the practice that during the protracted absence of the Leader of the House when the Lok Sabha is in Session, the Minister of Parliamentary Affairs, in consultation with the former, apprises the Speaker as to who would act as the

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<sup>8</sup> Between 14 February, 1966 and 3 March, 1967, when Prime Minister, Shrimati Indira Gandhi was Member of the Rajya Sabha, Minister of Parliamentary Affairs, Shri Satya Narain Sinha was nominated as the Leader of the House in the Lok Sabha. Similarly, between 10 July, 1991 and 20 November, 1991, Minister of Human Resource Development, Shri Arjun Singh was nominated as the Leader of the House in the Lok Sabha. Prime Minister, Shri P.V. Narasimha Rao got elected to the Lok Sabha in a by-election held on 16 November, 1991. Shri H.D. Deve Gowda was the Prime Minister from 1 June, 1996 to 21 April, 1997 and Shri I.K. Gujral was the Prime Minister from 21 April, 1997 to 18 March, 1998. Since both of them were Members of the Rajya Sabha, Shri Ram Vilas Paswan, Minister of Railways was nominated as the Leader of the House in the Lok Sabha from 11 June, 1996 to 4 December, 1997. With the formation of UPA Government after the General Election to the Lok Sabha in May, 2004, Dr. Manmohan Singh, who was a Member of the Rajya Sabha was appointed as Prime Minister. Accordingly, Shri Pranab Mukherjee, the then Minister of Defence and Member of the Lok Sabha, was nominated as the Leader of the House in the Lok Sabha in May, 2004. Similarly, after the constitution of the 15<sup>th</sup> Lok Sabha in May, 2009, Dr. Manmohan Singh, Member, Rajya Sabha was again appointed as Prime Minister and Shri Pranab Mukherjee, Minister of Finance was nominated as the Leader of the House in Lok Sabha. Shri Sushil Kumar Shinde took over as Leader of the House in the Lok Sabha on 3 August, 2012 and continued till 18 May, 2014, consequent upon Shri Pranab Mukherjee, assuming the office of the President of India.

Leader of the House, but no formal announcement in this regard is made in the House.<sup>9</sup>

The Leader of the House is an important parliamentary functionary and exercises direct influence on the course of parliamentary business. The whole policy of the Government especially in so far as it is expressed in the inner life of the House and in measures dealing with the course of its business, is concentrated in his person.<sup>10</sup>

The arrangement of Government business is the ultimate responsibility of the Leader of the House, though the details are settled, subject to his approval, by the Chief Whip. The Leader of the House makes proposals for the dates of summoning and prorogation of the House for the approval of the Chair. He has to draw up the programme of official business to be transacted in the Session of Parliament, namely, Bills, motions, discussions on general or specific subjects like five-year Plans, foreign policy, economic or industrial policy and other important State activities. He fixes *inter se* priorities for various items of business to ensure their smooth passage. After setting tentative programme for the whole Session, he maps out weekly and daily programme depending

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<sup>9</sup> On 6 March, 1961, when the Prime Minister left India to attend the Commonwealth Prime Minister's Conference in London, the Minister of Parliamentary Affairs wrote to the Speaker saying that the Minister of Finance would act as the Leader of the House during the Prime Minister's absence. He, however, mentioned to the Speaker that no formal announcement needs to be made in the House. A similar communication was received from the Minister of Parliamentary Affairs on 30 August, 1961, when the Prime Minister went abroad to attend the Non-aligned Summit in Belgrade. See Kaul, M.N. and S.L. Shakhder, *Practice and Procedure of Parliament*, 7<sup>th</sup> Edn., 2016, p. 152.

<sup>10</sup> Kaul, M.N. and S.L. Shakhder., *Practice and Procedure of Parliament*, 7<sup>th</sup> Edn., 2016, p.152.

upon the state of progress of work and announces the programme to the members in advance every week.<sup>11</sup> He may be a member of the Business Advisory Committee (BAC) or the Minister of Parliamentary Affairs may liaise for him on the Committee which determines the allocation of time for Government Bills and other business on the basis of suggestions made by or received from the Minister of Parliamentary Affairs from time to time.<sup>12</sup>

Here also, there is a departure from the British practice in our system. The Leader of the Lok Sabha, *viz.*, the Prime Minister, never sits in the Business Advisory Committee; he or she is represented by the Minister of Parliamentary Affairs in the Business Advisory Committee. Since 1996, it is practice that the Leader of the House in the Rajya Sabha is not a member of the Business Advisory Committee (BAC) but he is invited to attend its meetings as a special invitee.

The Leader of the House shapes the course and content of legislation in as much as he is often the final voice in deciding as to what amendments will be acceptable, what Private Members' Bills will receive the support of the Government, and whether a question should be left to a free vote. The Leader of the House may, therefore, be said to be perhaps the most influential figure in the entire legislative process.<sup>13</sup>

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<sup>11</sup> The announcement regarding Government business for the next week is in practice made by the Minister of Parliamentary Affairs on behalf of the Leader of the House. See Kaul, M.N. and S.L. Shakhder, *Practice and Procedure of Parliament*, 7<sup>th</sup> Edn., 2016, p. 152.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid*, p.153.

Here too we have made a slight departure from the British practice. Usually in the British parliamentary system the stand which the Government takes towards the Private Members' business, be it a Bill or a motion or a resolution, will be determined by the Prime Minister in consultation with the Leader of the House. But in India apart from the Leader of the House, there is a small committee of the Cabinet known as the Cabinet Committee on Parliamentary Affairs which determines what attitude the Government should take towards Private Members' business and it is not exclusively left to the discretion of the Leader of the House as is done in the British system.

The Leader of the House deals with procedural matters relating to the business of the House and advises the House in every difficulty as it arises. For that purpose he is usually present either in the House or in his room, and has the right to address the House whenever he likes.<sup>14</sup>

He is supplied in advance with a copy of the personal statement which a member may make in explanation of his resignation from the Office of Minister. He can move, or delegate his functions to any other member to move a motion that the seat of a member should be declared vacant under

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<sup>14</sup> Between January, 1966 and March, 1967, July-November, 1991 and May, 1996-December, 1997, when the Prime Minister was not a Member of the Lok Sabha, the function of the Leader of the House was not limited only to the fixing of the subject and order of Government business but he also advised the Prime Minister on all matters connected with Parliamentary Affairs. He used to sit next to the Prime Minister on the Government front bench. In case of the Fourteenth and Fifteenth Lok Sabha also, the Prime Minister was not the Member of the House and Leader of the House sat next to him on the Government front bench. See Kaul, M.N. and S.L. Shakhder, *Practice and Procedure of Parliament*, 7<sup>th</sup> Edn., 2016, p.153.

clause (4) of Article 101 of the Constitution. The Leader of the House can request the Presiding Officer to fix a day or part thereof for sitting of the House in secret. He can move or authorise any other member to move a motion that the proceedings of the House during the secret sitting be no longer treated as secret. He is available to the Presiding Officer for consultation on behalf of the Government. He is consulted by the Chair in regard to the arrangement of Government business, and allotment of days or allocation of time for discussion of the matters referred to in the President's Address to the House under Article 87(1); transaction of Private Members' business on any day other than a Friday, which is normally fixed for Private Members' business; discussion and voting on the Demands for Grants; discussion on 'no-day-yet-named motions'; discussion of matters of urgent public importance and also consideration and passing of an amendment to regulation, rule, sub-rule, bye-law etc. laid before the House. The Leader of the House is generally consulted when a motion for suspension of a member from the service of the House is moved, or a question involving a breach of privilege, either of a member or of the House, or of a committee, is raised in the House.<sup>15</sup>

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<sup>15</sup>Normally when the Speaker names a Member, it is the Minister of Parliamentary Affairs who moves a motion for suspension of the Member from the service of the House for a specified period. The Motion for expulsion of ten Members of the Lok Sabha who had been held guilty of improper conduct in the 'Cash for query' scam was moved by Shri Pranab Mukherjee, Leader of the House and the then Minister of Defence, before it was adopted by the House on 23 December, 2005. See Kaul, M.N. and S.L. Shakhder, *Practice and Procedure of Parliament*, 7<sup>th</sup> Edn., 2016, pp. 153-154.



In his day-to-day activities, the Leader of the House acts as leader of his party but at times he acts as the spokesman and representative of the whole House. The main occasions of his so doing are when the House as a whole desires to define its position towards some external body, as for instance in the case of a difference with the other House or where there are some complaints of breach of the privileges of the House or when it is desired to give expression to the feelings of the House on some event of importance in home or foreign affairs. When the House speaks as a corporate body he speaks on its behalf.<sup>16</sup>

The responsibility of the Leader of the House is not only to the Government and its supporters in the House but also to the Opposition and the House as a whole. He maintains liaison between the Government and the opposition groups in the House. He is the guardian of the legitimate rights of the Opposition as well as those of the Government. As such, he should be among the foremost champions of the rights of the House as a whole and see that the House is not denied, despite pressure from any quarter, its rightful opportunities.<sup>17</sup>

The House holds the Leader of the House in high esteem and affection due to the important role played by him. The House looks to him, for guidance in a difficult situation, his leadership in the event of a critical eventuality and to help it tide over the crisis.

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<sup>15</sup> Kaul, M.N. and S.L Shakhder: *Practice and Procedure of Parliament*, 7<sup>th</sup> Edn., 2016, p.154.

<sup>16</sup> *Ibid.*

The names of the Members of the Rajya Sabha who have functioned as Leaders of the House are given below:

### **Leaders of the House — Rajya Sabha**

Sl. No.	Name	Term
1.	Shri N. Gopaldaswami Ayyangar	May, 1952 to February, 1953
2.	Shri Charu Chandra Biswas	February, 1953 to November, 1954
3.	Shri Lal Bahadur Shastri	November, 1954 to March, 1955
4.	Shri Govind Ballabh Pant	March, 1955 to February, 1961
5.	Hafiz Mohammad Ibrahim	February, 1961 to August, 1963
6.	Shri Y.B. Chavan	August to December, 1963
7.	Shri Jaisukhlal Hathi	February to March, 1964
8.	Shri M.C. Chagla	March, 1964 to November, 1967
9.	Shri Jaisukhlal Hathi	November, 1967 to November, 1969
10.	Shri Kodradas Kalidas Shah	November, 1969 to May, 1971
11.	Shri Uma Shankar Dikshit	May, 1971 to December, 1975
12.	Shri Kamalapati Tripathi	December, 1975 to March, 1977
13.	Shri Lal K. Advani	March, 1977 to August, 1979
14.	Shri K.C. Pant	August, 1979 to January, 1980
15.	Shri Pranab Mukherjee	January, 1980 to July, 1981; and August 1981 to December, 1984
16.	Shri Vishwanath Pratap Singh	December, 1984 to April, 1987
17.	Shri N.D. Tiwari	April, 1987 to June, 1988
18.	Shri P. Shiv Shanker	July, 1988 to December, 1989
19.	Shri M.S. Gurupadaswamy	December, 1989 to November, 1990
20.	Shri Yashwant Sinha	December, 1990 to June, 1991

Sl. No.	Name	Term
21.	Shri S.B. Chavan	July, 1991 to April,1996
22.	Shri Sikander Bakht	20 <sup>th</sup> May,1996 to 31 <sup>st</sup> May,1996
23.	Shri Inder Kumar Gujral	June, 1996 to November,1996
24.	Shri H. D. Deve Gowda	November, 1996 to April,1997
25.	Shri Inder Kumar Gujral	April, 1997 to March,1998
26.	Shri Sikander Bakht	March, 1998 to October,1999
27.	Shri Jaswant Singh	October, 1999 to May, 2004
28.	Dr. Manmohan Singh	June, 2004 to May, 2009; and May, 2009 to May, 2014
29.	Shri Arun Jaitley	June, 2014 to April, 2018; and April, 2018 to May, 2019
30.	Shri Thaawarchand Gehlot	June, 2019 – Till date

## LEADER OF THE OPPOSITION

The Leader of the Opposition similarly holds an Office which arose out of practice in England and which has no official functions either according to legislation or to the rules of the House.<sup>18</sup> In England, Her Majesty's Opposition is Her Majesty's alternative Government. Her Majesty's Opposition is, therefore, second in importance to Her Majesty's Government and the Leader of the Opposition is almost Her Majesty's alternative Prime Minister.

Technically, however, he is only the leader, for the time being, of the Chief Opposition Party.<sup>19</sup> There may be several parties in opposition, but the Opposition means the second main party temporarily in a minority, with leaders experienced in office who are ready when the time arises, to form an alternative Government. This affords a guarantee that its criticism will be directed by a consistent policy and conducted with responsibility—not in spirit calculated to ruin the game for the sake of the prize.<sup>20</sup>

The task of the Leader of the Opposition is unlike that of the Leader of the House, but it is nevertheless of considerable importance. Opposition is an essential part of democratic Government.<sup>21</sup> What is expected from an opposition is effective criticism.<sup>22</sup> It is, therefore, not untrue

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<sup>18</sup> Jennings, Ivor: *Parliament*, p. 79.

<sup>19</sup> *Ibid.*

<sup>20</sup> Campion, *Parliament, A Survey*, 1952, p. 30.

<sup>21</sup> Jennings, Ivor: *Cabinet Government*, Chapter XV.

<sup>22</sup> *Ibid.*

to say that the most important part of Parliament, is the Opposition. Government governs and opposition criticises.<sup>23</sup> Thus both have functions and rights.

Attacks upon the Government and individual Ministers are the functions of the Opposition. The duty of the Opposition is to oppose. That duty is the major check upon corruption and defective administration. It is also the means by which individual injustices are prevented. This duty is hardly less important than that of Government. The apparent absurdity that the Opposition asks for parliamentary time to be set aside by the Government in order that the Opposition may censure the Government, is not an absurdity at all. It is the recognition by both sides of the House that the Government governs openly and honestly and that it is prepared to meet criticism not by secret police and concentration camps but by rational argument.<sup>24</sup>

The Opposition and Government are carried on alike by agreement. The minority agrees that the majority must govern, and the majority agrees that the minority should criticise. The process of parliamentary Government will break down if there was absence of mutual forbearance. The Prime Minister meets the convenience of the Leader of the Opposition and the Leader of the Opposition meets the convenience of the Government.<sup>25</sup> Only by this method, can the system of parliamentary Government sustain. The Opposition has no right to obstruct, in the sense of making Parliament barren or unproductive.<sup>26</sup> It would be the clearest

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<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> *Select Committee on Procedure*, HC 161 of 1931, Evidence of Prime Minister Ramsay Macdonald.

proof of the triumph of party spirit over parliamentary spirit if any Government set out to whittle away the rights of the Opposition.<sup>27</sup> The uninterrupted respect for the rights of the Opposition which Government shows should be accepted as *prima facie* evidence of the soundness of its parliamentary faith.<sup>28</sup>

In view of the importance of the Opposition in a parliamentary democracy, the office of the Leader of the Opposition is indeed one of responsibility. He, among other things, watches for encroachments on the rights of minorities, demands debates when the Government is trying to slip away without parliamentary criticism. He must be in his place more often and familiar with all the tricks of a skilled parliamentarian and all the opportunities available under the rules of the House. It is an excellent training for the future occupants of the Treasury Bench, and essential for the effective operation of democratic Government.<sup>29</sup> In performing his duties and obligations, the Leader of the Opposition has to take into account not only what he is today but what he hopes to be tomorrow. In the words of Harold Macmillan:

“There is, I suppose, no position more difficult and in some ways more unrewarding than that of a Leader of an Opposition—to criticise, to find fault, and at the same time, of course, to develop his own proposals and policies without the power to implement them. It is in a sense unrewarding, because any man who is conscious of administrative capacity and the desire to operate his own plans must feel all the time a sense of frustration”.

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<sup>27</sup> Campion, *British Parliament*, 1981, pp. 20-21.

<sup>28</sup> Campion, *Parliament, A Survey*, 1952, p. 31.

<sup>29</sup> Jennings, Ivor: *Parliament*, p. 84.

He further added:

“Equally, under our almost unique system of Government, the Leader of an Opposition has a very special responsibility to Parliament and to the nation. At moments of danger, moments specially of foreign danger, and particularly also in matters affecting the security and safety of the realm, while he remains a critic he must in a sense be a partner and even a buttress of the Government to which he is opposed. This dual responsibility he must discharge with fidelity.”<sup>30</sup>

### **Position in India**

In India, Leaders of the Opposition in the Lok Sabha and the Rajya Sabha are accorded statutory recognition. The Salary and Allowances of Leaders of Opposition in Parliament Act, 1977, defines the Leader of the Opposition, in relation to either House of Parliament, as member of the Council of States or the House of the People, as the case may be, who is, for the time being, the Leader in that House of the party in Opposition to the Government having the greatest numerical strength and recognized as such by the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.<sup>31</sup> In the explanation to the said definition it has been clarified that where there are two or more parties in Opposition to the Government, in the

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<sup>30</sup> Kaul, M.N. and S.L. Shakhder: *Practice and Procedure of Parliament*, 7<sup>th</sup> Edn., 2016, p. 156.

<sup>31</sup> According to directions issued by the Presiding Officers of both the Houses, the minimum numerical strength required for recognition as a political party is one tenth of the total membership of the House.

Council of States or in the House of the People, having the same numerical strength, the Chairman of the Council of States or the Speaker of the House of the People, as the case maybe, shall, having regard to the status of the parties, recognize any one of the leaders of such parties as the Leader of the Opposition for the purposes of this section and such recognition shall be final and conclusive.<sup>32</sup>

He is given the salary of Rs.1,00,000/- per mensem, a daily allowance of Rs.2000/- per day, a constituency allowance of Rs.70,000/- per mensem, conveyance allowance of Rs.3,000/- per mensem (if not provided with a conveyance and a driver) and a sumptuary allowance of Rs.2,000/- per mensem, travelling allowance in respect of not more than 48 (forty-eight) single journeys performed, during each year within the country, a free and fully furnished residence and telephones, secretarial assistance and medical facilities.<sup>33</sup> In order to meet the exigencies arising out of Corona Virus (COVID-19) pandemic, the salary, constituency allowance and sumptuary allowance of the Leader of the Opposition have been reduced by 30% for a period of one year *w.e.f.* 1<sup>st</sup> April, 2020 to 31<sup>st</sup> March, 2021.

The Page Committee recommended that the Leader of the largest recognised Opposition Party (whether a regular party or a party composed of different parties or groups) should be recognised as the Leader of the Opposition. According to the Committee, it would be a healthy parliamentary convention if the Leader of the Opposition is invited by the Chief Minister before the latter makes any

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<sup>32</sup> Act No. 78 of 1985.

<sup>33</sup> *Ibid.*



policy statements in the House and is given a copy of the statement in advance, and his suggestions for fixing any particular business on a particular day are, as far as possible, accepted by the Speaker and the Leader of the House. The Committee suggested that the Leader of the Opposition should be paid a salary, and provided with an office as well as residential accommodation and some secretariat staff.<sup>34</sup> It was only in 1969 that for the first time since Independence, the two Houses had recognised Opposition Party [Congress Party (Opposition) formed after the split in the Congress Party in November, 1969] and a Leader of the Opposition in each House.<sup>35</sup>

In the Rajya Sabha, in December, 1969, the Congress Party in Parliament (Opposition) was recognised as the Opposition Party and its leader, Shri Shyam Nandan Mishra as the Leader of the Opposition in the Rajya Sabha by virtue of the Party having 39 members out of 240 members in the House. After Shri Shyam Nandan Mishra ceased to be a member of the House due to his election to the Lok Sabha, Shri M. S. Gurupadaswamy who was elected the leader, was recognised as the Leader of the Opposition in the Rajya Sabha. However, no formal announcement in the matter was made in the House although he was described as the Leader of Opposition in the proceedings.

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<sup>34</sup> *Report of the Committee of Presiding Officers (Page Committee)*, 1968, paras 48-50.

<sup>35</sup> Kaul, M.N. and Shakhder, S.L: *Practice and Procedure of Parliament*, 7<sup>th</sup> Edn., 2016, pp. 156-157.

The names of the Members of the Rajya Sabha who have functioned as Leaders of the Opposition are given below:

### **Leaders of the Opposition — Rajya Sabha**

Sl. No.	Name	Term
1.	Shri Shyam Nandan Mishra	* December, 1969 to March, 1971
2.	Shri M.S. Gurupadaswamy	March, 1971 to April, 1972
3.	Shri Kamlapati Tripathi	* 30 March, 1977 to 15 February, 1978
4.	Shri Bhola Paswan Shastri	24 February, 1978 to 23 March, 1978
5.	Shri Kamlapati Tripathi	23 March, 1978 to 2 April, 1978; and 18 April, 1978 to 8 January, 1980
6.	Shri Lal K. Advani	21 January, 1980 to 7 April, 1980
7.	Shri P. Shiv Shanker	** 18 December, 1989 to 2 January, 1991
8.	Shri M.S. Gurupadaswamy	28 June, 1991 to 21 July, 1991
9.	Shri S. Jaipal Reddy	22 July, 1991 to 29 June, 1992
10.	Shri Sikander Bakht	7 July, 1992 to 9 April, 1996; and 10 April, 1996 to 16 May, 1996
11.	Shri S.B. Chavan	23 May, 1996 to 1 June, 1996
12.	Shri Sikander Bakht	1 June, 1996 to 19 March, 1998
13.	Dr. Manmohan Singh	21 March, 1998 to 14 June, 2001 and 15 June, 2001 to 22 May, 2004
14.	Shri Jaswant Singh	3 June, 2004 to 4 July, 2004 and 5 July, 2004 to 16 May, 2009
15.	Shri Arun Jaitley	3 June, 2009 to 2 April, 2012 and 3 April, 2012 to 26 May, 2014
16.	Shri Ghulam Nabi Azad	8 June, 2014 to 10 February, 2015 and 16 February, 2015 — till date

\* No Opposition Party had the requisite strength of one-tenth of the total membership of the House during the period 1952 to 1969 and 1972 to 1977 for recognition and, therefore, there was no recognised Leader of the Opposition during those periods.

\*\* As required under Section 2 of the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977, no leader of any party in opposition to the Government was recognised as Leader of the Opposition in the Rajya Sabha during the period from 1980 to 1989.

## WHIPS

### Origin

The Office of Whip is a purely British Institution.<sup>36</sup> This institution is central to the working of the British Parliament. The Whips are not officially recognised in the standing orders of the House of Commons or the House of Lords, but long tradition has given them a secure place in the parliamentary machine. The efficient and smooth running of the parliamentary machine depends largely upon the Whips.<sup>37</sup> In the parliamentary form of Government, the Whips who are drawn from the party in power and the party/parties in Opposition form vital links in the internal organisation of a party within Parliament. They are important office-bearers of the parties in Parliament.

The word ‘Whip’ is derived from the ‘Whippers-in’ employed by a hunt to look after the hounds and keep them together in the field.<sup>38</sup> Parliamentary Whips are supposed to be similar disciplinarians controlling the flock of members in their party. There is a good dose of exaggeration in Whips in this way. Their modern job is more that of personnel manager.<sup>39</sup> The parliamentary application of the expression

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<sup>36</sup> According to Dr. Radha Kumud Mookerji, the working of Buddhist Sangha shows that there existed the Whip who was called *Ganapuraka*. See *Democracy in Ancient India*, by Radha Kumud Mookerji—an article published in the *Journal of Parliamentary Information*, Vol. III (April 1956).

<sup>37</sup> May, Erskine: *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 24<sup>th</sup> Edn., 2011, p. 51.

<sup>38</sup> Abraham & Hawtray: *A Parliamentary Dictionary*, p. 228.

<sup>39</sup> Silk, Paul: *How Parliament Works*.

can be traced to the great parliamentary orator Edmund Burke, who in a debate in the House of Commons in May, 1769, described how the King's Ministers had made great efforts to bring their followers together and how they had sent for their friends to the North and to Paris for 'Whipping them in'. Since then the phrase caught the public fancy and became popular.<sup>40</sup> In this sense the Concise Oxford Dictionary describes a 'Whip' as an 'Official appointed to maintain discipline among, secure attendance of, and give necessary information to, members of his party in House of Parliament.' Later, the term was applied to the call or appeal made by such a person, and is defined by the dictionary as 'the written notice (variously underscored with number of lines representing degrees of urgency) requesting attendance on particular occasion.' The use of the word 'Whip' is, therefore, applied to the person as well as to the document.

## **Functions**

Each party has a Chief Whip and Assistant Whips depending on the number of Members it has in the House. Of all the duties that are common to Whips of all parties, by far the most important duties rests upon the Government Whip. He is concerned with mapping out the time of the Session, getting the Government's programme of the business through and arranging the business of the individual sitting. He is responsible for the orderly consideration of the Government business. According to Sir Ivor Jennings, "arrangement of business is an art to which attention must be paid".<sup>41</sup> After the commencement of the Session, the main

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<sup>40</sup> Ilbert: *Parliament: Its History, Constitution and Practice*, p. 135.

<sup>41</sup> Jennings, Ivor: *Parliament*, p. 126.

function of the Government Chief Whip is to ensure that the Government business is transacted in accordance with the planned programme. It is part of his duty to advise the Government on Parliamentary Business and Procedure, and to maintain a close liaison with Ministers in regard to business which affects their departments. In managing the smooth passage of Government business, the Government Chief Whip has to assure that the Government has a majority in every division. He has to marshal his troops so that there will at all times be enough of them present to ensure a majority. He has to also keep a vigilant eye on the proceedings and be ready to meet any emergency that may arise on the spur of the moment. It is the duty of the Whip to anticipate, from the trend of discussions in the House, when a given item is likely to be finished. He has to therefore keep his hand on the pulse of the House at all times. The Chief Whip has the Whip hand in organizing and shaping the course of debate for he submits his party's list of speakers to the Chair for facilitating the process of 'catching the eye'. He must ascertain that the debate on any matter is kept within the limits, sustained to the appointed time and ended at the scheduled time. This function has been vividly described by Sir Ivor Jennings as under:

If, however, there is likely to be any shortage of eloquence or if, before the appointed time, the fount of oratory threatens to dry up, the Whips have to do some pumping. This can be done before the debate by suggesting that the leaders are very anxious to hear the views of a few of the more long-winded members. Moreover, there are always members—usually voted as prize bores, but even bores have their uses—who are capable of speaking at any length on anything.<sup>42</sup>

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<sup>42</sup> Jennings, Ivor: *Parliament*, p. 93.

“To make a House and to keep a House” are said to be the other important functions of Government Whips. “To keep a House”, says Ivor Bulmer Thomas, “is to ensure that there is always sufficient attendance of members to form a quorum and more particularly to give support to their own chosen speaker.”<sup>43</sup> Keeping a House is not an easy task. It is the function of the Whip to see that enough members of the party are at hand and can be summoned to the Chamber within a few minutes. “It is obviously not necessary”, writes Sir Ivor Jennings, “that members should be in the Chamber itself. They must be somewhere near the fount of oratory, but they need not drink.”<sup>44</sup> The principal task of the Government Chief Whip is the arrangement of Government business in the House. He must get the business through and must try to ensure that, in spite of the activities of the Opposition, by the end of the Session, Parliament has passed all the legislations and done all the other tasks which the Government has planned for that period. To achieve this in a reasonable manner, he and all the other Whips have to remain in touch with one another. Life would be intolerable unless there were cooperation between the parties to ensure that the opposition parties are given a reasonable chance to oppose the Government and the Government a reasonable opportunity to get its legislation through the House. Cooperation generally brings better results. The day-to-day working arrangements and compromises are made through what are called the ‘usual channels’, a parliamentary phrase which covers the close working relationships between the Whips of the different parties. The ‘usual channels’ are sometimes criticised by back benchers: the relationship

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<sup>43</sup> Thomas, Ivor Bulmer: *The Party System in Great Britain*, p. 110.

<sup>44</sup> Jennings, Ivor: *Parliament* p. 85.

between Whips of different parties is seen as too cozy, and sometimes used to prevent dissent within parties... But most people would accept this work of oiling the parliamentary machine as essential.<sup>45</sup>

So far as a political party is concerned, it is one of the responsibilities of the Whips to maintain party discipline in the House. Perhaps one of the most important functions of the Whip is to keep the Leaders especially the Ministers, informed of the currents of opinion in the party as also the moods and inclinations of individual members which deserve special notice. It is the job of the Whip to detect the least sign of disaffection or discontent, record the most minute stand of political information and pass on the material to the Prime Minister. The complaints or criticism of members must be listened to and their grievances met, for parties really split over a multitude of small complaints. "Though it is not possible to satisfy everybody all the time, it is possible partly to satisfy most of the people most of the time, and to see that the satisfied majority is not always the same."<sup>46</sup> In the words of N. Nicolson, the Whips "must act as a two-way Intelligence Service, to warn Ministers of trouble stirring on the back benches and to warn members of the consequences of carrying disagreement to extreme lengths."<sup>47</sup> "The Whips' function is not to stifle genuine dissent, but to canalize it as far as possible along channels hidden from the public gaze."<sup>48</sup> Herbert Morrison has written, "It is persuasion rather than bullying that is the rule; it is reasoning with a recalcitrant

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<sup>45</sup> Silk, Paul: *How Parliament Works*, pp. 46-47.

<sup>46</sup> Jennings, Ivor: *Parliament*, p. 140.

<sup>47</sup> Nicolson, Nigel: *People and Parliament 1958*, p. 75.

<sup>48</sup> *Ibid.*

member rather than coercion that is the general practice.”<sup>49</sup> An efficient Whip rides his horse with free rein and uses his ‘Whip’ if only to keep off the flies. Of one famous Whip it was said: “Persuasion tips his tongue whenever he talks.”<sup>50</sup> It has been aptly said that “Whips are not only shock-absorbers, but also indicators of the party; they are not only advisers to the leader, but also the binding force in the party; they are not only barometers of the different regions and opinions, but also counsellors of members.”<sup>51</sup>

The Chief Whip selects members to serve on Select Committees and other Parliamentary and Government assignments keeping in view the background, experience, aptitude, qualification etc. of members. In order to prevent possible breach of friendly relations which exist between them, the Whips do not take part in debates. Apart from formal motions, the Government Whips remain silent during the proceedings. They play an unobtrusive part in the deliberations. Owing to the need to supervise the public business and to ensure that a House is kept, the Whips have to spend, long hours on the bench, where they sit like silent sentinels observing and listening but seldom speaking or engaging in partisan debate. “The Whips are, thus doubly penalised, unable to speak themselves and compelled to listen to the speeches of others.”<sup>52</sup>

There is another usage of the word ‘Whip’. During the Session, the Whips send out notices to all members of their

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<sup>49</sup> Morrison, Herbert: *Government and Parliament*, p. 104.

<sup>50</sup> Jennings, Ivor: *Parliament*, p. 88.

<sup>51</sup> Kaul, M.N. & S.L. Shakhder : *Practice and Procedure of Parliament*, 7<sup>th</sup> Edn., 2016. p. 158.

<sup>52</sup> Thomas, Ivor Bulmer: *The Party System in Great Britain*, pp. 110-11.



parties, when important divisions are expected. Such notices are known as ‘Whips’. An item of business is underscored with one, two or three lines according to the importance of the division. They explain when it is hoped that members will attend, when it is highly desirable that they should be in their places in the House, and when it is quite essential that they should be present. In that event, these Whips are called ‘one-line Whip’, ‘two-line Whip’ and ‘three-line Whip’. In the opinion of Sir Ivor Jennings, “a three-line Whip, indicates that all other engagements should be put aside.”<sup>53</sup>

### **Position in India**

The Minister of Parliamentary Affairs is the Chief Whip of the Government. He is directly responsible to the Leader of the House. It is a part of his duties to advise the Government on Parliamentary Business and to maintain a close liaison with the Ministers in regard to Parliamentary Business affecting their Departments.<sup>54</sup>

The Chief Whip is the eyes and ears of the Leader of the Party so far as the members are concerned. He conveys the wishes of the Leader to the members of the Party and keeps the Leader informed of the current opinion in the Party as also the moods and inclinations of individual members when these deserve special notice. The Chief Whip is assisted by one or two Ministers of State and at times by a Deputy Minister also. With their assistance, the Chief Whip controls the members of the party in power and ensures that during sittings there is quorum in the House and that adequate number of members of the party are present at the time of

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<sup>53</sup> Jennings, Ivor: *Parliament*, p. 87.

<sup>54</sup> Kaul M.N. & S.L. Shakhder, *Practice and Procedure of Parliament*, 7<sup>th</sup> Edn., 2016. p. 159.

voting. For this purpose, he sends them advance intimation through the familiar system of one, two and three line Whips to indicate the extent of urgency attached to the vote on a particular measure before the House.<sup>55</sup>

During the course of actual working, Whips of the Government party and of parties in the Opposition come into contact with each other to sort out matters of common interest and to understand and accommodate each other on many a crucial occasion when it is convenient for both sides to arrive at mutual understanding. Even in the matter of selection of members of the Opposition for Select Committees, contact between Whips of the Government and the Opposition becomes important.<sup>56</sup>

As in England, the Chief Whip in India also performs multifarious functions, the important among these are:

1. decide about the spacing of Parliament Sessions during the year, considering the volume of business pending, climatic conditions, festival days, etc.;
2. adjust the sessional programme of the House with that of the other House;
3. finalise the Government business in consultation with Ministries of the Government of India and also, if necessary, Opposition Whip;
4. When the Session actually commences, ensures that the legislative and the non-legislative business of the Government is transacted in accordance with planned programmes;

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<sup>55</sup> Kaul M.N. and S.L. Shakhder, S.L. : *Practice and Procedure of Parliament*, 7<sup>th</sup> Edn., 2016. p. 159.

<sup>56</sup> *Ibid*, pp. 159-160.

5. send notices to members, that is Whips indicating the urgency and importance attached to each business;
6. assign roster duties to Ministers thereby ensuring that some Ministers are always present in the House and the Government is not put in an embarrassing position by the absence of Ministers concerned with the subject matter of the business as well as others who are deputed by the concerned Ministers;
7. assist members in the general interest of the party, feed them with relevant material and provide them general guidance;
8. supply the list of speakers on Bills and other business in the House to facilitate the works of the Chair, who would like to call the members to speak;
9. suggest names of Members to be appointed on various Committees and other important bodies; or to be included in various parliamentary delegations;
10. attend meetings of Business Advisory Committee for discussion and allotment of time for transaction of various items of Government business.

By the Constitution (Fifty-second Amendment) Act, 1985, the task of the Whips has become easier. Although the main job of the Whip 'to make the House and to keep the House' continues with regard to important divisions or voting,

the work of the Whip has become more of a formal affair than a taxing one. The member who votes or abstains from voting contrary to the Whip of the Party, runs the risk of losing his seat in the House under the Act. As such, the Whip has a document which is called 'Direction' of the party in the Constitution has assumed great significance. A process which originated as an informal arrangement has now assumed a constitutional status in India.

According to the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Act, 1998 and the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Telephone and Secretarial Facilities) Rules, 1999, each Leader, Deputy Leader and Chief Whip of a recognised party (every party which has a strength of not less than twenty five members in the Rajya Sabha) and a recognised group (every party which has a strength of not less than fifteen members in the Rajya Sabha) is entitled to one Stenographer [Private Secretary (Group A) Level-10 in the Pay Matrix ' ' corresponding to the pre-revised Scale of Rs. 15600-39100+5400]. The Party/ Group should be the one which has been recognised by the Chairman as such Party/ Group, for availing the facilities. The telephone and secretarial facilities are temporary and co-terminus with the tenure as the Leader, Deputy Leader or Chief Whip of the recognised party or recognised group. The above facilities shall not be provided to such Leader, Deputy Leader or Chief Whip, as the case may be, who:

- (i) holds an office of Minister as defined in Section 2 of the Salaries and Allowances of Ministers Act, 1952; or

- (ii) holds an office of the Leader of the Opposition as defined in Section 2 of the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977; or
- (iii) is entitled to similar telephone and secretarial facilities by virtue of holding any office of, or representation in, a Parliamentary Committee or other Committee, Council, Board, Commission or other body set up by the Government; or
- (iv) is entitled to similar telephone and secretarial facilities provided to him in any other capacity by the Government or a local authority or Corporation owned or controlled by the Government or any local authority.

### **Attributes of a Whip**

It is a widespread belief that the Whips have no other duty than to bully and coerce members against their will into voting in the party lobby and speaking in accordance with the party line. This is an inaccurate and incomplete picture of the functions of the Whip. A good Whip seeks to avoid this situation in which a troubled or troublesome member is driven to choose between forced, humiliating conformity, and flagrant revolt which may raise all the difficult problems of official disciplinary action.<sup>57</sup> The Whip is a much harassed person. He has to discharge the difficult task of satisfying his party members as well as other members of different persuasions and proclivities. In the performance of his functions he receives more complaints than compliments,

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<sup>57</sup> Morrison, Herbert: *Government and Parliament*, pp. 104-05.

more brickbats than bouquets, more grievances than gratitude. But with skill and tact, patience and indulgence he absorbs and assimilates all the shocks and brunt of the office so that the same do not find their way to the Leaders or the Prime Minister. The late Shri Satya Narayan Sinha was a Congress Party Whip for a longtime— and a joke against himself, which he happily shared with others was that the carpet in the Prime Minister’s room was so spotless because he (the Whip) was the doormat screening every visitor.<sup>58</sup> In this context, perhaps what a British Member of Parliament said jocularly appears telling:”Parliament without a Whip’s office is like a city without sewerage.”<sup>59</sup> Incidentally, it has been stated that in England, the Tory Whips are supposed to pass on any private information they hear in the House to the Chief Whip on a form actually called ‘Dirts’.<sup>60</sup> Whips are at times misrepresented in the eyes of the public. Far from being harsh, flinty men, who bully nervous M.P.s into Lobbies against their deeply held conscience, Whips are men of supreme tact, diplomacy and persuasion.

The office of the ‘Chief Whip’ is of great responsibility. His office, said Disraeli, “requires consummate knowledge of human nature, the most amiable flexibility, and complete self-control”.<sup>61</sup> These are perhaps the most essential qualifications necessary for the performance of the job. The multifarious, delicate and exacting duties of the Whip call

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<sup>58</sup> Mukerjee, Hiren : *Portrait of Parliament*, p. 51.

<sup>59</sup> Aspinwall, Jack: *Kindly Sit Down*, M.P., 1985, p. 120.

<sup>60</sup> Jackson, Robert J. : *Rebels and Whips*, p. 42.

<sup>61</sup> Jennings, Ivor: *Parliament*, p. 94.

for personal qualities of which a description has been given by Sir Ivor Jennings. He has written:

Knowledge of human nature and amiability are perhaps the most essential requirements of all Whips. They must know all their members; they must be aware of every wind of opinion that blows; they must understand the temper and whims of the Opposition; they must know when to cajole, when to persuade and when to threaten. Obstruction can be removed by a gentle conversation beforehand. Proposals will find acceptance if they are put to one man in one way and to another man in another way. Ruffled feathers must be smoothed and sensitive skins gently stroked.<sup>62</sup>

These attributes only explain why ‘Whip’ is really an inappropriate name. They do not compel, they do not even persuade, rather they suggest. They keep members friendly to their Leaders and the Leaders familiar with their followers.<sup>63</sup> In his absence “it would be like never being able to consult a time-table when you want to travel; you would have to go to the station and ask about the trains.”<sup>64</sup> It may, therefore, be appropriate to name the ‘Whip’, with an acronym VIF (Very Important Friend).

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<sup>62</sup> Jennings, Ivor: *Parliament*, p. 94.

<sup>63</sup> *Ibid* p. 139.

<sup>64</sup> Society, Hansard: *Papers on Parliament*, p. 65.

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