Chapter X

CONCLUSION

It is evident from the study of the functioning of any democratically constituted Assembly for any period that in normal times it is engaged in the passing of Acts and resolutions in accordance with the prescribed procedure. For the period of our study while routine work was gone through, the Assam Assembly addressed itself to many challenging problems that arose during the period. Certain interesting findings emerged from our study. An analysis of the socio-economic background of the members of the Assembly reveals a strongly elitist composition of the legislature. The elitist bias possibly contributed to a considerable extent towards inhibiting the capacity of the legislature to meet the socio-political challenges facing the State in a radical direction. This is evident from the lack of serious concern on the part of the legislators to bring about radical socio-economic changes in the fields like agrarian reform, panchayati raj, etc. Although, there were several legislative measures in these directions, these were generally halting and half-hearted. Furthermore, the legislators were essentially constituency-oriented and were rather insular in their outlook. Only a small minority of the legislators were equipped with degrees in law or experience in the legal profession. However, judging by the performance of the other legislators this lack in legal expertise was not of any serious import. Their general educational qualifications were
high. A substantial proportion of them had first degree qualifications and the majority of the legislators had previous legislative experience.

The effectiveness of a legislature depends primarily on the extent to which its members conduct themselves in the Assembly. Legislators are expected to conform to the norms of decorum. Besides, they are expected to take active interest in the Assembly proceedings. The Opposition members in particular are expected to adopt practices that are not merely obstructionist. Judging by these criteria the behaviour of the Assembly members could be judged as satisfactory. Both the members of the ruling party and the Opposition had generally conducted themselves in conformity with the rules of the House. Occasions of disorderly conduct or pandemonium were rare. Only on twenty two occasions there were certain aberrations. As for the members from the Hill areas, they practically restricted themselves championing the special interests of the Hill areas preparing thereby the ground for a separate Hill State. This separatist bias of the Hill members contributed to a certain feeling of bitterness in the House.

A part of the credit for the smooth functioning of, and generally decent behaviour in, the Assembly should go to the competence and impartiality of the Speakers of the Assam Assembly. Barring one of the four Speakers, during the period under review there was no allegation against any Speaker regarding their conduct of the affairs of the Assembly.
It is common knowledge that the Opposition is a necessary element for the successful functioning of parliamentary democracy. It helps to keep the Government on its alertness and if it could be strong, it could also provide an alternative Government. But in the case of the Assam Assembly the Opposition was not strong enough to challenge the ruling party in terms of gaining power for itself. The Opposition could on an average secure only 30 per cent of the total Assembly seats. There was of course a remarkable increase in the size of the Opposition after the General Election of 1967. And if we exclude the Independents, who secured as many as 25 seats in this election the average for the three elections falls to 21 per cent. What is more significant than the poor strength of the Opposition is the fact that the Opposition was hopelessly divided. At times there were as many as five Opposition parties in the Assembly. These Opposition parties were also ideologically opposed to one another. However it is to be conceded that the Opposition took a keen interest in focussing attention on issues of public importance, particularly on matters relating to security of the State, social harmony, regional interests and Centre-State relations. It is the Opposition move in support of the oil refinery of Assam that helped the State to get its first oil refinery in the public sector. The Opposition also deserves credit for its vigilance in pointing out areas of maladministration by the Government. It had brought into focus several irregularities on cases of corruption in high places. A Minister of Agriculture was even forced to resign as a result of
severe criticism from the Opposition benches. The Opposition also pinpointed the lapses in the administration's programme of planned economic development. It pointed out a number of leakages in the plan outlays and the poor impact of planning on basic problems of mass poverty and unemployment in the State.

The ruling party with its privileged position in the House was expected to do a lot by way of socio-economic transformation of the underdeveloped State of Assam. It was thought that the rural origin of most of the Ministers would facilitate a rapport between the ruling party and the masses. Unfortunately power in high offices and the generally affluent circumstances in which the Ministers were placed prevented them from being responsive to the urgent and basic social problems of the State. The development plans approved by the Ministers were mostly urban-oriented and were hardly conducive to revitalisation of the rural economy. The ruling party was largely content with solving routine problems and law and order issues. Even the socio-economic reforms introduced by the ruling party were not seriously or expeditiously implemented. This is evidenced by the poor implementation of the land reform measures.

The real business of the Assembly is done in the Committees of the House. The Committee system has been designed to thrash out details without wasting the time of the general House which is also unmanageably large in its membership. The Committees of the Assam Assembly had worked with commendable success during the period under review. The work of the Public
Accounts Committee (P.A.C.) and the Committee on Estimates deserve special mention. These committees have brought to light several irregularities in the administration. They have really served as the watch dogs of public administration. Some of the irregularities pointed out by the P.A.C. were those of the Assam State Electricity Board, Home Department and the Audit Report for 1965, Appropriation Accounts 1963-64 and Finance Accounts 1963-64. It must however be conceded that these two committees were unable to produce the desired impact on the administration because of the inordinate delays in implementing their recommendations.

The role of the Governor is undoubtedly a constitutional one. For the period under review, there was no occasion for the Governor of Assam to send any report to the Central Government recommending action under Article 356 of the Constitution. Apart from the influence that the Governors wielded and the special powers they enjoyed under Sixth Schedule, the fact that the Governor of Assam is also Chairman of the North Eastern Council (N.E.C.) of which Assam is a constituent part endows him with a special position. As Chairman of the N.E.C., the Governor can materially assist in the socio-economic development of Assam.

The basic function of a legislature is to give a lead in socio-economic changes through appropriate legislation. The Assam Assembly deserves credit for enacting a large number of legislative measures aiming at important reforms in the
socio-economic field. Among these measures, the land reform Acts, Prohibition Acts and the Acts designed to bring about decentralisation deserve special mention. The Assam Adhikar Protection and Regulation Act was repealed and substituted by the Assam (Temporarily Settled Areas) Tenancy Act, 1971. The main object of this piece of legislation was to treat the share-croppers as tenants. To implement this Act a crash programme of preparing the record of rights of the tenants was taken up in all districts of Assam. As many as 2,47,119 tenants' records of rights were certified up to December 1974. During the period under review the Assam Fixation of Ceiling on Land Holdings Act of 1956 was further amended and schemes of consolidation taken up. During the Fourth Plan period a scheme for consolidation of 50,000 Bighas of land in various districts was taken up. The ceiling on land holdings was reduced from 75 Bighas to 50 Bighas as a result of an amendment of the Act. Under the amended Act 32,125 Bighas were settled with 4,800 persons by redistribution of surplus land up to December, 1974. Although Assam was one of the pioneer States in India to pass land reform measures, implementation of these measures was painfully slow. There was a number of loopholes in the legislations which gave rise to delays in implementations. A number of 'benami' transfers of land took place thereby leading to considerable evasion of the law. The reduction in the size of the ceiling from 150 Bighas to 50 Bighas was largely due to the initiative of the Opposition. But the Government's gradualism in bringing about the reduction encouraged 'benami' transfers. Even in regard to replacement
of the Assam Adhiaar Protection Act by the Assam (Temporarily Settled Areas) Act, 1971, the initiative of the Opposition played an important part. Land settlement policy of the Government, though well-intentioned, was full of malpractices and anomalies. The implementation of various land reform measures was full of irregularities, as noted by the Land Settlement Implementation Advisory Committee. It is regrettable that the Government could not make it convenient to take any action according to the recommendations of this Committee.

The co-operative movement was also engaging the concern of the Assam Assembly which took a number of steps to strengthen the co-operative movement. Unfortunately, the progress of the co-operative movement was most unsatisfactory. There was too much of Government interference in what should have been a genuine people's movement. The vested interests influenced the co-operative movement and turned it to their sectional advantage. A number of cases of embezzlement of co-operative funds was brought to light. In some cases several lakhs of rupees were allegedly given by the Government as loan to the co-operatives on the recommendations of the officers. There was a mushroom growth of co-operatives but by 1965 there was practically no real co-operative society in existence. The Hill members of the Assembly felt that the Hill areas were neglected in the matter of co-operative movement. There was no doubt that some measures were taken by the Government to revitalise co-operatives. Thus an Assistant Co-operative Officer was posted in each Block
for inspection and supervision of the societies. The co-operative credit structure was sought to be revitalised under a scheme envisaging additional staff. A senior Assam Civil Service Officer was put in charge of the Apex Marketing Society. An important innovation was the introduction of crop loans in 1967. A departmental store named 'Sahayika' was established at Guwahati with Government assistance of Rs 4.4 lakhs. The Assam Hill Co-operative Development Corporation was set up to activate the co-operative societies in Hill areas. Throughout the State whole-sale co-operatives were formed with a view to checking the price rise in essential commodities. The progress of the co-operative societies could be gauged from the following facts: membership increased from 5,11,000 in 1960-61 to 7,01,000 in 1971-72. The share capital of societies during the same period jumped from Rs 2,32,000 to Rs 7,46,000. The working capital of co-operative societies increased from Rs 16,02,000 to Rs 63,72,000—about a four-fold rise. However, the strength of the co-operative movement should be finally judged by the benefits it confers upon the common people. Judged by this ultimate test the co-operative movement in Assam must be considered to be a failure. The co-operative societies were mostly weak, unviable, loaded with overdues and full of corruption. The 'Sahayika' proved to be a flop and had to be wound up.

The Assam Assembly took interest in encouraging village industries with a view to improving the rural economy of the State. The Assam Khadi and Village Industries Board (Amendment)
Act, 1963, the Assam Aid to Industries (Small and Cottage Industries) (Amendment) Act, 1970, were some of the important pieces of legislations in this field. But not only was the budget provision for the development of village industries inadequate, even the provisions that were made, were badly utilised. There were allegations that industrial loans were given on political considerations and that there were a number of misappropriations. Diversion of scarce industrial raw materials for improper uses was also a point of criticism by the Opposition.

The Assam Assembly deserves credit for its prohibition policy. Total prohibition of opium was introduced in the State. By 1970-71, total number of cases detected were 1,997 and the quantity of opium seized was 10,44,936 kg. Assam also introduced liquor prohibition in a phased manner. In 1963 Liquor Prohibition (Amendment) Act regulated consumption of liquor by permit holders. It prescribed drastic punishment of anyone found on a drunken state in a prohibited area. However, prohibition in Assam was far from a success. The very fact that it was introduced on a partial basis led to large-scale evasion. While the Government lost considerable excise revenue, it did not succeed in enforcing prohibition. In the prohibited areas there was hardly any vigilance. The annual expenditure on enforcement programme amounted to Rs 32,25,274 and the revenue losses amounted to Rs 2,42,08,084. As against such a huge loss of money there was no tangible benefit in the form of reduction of liquor consumption. In 1970 an attempt was made to wean away people
from hard drink by permitting 5 per cent alcoholio content in liquor, unmindful of the difficulty in ascertaining the liquor strength. Actually, indiscriminate drinking was encouraged. The Assam State Prohibition Council claimed that between 1966-67 and 1971-72 the number of illicit distillation cases detected was 9,465 and that the number of consumption cases detected was 8,419. Similarly consumption of Ganja and Bhang was prohibited in the State. But it was a common knowledge that people could get drunk not only in the areas adjoining the dry zones but even right within the dry areas.

The Assam Assembly also interested itself in the spread of education. The Assam Elementary Education Act, 1962 was aimed at associating the Gaon Panchayats and other local authorities with the management of elementary schools. The primary schools were converted into Basio pattern and training facilities for the teachers of elementary schools were expanded. 1,200 primary school teachers were appointed and a number of training centres were arranged. Five members of the Assembly were elected to State Board of Assam Elementary Education. Primary education expanded and more and more schools were taken over by the State Board. By 1972 the total number of primary schools was 18,102 and the total number of pupils enrolled in those schools was 14,00,347.

The Assam Assembly passed the Assam Shops and Establishment (Amendment) Act in 1964 and in 1971 with a view to making the Act more effective. 48 hours a week and 8 hours a day were
prescribed as the maximum period of working hours. No child could be allowed to work in any establishment except as an apprentice in such employment as may be specified by the Government. Employment of women or any person below 17 years was forbidden in any establishment before 6 A.M. or after 7 P.M.

The legislature of Assam passed certain Acts for the benefit of the working women. By an amended Act the legislature prohibited working by a woman in any establishment during 8 weeks immediately following the date of her delivery or miscarriage. Further compensation in case of death of woman and the child was provided.

There were also legislative measures providing for children's welfare. Children's homes were established with a view to rehabilitating delinquent children.

A very important area of legislation taken up by the Assam Assembly was administrative decentralisation. The Assam Panchayat Act was amended in 1962 with a view to providing for equitable distribution of sale proceeds of all basars. In 1964 the Act was further amended in order to establish an organic link between the Anchalik Panchayat and the Gaon Panchayats and to provide for the election of the President and Vice-President of the Gaon Panchayat. The State Government was empowered to transfer any of its schemes or institutions to Anchalik Panchayats. It could empower the Gaon Panchayats to levy a general house tax and the Anchalik Panchayats to levy a surcharge on
local rate. Another amendment provided for secret ballot in the Gaon Panchayats for deciding no-confidence motions. The amendment of 1966 aimed at giving the Mahkuma Parishads the character and status of local authority. In 1970 a further amendment was made in order to ensure smooth functioning of the Panchayati raj bodies and to provide for appointment of Gaon Panchayat Secretaries by Mahkuma Parishads. The Assam Panchayat Act, 1972 was aimed at making the Panchayati raj bodies more effective by entrusting to them more executive powers. Under this Act a two-tier system with Gaon Panchayat and Mahkuma Parishad was introduced thereby abolishing the Anchalik Panchayats. A system of direct election was also provided. However, the working of the Panchayat bodies was not satisfactory. Inadequate funds, lack of leadership, corruption, group rivalries and local power politics rendered the experiment in decentralisation rather unhappy. The main purpose of the Panchayats should be to make the people self-sufficient and the village government self-reliant. But, these objectives were not realised.

During the period under review the Assam Legislative Assembly was faced with a serious problem of re-organisation of the State. What was once a large homogeneous State was threatened by forces of disintegration. The State of Nagaland Act 1962 was opposed by the Assam Assembly as a pernicious move but Nagaland came into being with the underground still unsatisfied and therefore causing an uneasy peace in the region. The reign of terror in Mizo Hills posed another problem. However, the
Government of Assam had been devising schemes for economic development of this part of the State. The Opposition in the Assam Assembly blamed the Government of Assam for the happenings in the Mizo Hills district. The North-Eastern Areas (Reorganisation) Act, 1971 provided for the establishment of the State of Meghalaya and Union Territories of Mizoram and Arunachal Pradesh by carving out territories from Assam. Assam became very much truncated. It must be pointed out that the Government of Assam's policy towards the Hill areas was not conducive to integration. The Opposition accused the Government of adopting a timid policy in this matter. Some members of the Opposition went to the extent of calling the North-Eastern Areas (Reorganisation) Bill a 'black Bill'.

The North-Eastern Council was established with a view to ensuring the security of the entire region and the balanced regional development of the region. After the political reorganisation of the north-eastern areas the constituent parts of the region, however, became economically unviable. The North-Eastern Council may be expected to help in co-ordinating the efforts of these constituent parts in regard to economic development. It is also expected to assist the development of the region by providing for additional funds from the Centre, apart from the plan outlays of each constituent part.

Basing on the results of our study some suggestions for improvement in the functioning of the Assembly may be offered. First, although the Assam Legislative Assembly displayed commendable initiative in passing a number of reform-oriented legislations, implementation of a number thereof was, however, not to
desired extent. Different committees were doubtless appointed to oversee the implementation of the Acts. Yet nothing substantial was done for the realisation of the goals set by the Acts. A special machinery to monitor the progress of the work with provision to report to the Assembly from time to time may improve matters.

Secondly, the Assembly has not passed Acts on a number of subjects enumerated in the State List. However, legislations passed by the Central Government have covered those subjects. Some of the important State subjects which require State legislation are No. 7, 9, 10, 12, 20, 25 and 39 etc. of the State List. While central legislations may cover certain subjects, it is an imperative necessity that the State Legislature should lay down the law on matters assigned to it under the Constitution.

Thirdly, certain committees of the Assembly, like the Committee on Government Assurances, have been found to be working rather indifferently. The members of the committees have been endowed with the usual paraphernalia, allowances and amenities. But possibly less attention is paid to the question of membership of specialised committees. It seems reasonable to hold that in the matter of formation of committees, special attention should be paid to the interest, technical knowledge and subject specialisation of the members. There should also be a healthy convention that the recommendations of the committees appointed by the Assembly be given appropriate consideration.
Fourthly, during the period of our study, the Opposition in the Assembly was numerically weak. The Opposition did criticize the Government, but their criticism of the policies in the House was often populist in character. What was perhaps expected of an effective Opposition was a normative analysis of the problems they handled. It is a truism that for the successful functioning of parliamentary democracy a strong and effective Opposition is essential. It is to be expected that future Opposition groups will take care to present a better performance from their side of the House. The Opposition may also consider to have a shadow cabinet. Before supporting or opposing an issue it ought to arrive at a decision in the 'shadow' cabinet. A two-party system is said to be the best form of party system in a democratic form of Government. While it is for the people to decide which system they would opt for, it seems better to have a united Opposition in the House. Further, to make for a cohesive Opposition, programmatic unity seems to be called for.

Fifthly, the ruling Party in spite of having intra-party conflict seemed to maintain cohesion. It tried to support the policies of the Government and on occasions did not fail to draw the Government's attention to acts of omission and commission on the part of the Government. However, failure of the Government to answer questions in time and to implement the assurances marred its prestige to a great extent. The Government is expected to live up to the promises given to the House as well as to the public. It points to the need for the Government to act in a more responsible manner.
Sixthly, during the period of our study, floor-crossing in the Assembly, specially in the Assembly of 1962-67, by the P.S.P. members, weakened the Opposition to a great extent. It was an irresponsible act of the first magnitude. While legislation could check defection, both the ruling party and the Opposition have their respective duties in this regard. If the elected members cultivate the right kind of respect for the electorate, defection could possibly be drastically minimised, if not entirely eliminated. The correct move at the central level against the evil of defection may inaugurate a new era in our political life.

Seventhly, the institution of recall may also be a healthy inauguration to secure greater responsiveness of the legislators to the electorate.

Eighthly, a permanent institution like the Ombudsman may help in securing freedom from corruption in high offices. The main functions of the Ombudsman is to investigate complaints from the citizens against the Government departments and Ministers. After the investigations, reports are submitted to the legislature for necessary action. The Administrative Reforms Commission of India recommended as far back as 1966 the adoption of an Ombudsman type of institution in India. A Bill was introduced in the Lok Sabha on 9 May 1968 to implement the recommendations of the Commission. That Bill could not be passed as the Lok Sabha was dissolved. A new Bill on similar lines was introduced in the Lok Sabha in August 1971. But this Bill also lapsed on the dissolution of the Lok Sabha. The Central Bill provided for the appointment of a Lok Pal by the President after consultation with
the Chief Justice of the Supreme Court and the Leader of the Opposition in the Lok Sabha. The main work of the Lok Pal was to be investigatory and not judicial. He was to submit report after investigations and recommend that appropriate action be taken within a specified time. Under that Central Bill the Prime Minister was not to be subject to the scrutiny of the Lok Pal. However, the present Central Government is initiating action to introduce a Bill and the Prime Minister says that he would also be subject to the scrutiny of the Lok Pal. It will be a good piece of legislation to set up Lok Pal which will give the public a sense of satisfaction that their grievances could be properly investigated. What is required is urgent and timely action to root out the evils of corruption both at Central and State levels.

Ninthly, although it does not lie within the scope of our study, it seems pertinent to refer to another matter. Under the 42nd amendment of the Constitution, the Centre has taken over some subjects from the State List like: public order (but not including the use of naval, military or air forces or any other armed forces of the Union in aid of the civil power) and police (including railway and village police). From the Concurrent List the Centre has taken over the administration of justice, constitution and organisation of all courts, except the Supreme Court and the High Courts; forests; protection of wild animals and birds; population control and family planning; education including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I;
vocational and technical training of labour; weights and measures except establishment of standards. By this amendment the powers of the State legislature have been drastically cut. There is great need not only to restore the original powers of the State legislature but also to increase its powers, especially in the realm of finance, to promote genuine socio-economic development.