

INTRODUCTION

As in England, ours is also essentially a participatory democracy in the sense that more and more Members are encouraged to take part in the debates and discussions on various issues affecting different spheres of our national life. There are quite a few functionaries in Parliament who render Members' participation in debates more real, effective and meaningful. Amongst them are, besides the presiding Officer, the Leader of the House, the Leader of the Opposition and the Whips. These parliamentary functionaries exercise direct influence on the course of the business of the House.

LEADER OF THE HOUSE

i. Origin and duties of the Office in England:

As pointed out by Sir Ivor Jennings¹, 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, the 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 not 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 as a technical term does not appear to have been thoroughly established until the middle of the 19th 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.² Until 1942, the Prime Minister, if a member of the House of Commons, generally also acted as the Leader of the House; if he was a member of the House of Lords the duties of the Leader of the House of Commons were performed either by the First Lord of the Treasury or by the Chancellor of the Exchequer.³ Since 1942, it has been the regular practice to have a separate Leader of the House. Now, a Minister who is a member of the House of Commons is appointed by the Prime Minister as the Leader of the House.

According to Gladstone, the Leader of the House 'suggests, and in a great degree fixes, the course of all principal matters of business, supervises and keeps in harmony the actions of his colleagues, takes the initiative, in matters of ceremonial procedure, and advises the House in every difficulty as it arises'.⁴ The details 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 after Questions. 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 Motions 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.⁵ He should be accessible to both sides of the House. His relations with the Government Whips should 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.⁶

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.⁷

(ii) 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 Rules of Procedure of the Lok Sabha and the Rajya Sabha. Leader of the House, according to Rule 2 of the Rules of Procedure and Conduct of Business in the Lok Sabha means the prime Minister, if he is a Member of the House or a Minister who is a Member of the House and is nominated by the Prime Minister to function as the Leader of the House. The Prime Minister is invariably the Leader of the Lok Sabha.**

Rule 2(1) of the Rules of Procedure and Conduct of Business in the Rajya Sabha is identically worded.

It has been the practice that during the protracted absence of the Leader of the House when Lok Sabha is in session, the Minister of Parliamentary Affairs, in consultation with the former, intimates to the Speaker as to who would act as the Leader of the House, but no formal announcement in this regard is made in the House.⁸

*Between 24 January, 1996 and 23 February, 1967, when Prime Minister, Shrimati Indira Gandhi was a 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 4 December, 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 bye-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 19 March, 1998. Since both of them were members of Rajya Sabha, Shri Ram Vilas Paswan, Minister of Railways was nominated as the Leader of the House in the Lok Sabha.

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.⁹

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 settling tentative programme for the whole session, he maps out weekly and daily programme depending upon the state of progress of work and announces the programme to the members in advances every week.^{*10} The Business Advisory Committee determines the

allocation of time for Government Bills and other business on the basis of suggestions made by or received from him from time to time.¹¹

Here also there is a departure from British practice in our system. The Leader of the Lok Sabha, viz., Prime Minister, never sits in the Business Advisory Committee; he or she is represented by the Minister for Parliamentary Affairs in the Business Advisory Committee. The Leader of the House in the Rajya Sabha is generally a member of the Business Advisory Committee (BAC). In the event, he is not a member of the BAC, he is invited to attend its meetings.

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 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.¹²

Here too we have made a slight departure from the British practice. Usually in the British parliamentary system in regard to the attitude which the government will take towards, the private members' business, either 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

*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.

committee of the Cabinet known as the Cabinet Committee on Parliamentary Affairs. This Committee 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.¹²

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.¹³

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 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 a 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 on matters of urgent public importance and also consideration and passing of an amendment to any 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. ¹⁴

In his day-to-day activities, the Leader of the House acts as the leader of his party, but, on occasions, he acts as the spokesman and representative of the whole House. The chief occasions of his doing so 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, where there is some complaint of breach of privilege of the House against any outside body or agency or when it is desired to give expression to the feelings of the House on some event of importance in home or foreign affairs. And when the House speaks as a corporate body, the Leader speaks on its behalf. ¹⁵

The responsibility of the Leader of the House is not only to the government and its supporters in the House, but to the Opposition and to 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 and privileges of the House as a whole. He has to see that the House is not denied, despite pressure from any quarters, its rightful opportunities. ¹⁶

Because of the important role which the Leader of the House performs, the House holds the Leader in admiration and affection. The House looks to him to guide it in a difficulty, to lead it in a critical eventuality and to help it ride out the crisis, if any.

LEADER OF THE OPPOSITION

The Leader of the Opposition similarly holds an Office which arose in England out of practice and which has no official functions either according to legislation or to the rules of the House.¹⁷ 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.¹⁸ 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.¹⁹

The task of the Leader of the Opposition is not so difficult as that of the Leader of the House, but it is nevertheless of considerable importance. Opposition is an essential part of democratic government.²⁰ What is expected from an opposition is effective criticism.²¹ It is therefore not untrue to say that the most important part of Parliament is the Opposition. Government governs and opposition criticises.²² Both of them thus have functions and rights.

Attacks upon the Government and upon individual Ministers are the function 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.²³

In fact, 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.²⁴ 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.²⁵ It would be the clearest proof of the triumph of party spirit

over parliamentary spirit if any government set out to whittle away the rights of the opposition.²⁶ 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.²⁷

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 slide away without parliamentary criticism. He must be in his place even more constantly than the Prime Minister. He must be familiar with all the tricks of skilled parliamentarian and all the opportunities of the rules of the House. It is excellent training for the future occupants of the Treasury Bench and essential for the effective operation of democratic government."²⁸ 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.

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 specialty of foreign danger, and particularly also in matters affecting the security and safety of the realms. 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".²⁹

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 recognised as such by the Chairman of the Council of States or the Speaker of the House of the People, as the case may be*'. 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 Council of States or in the House of the People, having the

*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.

same numerical strength, the Chairman of the Council of States or the Speaker of the House of the People, as the case may be, shall, having regard to the status of the parties, recognise 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.³⁰

He is given the salary of Rs.4000/- per mensem a daily allowance of Rs.400/-, a constituency allowance of Rs. 8,000/- per mensem. conveyance allowance of Rs. 3000/- per mensem (if not provided with a conveyance and a driver) and a sumptuary allowance of Rs.3000/- per mensem, travelling allowance in respect of not more than six return journeys performed, during each year in the country, a free and fully furnished residence and other telephones, secretarial assistance and medical facilities.³¹

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 Prime Minister before the latter makes any policy statement 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 office as well as residential accommodation and some secretarial staff.³²

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.³³

In the Rajya Sabha, in December, 1969, the Congress Party in Parliament (Opposition) was recognised as a Party and its Leader, Shri Shyam Nandan Mishra as the Leader of

the Opposition in the Rajya Sabha by reason of that Party's following of 39 in a House of 240. After Shri Shyam Nandan Mishra ceased to be a member of the House by reason of his election to the Lok Sabha, Shri M.S. Gurupadaswamy who was elected the Leader, was recognised in the Rajya Sabha. However, no formal announcement in the matter was made in the House although he was described as such in the proceedings.

The names of members of the Rajya Sabha who had functioned as Leaders of the Opposition in their respective Houses are given below:--

RAJYA SABHA
From TO

1. Shri Shyam Nandan Mishra. Dec. 1969 March 1971
2. Shri Kamalapati Tripathi 30-3-1977 15-2-1978
3. Shri Bhola Paswan Shastri 24-2-1978 23-3-1978
4. Shri Kamalapati Tripathi 23-3-1978 2-4-1978
and
18-4-1978 8-1-1980
5. Shri L. K. Advani 21-1-1980 7-4-1980
- *6. Shri P. Shiv Shanker 18-12-1989 2-1-1991
7. Shri M. S. Gurupadaswamy 28-6-1991 21-7-1991
8. Shri S. Jaipal Reddy 22-7-1991 29-6-1992
9. Shri Sikander Bakht 7-7-1992 9-4-1996
and
10-4-1996 15-5-1996
10. Shri S.B. Chavan 23-5-1996 31-5-1996
11. Shri Sikander Bakht 1-6-1996 19-3-1998

12. Dr. Manmohan Singh 21-3-1998 Till date

*Hon'ble Chairman, Rajya Sabha, accorded recognition to Shri P. Shiv Shanker. NIT. and Leader of the Congress (I) Party in Rajya Sabha as the Leader of the Opposition in Rajya Sabha w.e.f. 18-12-1989 in terms of section 2 of the Salary and Allowances (it Leaders of Opposition in Parliament Act, 1977. With the fall of the National Front Government in November, 1990 the President, Shri R. Venkataraman invited Shri Chandra Shekhar to form an alternative Government. Since the Congress (I) Party decided to extend its support to the Government headed by Shri Chandra Shekhar a question arose whether Shri Shiv Shanker continued to be the Leader of the Opposition in Rajya Sabha. On the 2nd January, 1991, Hon'ble Chairman announced in the House that Congress (I) Party had foregone the office of the Leader of the Opposition and Shri P. Shiv Shanker resigned as the Leader of the Opposition w.e.f. 2.1.1991.

WHIPS

(i)

Origin:

The Office of Whip is a purely British Institution.*--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.³⁵ In the Parliamentary form of Government, the Whips who are drawn from the Party in power and the party or parties in opposition form vital links in the internal Organisation of a party inside 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.³⁶ Parliamentary Whips are supposed to be similar disciplinarians controlling the flock of members in their party. There is a good dose of exaggeration in

*According to Dr. Radha Kumud Mookerji the working of Buddhist Sangha shows that there existed the whip who was called Ganapuraka.³⁴

Whips in this way. Their modern job is more that of personnel manager.³⁷ The parliamentary application of the expression 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.³⁸ 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". 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 underlined 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.

(ii) 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 devolve 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 of which attention must be paid".³⁹ After the start of the Session, the main 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 smooth passage of Government business the Government Chief Whip has to see 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 also to keep a vigilant eye on the proceedings and has to 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, therefore, to keep his hand almost all the time on the pulse of the House. The Chief Whip has the Whip hand in organising 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 sees to it 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 noted as prize bores, but even bores have their uses--who are capable of speaking at any length on anything."⁴⁰

"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 speakers."⁴¹ 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."⁴² 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 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.⁴³

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, and especially the Ministers, informed of the currents of opinion in the party as also the moods and inclinations of individual members when those 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. "The murmur swells to a roar until the storm bursts." 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.⁴⁴ In the words of N. Nicolson, the Whips "must act as a two-way Intelligence Service to warn Ministers of trouble stirring on the backbenches, and to warn members of the consequences of carrying disagreement to extreme lengths"⁴⁵. "The Whips' function is not to stifle genuine dissent but to canalize it as far as possible along channels hidden from the public gaze."⁴⁶ Herbert Morrison has written "it is persuasion rather than bullying that is the rule; it is reasoning with a recalcitrant member rather than coercion that is the general practice."⁴⁷ The efficient Whip rides his horse with free rein and uses his Whip only to keep off the flies. Of one famous Whip it was said: "Persuasion tips his tongue whenever he talks."⁴⁸ It has aptly been said that "Whips are not only shock-absorbers, but also indicators of the Party; they are not only advisers to the Leaders, but also the binding-force in the Party; they are not only barometers of the different regions and opinions, but also counsellors of members. 49 "

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 principally to prevent any 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."⁵⁰

There is another usage of the word 'Whip'. During the Session, the whips send out notices to all members of their 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. 51

(iii) Position in India:

The Minister of Parliamentary Affairs is the Chief Whip of 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.

The Chief Whip is the eyes and ears of the Leaders 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. There are regional Whips also who keep liaison with the Members belonging to their respective States in regard to the business of the House. 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 voting. For this purpose, he sends them advance intimation through the familiar system of ordinary, one, two and three-line Whips to indicate the extent of urgency attaching to the vote on a particular measure before the House.

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 crucial occasions 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.⁵²

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

1. decide about the spacing of Parliament Session 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;
3. finalise the Government business in consultation with Ministries of the Government of India and also, if necessary, Opposition Whips;
4. when the Session actually commences, see that the legislative and the non-legislative business of the Government is transacted in accordance with the planned programme;

5. send notices to members, that is Whips indicating the urgency and importance attached to each business;
6. assign roster duties to Ministers so 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 deputise for them;
7. assist Members in the general interest of the party, feed them with material and provide them general guidance;
8. supply list of speakers on Bills and other business in the House
to facilitate the job of the Chair, who would like to call the Members to speak;
9. suggest names of Members to be appointed on various Select 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 (52nd Amendment) Act, 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 in regard to important divisions or voting, the work of the Whip has become more 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 52nd Amendment of the Constitution. As such the Whip as 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.

The Parliament has passed an Act known as the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Act, 1998. This Act provides the following facilities to each Chief Whip of a recognized party and a recognized group:

Telephone facilities:- 10,000 (Ten thousand) free local calls per annum for both office and residential telephones put together in addition to the free calls admissible as a Member of Parliament; and

Secretarial facility:- One Stenographer (Private Secretary Gr.III)

The above facilities are temporary and co-terminus with the tenure as the Chief Whip of the recognized party or group. The telephone and Secretarial facilities are provided to the Chief Whip

of each party which has a strength of not less than twenty five Members in respect of Rajya Sabha and of each Group which has a strength of not less than fifteen Members in respect of Rajya Sabha. The Party/Group should be the one which has been recognized by the Chairman as such Party/Group, for availing the facilities.

(iv) *Attributes of a Whip as a person:*

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 Whips. The good Whip seeks to avoid a situation in which the 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.⁵³ The Whip is a much harassed person. He has to discharge a very hard 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, more brickbats than bouquets more grievances than gratitudes. But with skill and tact, patience and indulgence he absorbs and assimilates all the shocks and brunts of the office so that the same do not find their way to the Leader or the Prime Minister. The Late Shri Satya Narayan Sinha was a Congress Party Whip for a long time--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 was the doormat screening every visitor.⁵⁴ In this context perhaps what a British Member of Parliament said humorously appears telling: 'Parliament without a Whip's office is like a city without sewerage.'⁵⁵ 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'.⁵⁶ Sometimes Whips are totally misrepresented in the eyes of the public. Far from being harsh, flinty men, who bully nervous M.Ps. into Lobbies against their deeply held consciences, 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.'⁵⁷ These are perhaps the most essential qualifications necessary for the performance of his job. The multifarious, delicate and exacting duties of the Whip call 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. The House must be treated on a large scale as a committee is treated on a

smaller. 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." 58

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.⁵⁹ 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."⁶⁰ It may, therefore, be appropriate to name the 'Whip, with an acronym VIF (Very Important Friend).

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