

INTRODUCTION

A legislature is a representative body and its main function is to make law. A legislature is a collective body which encourages sharing of wisdom for the general well-being of the people and excludes concentration of power in an individual or in a group of individuals.¹ The forum remains but the participants keep changing from time to time. Their presence at or absence from the forum is decreed by those who choose them. People elect individuals to represent them at a legislature so that matters of public importance could be discussed and decided. During their fixed term of office if the legislators fail to come up to the expectations of the people they may not be re-elected in the next general election. A legislature is a part of a political system which is, in turn, a component of a larger social system. No analysis of a model legislature can possibly ignore awareness of this basic relationship between a legislature and a larger socio-political system. The political history of the people records and displays the degree of sophistication that their political system has had. When we think of political history of the West, the Greeks certainly come to our mind as the earliest political people. They had developed political thought and theories, systems and institutions. Plato emphasised that law and law books were the "noblest and the best" works of the

1. Benjamin Akzin, "Legislature" in International Encyclopedia of Social Sciences, David L. Shills (ed.), Vol. 9, London, Macmillan and Company, 1968, p. 226.

whole literature of a people.² Politically maturer than the Greeks, the Romans assigned greater tasks to and had greater expectations from their political systems, processes and institutions. Legislation had to play a more effective role in the life of the Roman people not only because they had a richer and longer tradition of political experience but also because it had to cater to the growing needs of an expanding state. The establishment of democracy in different parts of the world accelerated the process of pervasive and plentiful legislation.

As there can be no game without a set of rules, there can be no society without a set of laws. Every society, community or people can acquire the status of a political unit or entity unless there are a set of well defined laws to govern the social and political conduct of individuals and groups. Laws are made for the survival of a political unit. Laws enable organised societies to promote their mutual well-being, to protect their life and liberties and to move forward on the path of progress. As rightly pointed out by Professor Ruthnaswamy, law in the modern state may be taken as the expression relatively permanent of a people's will, creating with sanctions, namely enforcing with coercive power of the

2. B. Jowett, The Dialogues of Plato - Laws - Book IX
(Translated into English), Oxford, Clarendon Press, n.d.,
p. 427.

state, rules of conduct, negative or positive, regulating the individual and social conduct of a people living in a state so as to ensure their life and promote their good life.³

The primary functions of a legislature is to cater to the needs and problems of the people and to represent their hopes and aspirations. A legislature is there to articulate the aspirations and the grievances of the people as well as to fulfill their expectations and redress their grievances.⁴ A legislature mirrors, through orderly debates and exchange of ideas, the various aspects of a pluralistic society. It is based on the principle of rule by consensus⁵ and contributes to the largest good of the largest number.

In a parliamentary system of government, the legislature is a link between the executive and the people. Since people are the ultimate masters, the legislature has to maintain a vigilant eye on the government so that laws and policies are effectively implemented in a manner that does not cause any harassment or injustice to any section of the society.

3. M. Ruthnaswamy, Legislation: Principles and Practice, Delhi, D.K. Publishing House, 1974, p. 15.

4. C.M. Jain, State Legislatures in India - The Rajasthan Legislative Assembly: A Comparative Study, New Delhi, S. Chand & Co. (Pvt) Ltd., 1972, p. 200.

5. Harold J. Laski, Parliamentary Government in England: A Commentary, London, George Allen & Unwin Ltd., 1938, pp. 45-46.

The functioning of a legislature depends mainly on four variable factors. The first is the institutional structure or framework generally laid out in the constitutional documents itself. The constitution is a document which lays down the methods, the term of office, the powers and functions of the various agencies of governance viz. the legislature, the executive and the judiciary. The second relates to the operative procedures which the legislature itself evolves to regulate its working. The third variable factor of the legislature is the political culture of the people it represents. The political culture of the people depends upon their economic condition, religious beliefs, social customs, tradition and mores, educational achievements, literacy conditions, demographic structure and inter-group relationship within the society. The fourth variable is the quality of the people, men and women, who constitute this body.⁶

As far as India is concerned, the parliamentary form of government was established at the time of Independence itself. The Indian constitution provides for universal adult franchise, an independent Election Commission to ensure free and fair elections, and an independent judiciary — the three crucial safeguards for any truly representative form of government. Our constitution guarantees civil and political

6. Bal Ram Jakhar, People Parliament Administration, New Delhi, Metropolitan Book Co., 1982, p. 6.

freedom to all citizens. It guarantees freedom of speech to all Indians and complete immunity from legal proceedings to all members of the legislatures, State and Union, so that they cannot be sued in a court of law for what they say in their representative legislative forums.⁷ The highest goal of a legislative body must be the establishment of a democratic social order based on the principles of justice, liberty and equality.

The success of a legislative body depends upon its capacity to evolve practices and procedures which enable it to meet emerging needs and situations and to provide adequate opportunities to its members so that they fulfill their representative role efficiently and thereby improve the quality of the legislature itself. There are variety of procedures for eliciting information, raising matters of public importance in the House and for endorsing executive accountability to the legislature. The House constitutes various Committees to deal with the scrutiny of the working of different agencies because it cannot itself do all such things in detail. It can hardly afford the time to go into the depth of every problem that crops up from time to time.⁸

7. The Constitution of India, Article 105, Allahabad, Allahabad Law Agency, 1984, p. 29.

8. M.N. Kaul and S.L. Shakhder, Practice and Procedure of Parliament, Vol. 2, New Delhi, Metropolitan Book Co., 1979, (third edition), p. 618.

As a legislature derives its powers from the people, it functions to fulfill the hopes and aspirations of the people and to solve their problems. In the records of the proceedings of a legislature one can find evidence of the legislators' concern for the people they represent, cases of hardship, injustice suffered by the common man, instances of abuse of power, negligence of duty of officials, snags in developmental activities, scarcity of essential commodities, incidents of violence which causes insecurity among the people, accidents and natural calamities of various sorts and problems relating to law and order were some of the important topics raised in the House for discussion. Members of a legislature should be conscious of their obligations to the people. It is the alert members of the legislature who can hope to obtain solutions and assurances from the government including appropriate remedial measures.

The success and failure of any system of government is judged on the nature and extent of contribution to the material and moral advancement of society. It is here that a representative institution like the legislature plays its crucial role. It is the legislature that brings together all the competing forces in the polity for an organized interaction. As the corporate conscience of the community, the legislature ultimately becomes a people's forum established

and maintained by the people's representatives.⁹

To be true to their representative character, legislators are required to maintain their unwavering faith in the moral values and ethical conduct of public life.¹⁰ They have to become trend-setters and torch-bearers for future generations. But the quality of the representatives also depends to a great extent, on the quality of the people they represent. The people must be vigilant and constantly monitor the actions of the legislators and they should endeavour to keep their control over their representatives. They should also have full faith in moral values and ethical conduct.

Members of the legislature should reflect the aspirations and needs of their society and they must truly represent the people. The legislature should not become an elitist-club. So a legislature has to be judged by the level of the member's concern of their obligations towards the people, the awareness and zeal shown by them to bettering the lot of the common people.¹¹ The government should always take public opinion into account.¹²

9. Bal Ram Jakhar, Op.cit., pp. 10-11.

10. Subhash C. Kashyap, Ministers and Legislators, New Delhi, Metropolitan Book Co., 1982, pp. 8-10.

11. Bal Ram Jakhar, Op.cit., p. 15.

12. L. Morrison, Government and Parliament: A Survey from the Inside, London, Oxford University Press, (3rd Edition), 1967, p. 180.

Taking the above views into account the present study endeavours to examine the structure role and functioning of the Mizoram Legislative Assembly along with its component units such as the Lt. Governor, the Speaker, the Council of Ministers, the Opposition and the various legislative committees. No systematic and thorough study of the Mizoram Legislative Assembly has ever been attempted. The book, A Century of Tribal Politics in North-East India 1874-1974, Vol. I, (1976), written by V. Venkata Rao makes just a sketchy reference to the Mizoram Legislative Assembly. Another book written by V. Venkata Rao, et.al. entitled, A Century of Government and Politics in North-East India, Vol. II, Mizoram, (1987), is mainly concerned with the historical development of Mizoram politics; but it makes brief reference to the Mizoram Legislative Assembly. Mizoram Legislative Assembly is dealt with in this book as a part of the historical development of the Mizoram politics thereby making it a subsidiary topic, although the discussion is quite informative. Similarly, Animash Ray's Mizoram Dynamics of Change (1982), offers an interesting analysis of the various problems pertaining to the development of administration in Mizoram from the point of view of national integration, but makes only a few passing references to the working of the Mizoram Assembly. S. K. Chaube's Electoral Politics in North-East India (1985), deals only with electoral politics in Mizoram in the context of

North East India. Likewise R. N. Prasad's Government and Politics in Mizoram 1947-1986, (1987), is mainly devoted to the evolution of Mizo politics. H. Thansanga's doctoral dissertation Government and Politics in Mizoram (Gauhati University 1981) is a general survey of the political and governmental history of Mizoram. It contains only a brief accounts of the Mizoram Legislative Assembly. Kenneth Chaung-liana's Doctoral thesis Christianity and the Mizo Society: the Study of the Impact of Christianity and the Mizo Social Structure (Poona University 1978), is, no doubt, an indepth study of the social changes brought about in Mizoram under the impact of Christianity but it does not discuss the Mizoram Assembly in any considerable detail. Lalchungnunga's Ph.D. dissertation Regionalism in Mizoram Politics (North-Eastern Hill University 1987), as suggested by the title itself is exclusively concerned with an investigation of Mizo regionalism, although it contains a good deal of useful materials on the Mizoram Assembly.

The present study is a **comprehensive and pioneering** account of the structure, role and functioning of the Mizoram Legislative Assembly. This study is based mainly on primary data available both in English and Mizo, proceedings of the first three Assemblies, reports of the various Committees of the Assembly, the Mizoram Gazette, reports on elections to the Assembly and other related publications of the government

of Mizoram. Besides, it has also drawn a good deal of useful materials from interviews held with Ministers, MLAs, Officials of the Assembly Secretariat and other related people. Materials were also collected from books and articles written on parliament and state legislatures. Relevant books written on the history and politics of Mizoram were also consulted. Books and articles written in Mizo language relevant to the present topic of study were also looked into. Materials were collected from Mizoram Legislative Assembly Library, Aizawl; Central Library of North-Eastern Hill University, Shillong; NEHU Campus Library, Aizawl, Mizoram; Gauhati University Library, Gauhati; and Aizawl College Library, Aizawl. Standard journals and national and local newspapers were also consulted.

The present study deals with the first three Mizoram Legislative Assemblies i.e. from April 1972 to April 1984. The period under study is significant not only because it was an era of transition from politics at the District Council level to politics at the Union Territory Legislative Assembly level, but also because it was a transition from a trouble-torn Mizoram to a Mizoram genuinely prepared to have abiding peace, stable politics and continuous economic growth. It was also a period during which ~~the Mizos demanded a still higher~~ political status i.e. 'Statehood' for Mizoram. One of the most difficult tasks that confronted the political system in Mizoram during the period was the law and order problem created

by secessionist activities of the militant Mizo National Front. Another major challenge to the new Union Territory was its economic development. The government and Assembly of the Union Territory had to grapple with and try to solve, among other things, these two major problems of secessionism and economic backwardness of the area.

The 'structure' is used here to refer to the members of the Assembly, both the ruling and opposition, the Lieutenant Governor, the Council of Ministers, the Speaker, the Committees of the House and the Assembly Secretariat. The powers of the Assembly are exercised by these constituting units. The 'role' includes the pattern and norms of behaviour of the members in the Assembly. The term 'functioning' refers mainly to the working of the Assembly.

The whole study is divided into eight chapters. Chapter One deals with the profile of Mizoram and the emergence of representative institutions in Mizoram.

Chapter Two discusses the representation of political parties in the first three Assemblies and the performances of political parties in the elections to the Assembly. The various membership patterns and the Assembly structure are also looked into in this chapter.

Chapter Three is devoted to the study of the working of the Mizoram Legislative Assembly. It also deals with the conduct of members in the House. It discusses various motions moved in the House, questions put in the House and the bills passed by the House. The functioning of various Committees of the House is also discussed.

Chapter Four analyses the actual role of the Speaker in the conduct of the business of the House. It discusses various rulings of the Speaker on important issues in the House.

Chapter Five studies the relationship between the Executive and the Legislature under the following headings : the relationship between the Legislature and the Lt. Governor, the relationship between the Council of Ministers and the Lt. Governor, the relationship between the Legislature and the Council of Ministers and lastly, the relationship between the Chief Minister and the ruling party legislators.

Chapter Six is devoted to the study of the role of Opposition in the Assembly. It discusses various methods adopted by the Opposition to embarrass the government.

In Chapter Seven, we make an attempt to assess the role of the Assembly as an instrument of social change in Mizoram. The social impact of legislations viz., the Mizoram

Excise Act, 1973, the Mizoram Board of School Education Act, 1975, and the Mizoram Khadi and Village Industries Board Act, 1982, is discussed.

Chapter Eight is the concluding chapter. It sums up the major findings of all previous chapters and attempts to make a few generalisations about the Mizoram Legislative Assembly.

CONCLUSIONS

Before the British came to the Lushai Hills each village was more or less self-sufficient and there was not much intercourse between one village and the other. Each village was ruled by a chief who was independent of the control of the other chiefs. The village chief was a fountain head of justice; law and order was under his control. The economic relationship was simple and the people depended mainly on farming for their livelihood.

The British finally annexed the Lushai Hills by punitive expeditions by 1891 and the Lushai Hills was put under the charge of a Superintendent. But the British allowed the chiefs to rule their villages in their own way and did not normally interfere with the affairs of the village. In order to protect the cultural identity of the Lushais, the Lushai Hills was put under the category of an Excluded Area as per the provisions of the Government of India Act, 1935. An Excluded Area was not represented in any legislature and was governed by the Governor as an agent of the Governor-General-in-Council and the expenditure of an Excluded Area was not subject to a vote in the Legislative Assembly. *The Lushais* had no elected representative in the Assam Provincial Legislature and no popular election on the basis of adult franchise was held for any representative institution in the Lushai Hills before Independence. So, the Lushais, now commonly known as the Mizos, had no opportunity to have any legislative

experience till 1951. The Mizo Union, the first political party which came into existence in 1946, demanded the setting up of a representative government in the Lushai Hills. Consequently, the Lushai Hills District Council was established in 1952 and in 1954 its name was changed to Mizo Hills District Council. In 1955 the chieftainship was abolished and Village Councils were established in its place. But the Mizo District Council under Assam did not fully satisfy the aspirations of the Mizos. The Mizo National Front which was formed in 1961 opted for a sovereign Mizoram, but the Mizo Union demanded statehood for Mizoram within the Indian Union. The Government of India met these demands half way by constituting Mizoram into a Union Territory in 1972.

The formation of the Union Territory brought a new era for Mizoram as it gave a chance to the people to govern themselves through a representative institution. The creation of a legislative organ in Mizoram could shoulder certain important responsibilities viz. (i) bringing about peace and tranquility in trouble-torn Mizoram since 1966; (ii) attaining socio-economic betterment of the people and (iii) evolving parliamentary democracy in a remote North-Eastern part of India long fettered by centuries of autocracy of the Lushai chiefs except for a brief period between 1952 and 1971 when it was under the Mizo District Council.

Though the Union Territory status did not fully satisfy the Mizos, they participated enthusiastically in the first general election to the Assembly held in April 1972. 72.75 per cent of the electorate exercised their franchise in the election. In the subsequent general elections to the Assembly held in 1978 and 1979 the participation of the people was good, being 63.96 per cent in 1978 and 68.72 per cent in 1979.

A good section of the people of Mizoram continued to be the sympathisers of the Mizo National Front. The three Councils of Ministers were in the horns of dilemma as they had to consider the influence the Mizo National Front had on the people on the one hand, and its duty to deal firmly with the violence of the Mizo National Front in order to maintain law and order on the other. The Government of India also urged the Councils of Ministers to take strong measures against the Mizo National Front. The Opposition too inside and outside the Mizoram Legislative Assembly criticized the Councils of Ministers for not maintaining law and order and at the same time branded them as anti-MNF whenever strong hand measures were taken against the Mizo National Front.

Young, energetic and highly educated Mizos were enthusiastic in contesting the elections to the Mizoram Assembly. The people also elected them in large numbers. 46.66 percent of the members of the first Assembly, 26.67 percent of the members of the second Assembly and 31.42 percent

of the members of the third Assembly belonged to the age-group of 25-35 respectively. The highly educated elite were generally preferred by the Mizos to be their representatives in all the three Assemblies. Graduates and postgraduates constituted 56.66 percent, 66.33 percent and 61.99 percent, in the first, second and third Assemblies respectively. The largest group in the first and second Assemblies was the teaching community, being 30 percent in the first Assembly, 36.66 percent in the second and 25.71 percent in the third.

The parliamentary system functioned well during the period under study. By and large the members of the Assembly had conducted themselves in conformity with the rules of the house and observed parliamentary etiquette. Their attendance in the House was good. Very few unparliamentary expressions were used in the House and there was rarely any occasion of disorderly conduct.

Members of the Assemblies were vigilant in guarding their own privileges as well as the privileges of the House. Whenever these privileges were affected they were promptly brought to the notice of the House. All the people against whom privilege motions were moved in the House tendered their apologies before the Privilege Committee of the House.

Members of the three Assemblies brought to the floor of the House those issues which were of much concern to the people, viz the failure of the Government of Mizoram to supply essential commodities, the problem of law and order, lack of proper roads, difficulties in transport and communication and poor economic programme.

The members were much concerned about the development activities of the government. This is revealed by the fact that majority of questions asked by the members in all the three Assemblies related to development departments, namely, the Public Works, Education, Supply and Transport, Agriculture and Health.

The Committees of the Mizoram Legislative Assembly worked in an efficient manner. The Public Accounts Committee brought to light several irregularities in administration. They mainly related to Agriculture, Public Works, Supply and Transport, Education and Health Departments. The Committee on Estimates made several useful suggestions to the government. All the Committees worked on a non-partisan basis. The impact of the Committee would have been more had the government implemented the recommendations without much delay.

The smooth functioning of the Assembly owed much to the competence of the Speakers. All the four Speakers commanded respect from the members of various sections of the House.

Though the Speakers did not relinquish the membership of their respective parties after their election as Speakers, they maintained impartiality in conducting the business of the House.

The Lt. Governor of the Union Territory did not send even a single bill on his own initiative back to the House for its reconsideration. The Lt. Governor sent only those bills to the President of India for his assent which the former was obliged to under the Union Territories Act. There was smooth relation between the Lt. Governor and the members of the House. The Opposition never adopted obstructive tactics in the House which might disrupt the address of the Lt. Governor to the Assembly.

The relation of the Council of Ministers with the Lt. Governor was on the whole satisfactory. There were differences of opinion between the Lt. Governor and the Council of Ministers regarding the maintenance of law and order, except the lifting curfew in Aizawl in June 1979 and the military activities in Mizoram.

The performance of the Opposition in the Assembly was good. The omissions and commissions of the government were brought out by the Opposition in the House. Though the Opposition was numerically weak, it was very vocal in expressing the grievances of the people. But their attempts to sustain a United Front against the party in power did not succeed.

The Mizoram Excise Act, 1973, the Mizoram Board of School Education Act, 1975, and the Mizoram Khadi and Village Industries Act, 1982, were intended to bring in social change in Mizoram. The Excise Act did not succeed in its main objective of reducing the drinking habits of the people. But the Mizoram Board of School Education Act brought in an improvement in the quality of education. The Khadi and Village Industries Board Act laid a foundation for the future economic development of Mizoram.

The Mizoram Legislative Assembly right from its inception took keen interest and expressed genuine concern over the question of peace and tranquility in Mizoram. It persistently urged the Government of India and the Mizo National Front (Underground) to come to a peaceful solution at an early date so that the pace of development could be speeded up in the Union Territory.

The satisfactory working of the popularly elected House showed the Mizo National Front that the path of progress for Mizoram lay not in violence but in finding out peaceful solutions of political problems and in formulating laws in the legislature for the better management and the future prosperity of the Mizo society. The Mizo National Front's realization that violence could not pay in Mizoram and that it should abandon its idea of a separate sovereign

Mizoram were to a large extent necessitated by the large scale participation of the people in the elections held for the Legislative Assembly, the way in which the elected members of the Assembly put forward the needs and aspirations of the Mizos inside and outside the House, People's desire for peace articulated by their representatives in the House, the good laws passed for the welfare and the social uplift of the people of Mizoram and the services rendered by the popularly elected governments.
