

SECOND SITTING ON FRIDAY, THE 19TH MARCH, 2004

(Time : 10:30 AM to 1: 00 PM and 2: 00 PM to 4:00 PM)

PRESENT

Pu Lalchamliana Speaker, at the Chair, Chief Minister, 13 Ministers and 23 Members were present.

QUESTION

1. Questions entered in a separate list to be asked and oral answers given.

PRESENTATION OF REPORT

2. The Speaker to report to the House the Time Table as chalked out by the Business Advisory Committee for the current session.

PRIVATE MEMBERS' BUSINESS

3. *Resolution.

S P E A K E R : For the Lord love justice, he will not forsake his saints. The righteous shall be preserved for ever, but the children of the wicked shall be cut off.

Psalm 37 : 28

We will now take up our business. Now, starred question No. 1 to asked by Pu Lalhmingthanga.

PU LALHMINGTHANGA : Mr. Speaker Sir, here is the question shared by Pu R. Lalzirliana, Pu N.K. Chakma, Pu Sailothanga and myself, for favour of answer to be given by the concern Minister of Education -

- (a) ~~Number~~ Number of Teachers of Primary, Middle and High School who are being employed on Fixed - pay basis ?
- (b) Whether there is an intention to regularise the service of those teachers?
- (c) How is the government intend to deal with the problem of those fixed pay teachers ?
- (d) Whether the government already released Adhoc - Grant - in - Aid for Private High School and Middle School ?
- (e) Whether certain schools provincialised last year have been maintained purposely ?

DR. R. LALTHANGLIANA : Mr. Speaker Sir, here is the answer :
MINISTER

- (a) Number of teachers of Primary, Middle and a High School being employed on fixed - pay basis -
Primary School - 122 nos.
Middle School - 56 nos.
High School - 31 nos.
- (b) Regularisation of the said teachers are being determined from financial condition in our government.
- (c) If regularisation of the said teachers could be achieved, they will be treated as other employees under the State Government.
- (d) Adhoc grant - in - aid for Private High School and Middle Schools has not yet been released.
- (e) The government is determining creation of post for the teachers of newly provincialised High Schools. Those schools will be treated as other provincialised schools if the matter is resolved.

S P E A K E R : We will now take up supplementary question. The Members may give importance to the points which had been passed by the General Purposes Committee (GPC).

PU LALHMINGTHANGA : Mr. Speaker Sir, I supposed the second question of the concern member will not be counted as other three questions as underlined by General Purposes Committee.

Why has not the service of Fixed - Pay teachers appointed through Employment Exchange under normal procedures been regularised till date? Why has their regularization been kept under consideration zone till now?

PU SAIKAPTHIANGA : Mr. Speaker Sir, what does the hon'ble Minister actually meant by saying 'if' in his answer to the question.

PU LALDUHAWMA : Mr. Speaker Sir, the question also seems to concern Higher Secondary School in addition to Private High School and Middle School. As we have seen in the order, it includes 213 schools with a provision of 1.5 lakhs rupees to 'A' Category and 20,000/- to 'B' Category. I opine it is unfair to resolve the said matter only because the next election is drawing near. Anyway, it may be pleasing if the government do not issue an order which could not be followed accordingly.

PU LIANSUAMA : Mr. Speaker Sir, whether grant-in-aid for Private School and Middle School may be released atleast before the end of this current Financial year?

S P E A K E R : I now call upon the Minister for Education to answer the question.

DR. R. LAITHANGLIANA: Mr. Speaker Sir, the matter of recruitment of School MINISTER teacher as mentioned by Pu Lalhmingthanga, it is true that it has been done under normal procedures. The order issued on September 2001 mentioned that "the above appointments is purely temporary and may be terminated at anytime without assigning any reason thereof. The appointment is on probation for a period of 2 years and subject to his/her performance" and also "Regularisation of his/her service may be considered on the lapse of probation period". The department puts its best effort for regularisation of the said teachers but this is the concern not only of the Education Department but also of Planning and Finance Department. As for this reason, it could not be resolved instantly. Yet their pay had been raised thanks to the hon'ble Chief Minister.

Matter concerning Adhoc Grant-in-Aid as asked by Pu Liansuama and Pu Lalduhawma, I have to mention that it is done so as a result of pressure from the people but not for political advantage. About the matter that concerns Adhoc Grant-in-aid as being asked by Pu Liansuama, I regret to mention that it could not be given within the current financial year. Yet I do hope it could be done at the earliest conveniency of the next financial year and the same goes to the question of Pu Lalduhawma.

PU SAIKAPTHIANGA : Mr. Speaker Sir, my question is directed to the answer given by the concern Minister and he himself may answer whether it is possible or not.

PU LIANSUAMA : Mr. Speaker Sir, there are number of Private, Middle and High School in urban and rural areas and it is estimated that more than 134 lakh rupees is required for Adhoc Grand-in-Aid. It is infact necessary for the government to determine immediate sanction of this provision so as to relieve parents of the concern students and the people who regularly make contribution for maintenance of the concern school. Not only this, it could also have a direct effect to the result of the concern students if the sanction is delayed. I, therefore, ask our Chief Minister as well as Finance Minister whether the sanction could be made within this current Financial year?

S P E A K E R : It will be pleasing if the concern authority pursue this in accordance with the suggestion made by a Member from Phuldungsei Constituency as the matter is of an urgent need of the people.

We will now move to the next question, question no. 2 shared by Pu Liansuama and Pu Andrew Lalherliana. I call upon Pu Andrew to ask the question.

PU ANDREW LALHERLIANA: Mr. Speaker Sir, here is the question for favour of answer to be given by concern Minister of Public Health Engineering Department -

- (a) What is the amount of the provision which has already been spent for construction of Greater Aizawl Water Supply Phase - II ?
- (b) What is the expected time of completion ?
- (c) What is the original estimate of this scheme ?

S P E A K E R : I call upon the Minister Public Health Engineering to answer the question.

PU TAWNLUJA
MINISTER : Mr. Speaker Sir, here is the answer.

- (a) The amount of provision which has been spent so far for construction of Greater Aizawl Water Supply Scheme Phase - II is amounting to Rs. 49.19 crore.
- (b) Expected time of completion is March, 2004. Yet, Revision of estimate is being delayed by court case and it is expected to be completed on March, 2006.
- (c) The original estimate of the scheme is amounting to Rs. 71.80 crore.

PU LIANSUAMA : Mr. Speaker Sir, it is learned that the original estimate of the scheme is 71.8 crore rupees. If so, at what amount the contract work is allotted to the concern contractor? Whether this amount includes expenditure for acquisition of land and other necessities? Thirdly, it could somehow be taken for granted that the expected time of completion is deterred by court case. What I would also like to know is percentage of work which has already been completed out of the total amount of Rs. 49.10 crore sanctioned? When will the on-going work be completed for use of the people who are eagerly waiting for its completion?

PU SAINGHAKA : Mr. Speaker Sir, as we have read matter concerning Anomalies of Aizawl Project on the national news paper Telegraph, the original estimate for construction of Aizawl Greater Water Supply Scheme i.e. 71.80 crore rupees is revised at 176.55 crore rupees which is supposed to be able to produce 10.8 million litres of drinking water. My question is of whether the sanction has already been received? Whether the government give assurance for achievement of this project from this provision?

PU ANDREW LALHERLIANA : Mr. Speaker Sir, supplementary question please. There are certain areas which has not been covered by Greater Water Supply Scheme - I and Scheme - II. Is it possible for the government to determine supply of water by truck to those areas within Aizawl which are not covered as it is done in the previous Ministry?

PU LALDUHOMA : Mr. Speaker Sir, as already pointed out by the hon'ble Member before me, water connection for the area of Luangmual, Zohmun and Chawlhmun has not yet been done. As for this reason, there is a plan to provide zonal tanky as well as supply tanky for this particular areas until phase - II is completed. But the problem

is irregularity of water supply. I, therefore, earnestly request the government to determine supply of water from phase - I only for the period before construction of phase - II if fully completed.

PU H. LIANSILOVA : Mr. Speaker Sir, in the area of Bawngkawn, there is one Zonal Tank which is proposed to feed the whole area but scarcity of water supply is very In fact, intense in Bawngkawn Hmarveng. Infact, the concern families are eagerly awaiting for completion of Phase - II. I, therefore, request the government to determine alternative arrangement for supply of water in the said areas.

S P E A K E R : I now call upon Pu Tawnluia the concern Minister to answer the question.

PU TAWNLUIA MINISTER : Mr. Speaker Sir, the question on the amount of provision made for contract work on Greater Aizawl Water Supply Scheme, the original estimate is 71.80 crore rupees and had been revised to Rs. 99.32 crore. The tender is closed on 1997. After a long delay of the work due to court case it was finally allotted to JEP Aizawl as this firm is of the lowest bidder. For this construction more than Rs.49 crore has already been spent which is determined as 47.537% of the total work.

Regarding construction of zonal tank, the pipe-line being constructed between Tuikhuahtlang and Khatla is of 7 and half kms. long. Under the distribution, more than 82 kms long has already been laid for zonal tank and 19 and half kms. of feeding main pipe-line will soon be completed. About the question of Pu, Lalduhoma of the distribution system for the area of Luangmual, Zonuam and Tanhril, it is included in the said three zonal tanks. Not only this, main reservoir with a capacity of 75 litres has also been completed. Here, 26 crore rupees has already been given to the concern contractor and 22 crore rupees has already been utilised on the departmental work. The question of the expected time of completion of the work, it has been deferred to March, 2006 because of delay of the work by court case.

Regarding the statement of the Telegraph, it does not concern only of Aizawl Greater Water Supply but also of the projects under DONER in Mizoram and other states focussing on their progresses. About assessment study of Evaluation - cum - impact of the project, the Government of Mizoram too is represented by a retired IAS Officer, Pu Denghnuna on the meeting and here is the report of the committee which may be distributed to the members if necessary. Matter relating to Evaluation - cum - impact assessment, I have to point out that the Government of India provides the sanction without giving priority. As for this, it is used for construction of the distribution, pumping and zonal tanky. But as soon as DONER Ministry comes into existence, ^{it is} to privatize the construction with appropriate earmark. Assessment study team then came to Mizoram during the period of transition and witnessed steps which has already been taken before providing that particulars earmark. As for this reason, certain uncompleted work has to be abandoned. Thanks to the concern of DONER Ministry, appropriate funding system has been introduced in which 75% is Central share whereas 25% is of the State. However, fund flow could not be speeded up due to delay of payment of the state share. In this concern, we have made a demand for cent percent funding by the Central Government and the matter is now under consideration and we are hoping to receive a positive outcome.

Matter relating to distribution of water by truck as mentioned by Pu Andrew Lalherliana, I would like to mention that the Government too is aware of the problem of water supply in certain places particularly in the western part of Aizawl such as Chawlhmun, Luangmual, Zonuam, Chhangurkawn and Zotlang. In order to alleviate the problem, we have already decided to include them within phase - I but failed due to non - availability of sufficient supply of water. About emergency supply of water by truck during dry season, I regret to mention that it could not be maintained ideally due to lack of sufficient fund, yet the department is trying its best to provide.

Thank you.

PU SAINGHAKA : Mr. Speaker Sir, I have made that question out of confusion of the following sentences - 'Though the project was approved by the centre in 1998 construction would begin only in 2000 because of legal problems, with the project cost of Rs. 2176.55 crore from the initial estimation of Rs. 371.80 crore'.

S P E A K E R : We will now move to the next question and Pu Sailothanga to ask.

PU SAILOTHANGA SAILO: Mr. Speaker Sir, starred question no. 3 and the hon'ble Minister incharge Public Health Engineering Department may be pleased to answer.

- (a) Will the composite 'N' Kawnpui Water Supply Scheme also include Bualpui and Thingdawl ?
- (b) When will it be completed ?
- (c) What is the amount of the original estimate ?
- (d) What is the amount which has already been spent so far ?
- (e) Is there any additional financial sanction for the scheme as it is done in other financial institution ?

PU TAWNLUIA, MINISTER : Mr. Speaker Sir, to answer the question of a member from Kawnpui Constituency -

- (a) Composite North Kawnpui Water Supply Scheme also covers Bualpui and Thingdawl.
- (b) It is expected to complete on 2004 - 2005.
- (c) The original estimate amount is Rs. 1844 crore.
- (d) Rs. 613.39 has already been spent and Rs. 613.39 crore is being received for use in the current financial year.

Provision for construction of Kawnpui Water Supply Scheme has also been received from other Financial Institution like NABARD.

PU SAILOTHANGA SAILO : Mr. Speaker Sir, whether the concern Minister explain about the network distribution of Kawnpui Water Supply.

S P E A K E R : I now call upon the concern Minister to answer the question.

PU TAWNLUIA MINISTER : Mr. Speaker Sir, the question about the distribution network of Kawnpui Water Supply the pipeline is planned to be laid from the pumping area down to Kawnpui of 8 kms long whereas 2½ km is already completed. Matter that concerns distribution system, there are certain things which should be cleared up before starting. It is expected to be completed within 2004 - 2005.

PU SAILOTHANGA SAILO : Mr. Speaker Sir, due to the existing problem of water supply parliamentary of Kawnpui, the concern Leaders asked the help of the department to send truck for emergency supply of water and it is much appreciated that the request is accomplished. As far as my knowledge is concern, only 16% of purification work, 17% of raw water, 25% of damping and 13% reservoir work is being completed. Not only this, 20% of main feeding, 20% of building and 80% of fencing has also been accomplished. Furthermore, 90% of construction of the approach road also being completed. According to the original estimate it is meant to complete within 2003. Yet the court case delayed the expected time of completion which could be taken for granted. What I would like to mention in this regard is that construction of the reservoir is supposed to be started on February 2000. During the period of March 2000 to August 2000 it is learned that the concern EE purchased. The contract work which seems to be the main draw back of the progress of work. I would like to know of wether the report is true? The Minister may kindly explain the whole situation.

S P E A K E R : The concern Minister to answer the question.

PU TAWNLUIA MINISTER : Mr. Speaker Sir, it is to be noted that planned sanction for a particular work for a certain period of time may also be released in whole amount. In this case also, it may be taken for granted even if 81 lakh rupees for this work is released at once since it is done in accordance with the rules.

Speaking of water supply scheme of Kawnpui, I opine the progress of work is favourable and I strongly hope it is completed at the target date.

S P E A K E R : Starred Question No. 4 and Pu Rohluna may give his question.

PU H. ROHLUNA : Mr. Speaker Sir, starred question no. 4 for favour of answer may be given by the Minister, Education.

- (a) Had Financial Assistance (Grant-in-Aid order No. B.11013/2/2006/HRD/pt dated 1.10.2003) of Private High School, Private Middle School already been released ?
- (b) If the answer is 'no', when will it be released ?

S P E A K E R : The concern Minister may now answer the question.

DR. R. LALTHANGLIANA: Mr. Speaker Sir, Financial Assistance as grant-in-aid
MINISTER has not yet been given to Private High School and Private Middle School.

Expected time of release of this grant could not be given due to certain problems.

PU H. ROHLUNA : Mr. Speaker Sir, supplementary question. Had the government given assurance for this financial assistance to the said schools? In reply to starred question no. 1, the Minister have mentioned that provision for financial assistance to the concern schools had been made not on the basis of political interference or for political advantage but on pressure from the people. In this regard, I don't think the hon'ble Minister is forgetting the pressure from the concern VC and Party Units for the release of that order. Since the concern schools and villages are facing problem due to delay of this Financial Assistance, the hon'ble Minister may kindly relieve the tension atleast by giving probable time of release of the grant.

PU LALHMINGTHANGA : Mr. Speaker Sir, my opinion in regard to this problem is that Managing Board, YMA and VC of the concern villages seem to feel reluctant to make their contribution since the order for the said Financial grant was issued and as a result, those schools could not functioned appropriately. Not only this, the amount of grant as shown in the order seemed to be insufficient to feed the requirement of the concern schools which further effects the moral of the teachers as well as the students. The concern Minister may later explain in detail of whether the grant is intended to be released by the next financial year.

S P E A K E R : I now call upon the concern Minister to give clear answer to those questions.

DR. R. LALTHANGLIANA: Mr. Speaker Sir, I supposed some answers I have
MINISTER given previously concern part of the next question. What I would like to reveal is that the said grant is proposed not for political advantage but because of the pressure from the concern people. Matter concerning expected time of the release of this grant, I strongly hope it will be done by the next financial year. Even if some problem arises out of pending of this grant, I suppose it has to be dealt by the government as necessary.

S P E A K E R : If the said financial assistance is given to the concern schools by the next financial year, what will be the effective date? Is it from the 1st October, 2003?

DR. R. LALTHANGLIANA: Mr. Speaker Sir, what I would like to add another
MINISTER point is that this programme consists of 14 Higher Secondary School, 129 High School and 65 Middle Schools, totally 208 Schools are upgraded to Government Aided Schools. Here, it is planned to provide 1.5 lakh for the school under 'A' Category and 1.2 lakh under 'B' Category. The grant is planned to be

made with retrospective effect from 1st October and the total amount is calculated as 134 lakh rupees.

S P E A K E R : The question hour has come to an end now, we will now proceed to the next business. There was a meeting held on March 9, 2004 and the session programme was carefully scheduled. I am presenting it now for favour of distribution to the members.

As laid down by the rules 27 (1) the private resolution should be discussed on every Friday of the session. We have received 29 resolutions but not all were accepted. The first resolution put forward by Pu Andrew Lalherliana will be discussed now. I now request him to move the resolution.

ANDREW LALHERLIANA : Mr. Speaker Sir, my resolution concerning 'Right to Information and Transparency in Public Procurement Act' should immediately be enacted and enforced. This policy had been put forward by various political parties in their respective election manifestos and so hopefully it will be passed unanimously. Likewise, all the NGOs also have concern for this matter and so on 24th August meeting was organised by NGO at Central Hall Venghloi with a leaders of various political parties questioning them if the said Act will be passed by the next Ministry. It was then answered that this Act will be passed and be put to use.

On February 12, 2004, the same was requested by the Synod Executive Committee on the occasion of the welcoming function of the newly elected MLAs.

Mr. Speaker Sir, with the progress of technology and development, the masses have now become highly intellectual and also the need for political development is felt intensively and the demand of the people is getting more high.

Mr. Speaker Sir, the NGOs and churches in a democracy demanded a transparent and clean functioning of the government. So, this Act is strongly demanded and the need to have our own Act is much felt. I, therefore, request each of the number to vote in favour of this resolution.

The Supreme Court laid emphasis on the Right to Information especially Right to Government held information. The Government by the people have a right to know Government held information. The Parliament in 1999 presents the Right to Information bill. The Lok Sabha also emphasised the need of the Right to Information and Transparency in Public procurement in a developed states in India. The provision of the Right to Information Act in some clause laid down that the state departments under Public Service Commission should keep a clean record of administration in financial projects and schemes which can be benefitted by the masses.

However, information which treats the security, sovereignty and integrity of the state should be withheld. But written request not consented will be liable for disciplinary action laid down by the Service Rules.

The aims of Public Procurement Act is transparency in Government departments relating to tenders, supply order and allotment of contract work where a committee is to be set up consisting of experts and academicians who can prevail impartiality and transparency.

I, therefore, request this august House to pass this resolution unani-
mously.

Thank you.

PU H. RAMMAWI : Mr. Speaker Sir, I first of all have to express my appreciation of the resolution 'Right to Information and Transparency in Public Procurement Act' moved by our fellow member Pu Andrew Lalherliana. It is difficult to convince the public unless awareness in this concern is originated from the leaders here in the House. I personally convey my thanks to Pu Andrew for moving this important resolution.

Considering the changing pattern of development not only in India but also globally, Right to Transparency in Public Procurement is of utmost important. As for this reason, Central Parliament standing committee on Home Affairs, in its 38th report recommended this matter. Even in the developing countries, intensive step is being taken for successful implementation of the policy on transparent administration by moving Freedom of Information Act with ordinance to enable free access to Public Administration for the public. Likewise, the said rules is being enforced in the state of Rajasthan, Karnataka, Tamil Nadu, Goa and Delhi.

The matter that concerns aims and objective of Right to Information Act, the Government of India is taking step to prevail uniformity throughout the country. Even the late Prime Minister Rajiv Gandhi had put potential effort for the achievement of this right yet kept in hanging due to objection from Bureacrats level. Keeping in mind the opinion of the Government of India, Press Council of India drafted Right to Information Bill and was discussed in 1996. It was decided to set up working group by consensus to pursue this matter. They decided that the most appropriate title for the Bill would be Freedom of Information Bill which was then passed in the Parliament.

The formation of Freedom of Information Act necessitated amendment to Indian Official Secret Act 1923, Indian Evidence Act 1872, CCS Conduct Rules 1964, Manual of departmental and security instruction, and a proposal was then made. I supposed the Government of Mizoram too have already Gazetted this Bill.

Likewise, the Government of Mizoram too is preparing this said Rules and now being processed by DP&AR. I opine it is important for the government to determine for its immediate completion. As for this reason, it may be wise for the mover to withdraw this resolution as it is almost completed.

Thank you.

PU H. LIANSILOVA : Mr. Speaker Sir, thank you. Considering the importance of this Bill, I supposed it has to be passed without taking much time.

As we have just listened, Central Government too give importance to this Bill and it is passed without further ado. The Government of Karnataka too have already enforced this Act since 2001. As for our Government, what is important is to make a clear cut of what matter of internal administration will be made accessible for the public. In my opinion, it is not necessary to amend the official secret Act, Public Law & Order Maintenance Act as it is not an act which opposed public access. It is to be noted that the main motive of various NGOs and

Church leaders is to witness power and financial management of the state government which is of much necessary to attain an ideal government. If this Bill is passed and enforce purportedly I opine that mutual accuration between Political Parties as well as the concern authority will then be minimised.

As already stated, Central Government as well as certain developed states too have already enforced this Act, it is necessary for our government too to pass this Bill without much delay so that it is enforced immediately as in other states.

Thank you.

PU TAWNLUIA
MINISTER

Mr. Speaker Sir, as already pointed out by mover of this resolution, the matter is of the most concern subject of the public and I truly appreciate his attitude. But, Mr. Speaker Sir, the Parliament, with the idea of having meaningful procedure for Right to Infomation Act gives the title 'Freedom of Information' and was then passed in 2002. If we look into this Act, section 18 mentioned about power to make rules by the State Government and section 17 provided Power to make rules by the Central Government. As provided, the State Government made its own notification in July last year and then gazetted it. It means that Freedom of Information Act, 2002 has existed already. As shown in the Government Notification, the subject is put forward to be processed by DP&AR. The matter is being processed smoothly yet it is being delayed due to notification of the coming General Election. As the new Ministry came into existence, hopefully it will soon be completed soon.

I, therefore, request the mover to withdraw his resolution. Whether this Act is known as Right to Information or Freedom of Information, it does not make the difference as it consists of matter concerning official secret and I opine that it is just a waste of time to discuss the matter as it is now being processed.

Thank you.

PU AICHHINGA
MINISTER

Mr. Speaker Sir, this resolution is the concern not only of the members today, but also of all political parties, NGOs and the students. The government of India too is determining uniform enforcement of this act by giving appropriate title 'Freedom of Infomation Act'.

In a way, it is ignorance on the part of political parties to include matter concerning this act in the election manifesto although it has already been passed by the Central Government. What is more important is to discuss not about the act but for the immediate completion. I, therefore, opine it is wise for the concern member to withdraw his resolution so as to maintain the dignity of this House.

Thank you.

PU LALDUHAWMA

Mr. Speaker Sir, I first of all would like to mention that my party is not hesitate to pass certain important resolutions to be discussed later on. Likewise, other party members should not hesitate to pass other important resolution. It is not safe to fully depend on any act being passed by the Central Government as our

interest and needs are totally different. It is, therefore, necessary for us to have our own rules as it is done so in other states. To put my point of view more clearly, let me explain about the existence of Freedom of Information Act. Freedom of the Press Act is first started by the Government of Sweden back in 1766. In 1946, Resolution No. 59 of UN General Assembly proclaimed this as Human Rights. Article 19 of Convention on Civil and Political Right of 1974 AII UNO further provided a fullfledged Freedom of Information for the people.

In India, it was first started in Rajasthan because of the farmers whose rightful claim was being ignored hence the movement was started. As a consequence, national campaign for Peoples Right to Information came into existence. It was then adopted by the Government of Tamil Nadu and Goa in 1997. The Supreme Court of India further proclaimed this as one of the Fundamental Rights. Karnataka, Maharashtra, Delhi, Madhya Pradesh and Assam later have their own Rules. Keeping in mind to prevail uniformity in the country, the Central Government set up a working group concerning this matter and gave the name 'Freedom of Information Bill' in December 2002 and the President too had given his assent on January 6th, 2003. With the idea of having our own rules, a meeting was organised by MZP with leaders of various political parties and queries whether this will be enacted by the next ministry. Each of the party had given a positive reply in that regard. Likewise, by arranging a meeting with the newly elected members, Synod Executive Committee implored each member to give priority to the said matter. MNF Party in their election manifesto proclaimed that Right to Information Act will be the first priority if the party come into power in the next Ministry. Today, the ruling MNF Party claims that having had the said Act their only concern is of the rules which is not being processed and that it is just a waste of time to discuss this resolution. Such attitude surprises me very much. In my opinion, it is not safe to adopt the Act processed by the Central as it is, and I strong believe in having this rule on our own so that it is modified in accordance with the interest of the people of Mizoram. It will be appreciated if DP&AR do not resume the processing as this rules needs to be modified from the beginning so that it is arranged in accordance with the interest of the people.

It is learned that certain departments purchased large quantity of materials under stock suspense which later became out of function and needed to be disposed off by auction. This practice is just causing wastage of department's fund. If the people are aware of that practice and critisized accordingly, the concern officials will then be careful not to repeat the same practice. In this way, clean administration of the departments will then be prevailed. Moreover, spending of government fund for the election campaign will also be checked if the people has access to the necessary information.

Mr. Speaker Sir, it is surprising to learn that the government has just distributed rental charges of the land occupied by the Army, the sanction which had already been released during 2001. How was the fund amounting to Rs. 6 crore being handled during the period it was received and distributed? List of beneficiary shows names of the concern persons but not their fathers or address. I strongly doubt, something wrong evolves in that case. In the case of purchase of CT Scan too, the total expenditure is Rs. 190 lakh whereas the same instrument is purchased by other states at the rate of 90 lakh rupees only with the absence of Right to Information Act, such doubtful cases could not be exposed to the public for information. Certainly such kind of practices also evolved in the construction of Sports Complex at Ramhlun field.

Not only these Mr. Speaker Sir, the people are anxious to know about the on going case of Lawngtlai Bank Robbery and other criminal cases which

indicates the need of Right to Information Act of our own passing of this important matter should not be hampered by the said Central Act and the ruling members too should not hesitate to support this resolution just because it is put forward by the opposition member. What is important is to pass this resolution unanimously.

Thank you.

PU LALTHLENGLIANA : Mr. Speaker Sir, we have learned from various speeches that the Right to Information is enforced in various states but without uniformity. In fact, Central Government with the idea of prevailing uniformity decided to set up working group and gives the title 'Freedom of Information Act' in 2002. It may not be right to speak of the said Act as not reliable to be adopted by our government as it is prepared in accordance with Article 371 (6). It is pleasing that with the effort of the concern staff of DP & AR it has now been processed and hopefully it will be completed. It will be such appreciated if the mover withdrawn his resolution as it is under completion and it is a waste of time to discuss this matter here in the House.

Thank you.

PU LALRINCHHANA : Mr. Speaker Sir, this resolution concerned with the Right to Information and Transparency in Public Procurement Act even though the Central Government have implemented this rules in 2002 which shall be extended to the whole of India except the state of Jammu and Kashmir. It is against the rule to reject this Act implemented by the Central Government. Even if it is not applicable in certain cases we are having the provision to apply the rules in accordance with our interest and ignore matter relating to custom effect. In my opinion, we are not having anything to discuss in favour or against this rules since it is now being processed. It may be wise for us to move to the next business in order to save more time for other subjects.

Thank you.

PU R. KHAWPUTTHANGA : Mr. Speaker Sir, since Article 20 sub no. 2 underlines 'Every rule or act made in this State Government shall be laid before the State Legislature as soon as it is notified'. We have no reason to make another Act or Rule in this regards. What has to be done in this regard is implementation of the rules for which suggestion may be made by the members if necessary. It is now being done in accordance with the Government notification and the work is entrusted to DP & AR. It is, therefore, wise for the concern mover to withdraw his resolution without hesitation.

Thank you.

PU R. LALZIRLIANA : Mr. Speaker Sir, I have to express my appreciation of the Right to Information Act and Transparency in Public Procurement Act. It is ridiculous to blame ourselves for including this important matter in election manifestos as it is the concern of this people of Mizoram as a whole. The ruling party shouldn't have included it in their election manifesto if it is already implemented. It is regretted that the ruling party again misled the people by using this important matter. In the previous Ministry, the then leader of the House prophesized that the next government

will be of a transparent government. But as the opportunity arises, what we have learnt with the Ministry is of scandalous practices such as Aii Puk case and other serious problems.

As for this reason, Right to Information Act and Transparency in Public Procurement Act is much necessary so as to give access to the administration of the government. Even if the Central Government have implemented the said act, there is no reason for us to have our very own rules. If members from the Treasury bench truly desire to drive away the practice of corruption in our state, they must support this resolution without hesitation. I, therefore, earnestly request each of the member to support this resolution and pass unanimously.

Thank you.

S P E A K E R : We will now have a recess and the discussion will be resumed at 2 : 00 P.M.

Sitting Adjourned.

2 :00 P.M.

S P E A K E R : We will now resume the discussion. I call upon Pu Liansuama to have his speech.

P U L I A N S U A M A : Mr. Speaker Sir, I first of all want to emphasize on the need to release grant - in - aid for Primary, Middle School and High School to enable them to maintain their livelihood as it will also encourage the concern teachers to improve their respective schools and the students.

As already pointed out by member from Ratu Constituency, MNF Party in their election manifesto proclaimed that the Right to Information Act will immediately be implemented as Central Government have passed this Act, and it will be arranged according to the interest and custom of the Mizos. But since, the implementation of the rule formulated by the Central Government is not fully satisfactory for the Mizo society, a resolution is now being moved by Pu Andrew Lalherlana with the idea of adjustment in accordance with the interest of the people and for immediate implementation in our State. Under Central Act No. 5 of 2003, Public Information Officer will then be appointed and the public will acquire information of the administration of the government through the concern officer.

Mr. Speaker Sir, this resolution concerns not only of the Right to Information Act but also of Transparency in Public Procurement Act. Considering the objective of the resolution, it may be wise for the members of both benches to support for passing without further ado. But it has to be carefully prepared so that it is not against the rules implemented by the Central Government. It is not shameful to have our own rules in this concern as other developed states in the country already have implemented it long before. With the advent of information and technology in our state, it will then be possible to explore the system and administration of the government for those who are interested in it, through the recently constructed website of Mizoram.

DP & AR may stop the work allotted to them concerning this matter and the government prepare appropriate ordinance for the best interest of the peo-

ple. It is, therefore, important for the members of the ruling party to consider this matter carefully so that it is unanimously passed here in the House.

Thank you.

PU RASIK MOHAN CHAKMA : Mr. Speaker Sir, thank you. As already mentioned by various members, Right to Information and Transparency in Public Procurement Act is the concern of the central as well as the state government. Likewise, various NGOs in our state made a query to the leaders of political parties as to whether this Act will be implemented if their party run machinery of the government. The leader of the House today too have given a positive reply as Information Act has already been implemented by the Central Government and there is nothing much to do for the state government. Considering speech made by various members, we all seem to have concern for implementation of this Act in our state and fortunately what we have to do is only enactment of the rules which DP & AR is now processing. It is, therefore, not necessary to pass this resolution. Rules implemented by the state government as in Rajasthan, will be of no use if Central Government implemented the same. It may not be wise to implement any Act just because the State Government is empowered to do so. For instance, this House had unanimously passed Trading Regulation in the previous session but was humiliated as the power of State Assembly does not include separation of power. I don't think it is shameful for the members for not knowing each and every matters of the administration of our government yet it is good to widen our knowledge about it. In my opinion, it is best to adopt rules which has already been implemented by the Central Government and the concerned member too may kindly withdraw his resolution.

Thank you.

PU ZODINTLUANGA : Mr. Speaker Sir, thank you. I appreciate what our fellow member Andrew Lalherliana did in moving this resolution. It will be more appreciative if this resolution is coming from the member from the Treasury Bench as the ruling party, before the General election put forward this important matter in their election manifesto with prior knowledge that Freedom of Information Act had already been gazetted in 2002. As assurance had been given to the people for implementation of this act, it will be more effective if it is coming from the member of the ruling party. Yet, I strongly hope they will give unanimous support for passing of this resolution.

Mr. Speaker Sir, I would like to emphasize more on the matter concerning Transparency in Public Procurement. Under the democratic Government, the people elect their representative to formulate policy and programme of the government and the government servants put their effort for the implementation of those plans and programmes. Likewise, the public take their parts by making contribution through various taxes from which employees receive their pay. As for this reason, the public have the right to know how the government utilise the contribution they have made. In fact, Right to Information Act and Transparency in Public Procurement Act is of much necessary. Due to the absence of the said Act Mr. Speaker Sir, this House had already experienced a serious problem in the previous session. Recently, Pu Lalrinliana, a member from Saitual Constituency with the media personels visited Transport Department Godown to verify the availability of goat proff wire mesh but four none. Again, another members during the sessions break visited the spot and found the entire room filled with the said material much to their surprise. I wonder if some kind of magics evolved in this case. As far as the people is concern, what they believed to be the utilisation of goat proof wire mesh is for fencing of playground during the tournament and most popularly known for Aii Puk

Farm Fencing.

It is a common practice under Rural Development Department that certain party workers drawn development funds from the concern BDO by producing work order without laying hands on the allotted work. In orther Ministry, the concern contractor used to fully draw the fund only after producing completion certificate and the government is not having appropriate information in regard to that matter which is of much regretted. The same practice has often been applied in the administrative of other departments too.

The people therefore have the right to know how the government deal with the contribution they have made. In order to enable the people to exercise their rights, I request all the members to vote in favour of this resolution.

Thank you.

DR. LALZAMA : Mr. Speaker Sir, thank you. As we have know, this MINISTER resolution concerns with the implementation of Right to informaiton and Transparency in Public Procurement Act and we all seems to have a common interest and as already pointed out, it is put in the hands of DP & AR which is expected to be completed soon. It may be wise for the concern member to withdraw this resolution as it is a waste of time to discuss here in the House.

Knowing that various NGOs and churches have much concern for implementation of the said Act, the government is making effort for its immediate implementation yet there are various matters which needs to be resolved before taking the next step. For example, we need to study more of the Constitution of India relating to this matter. As the said Act had already been implemented by the Central Government, it will have time to study of which portion could be adopted and which portion needs modification according to our custom and cultural practices. If we really have concern for implementation of this Act, we may give suggestion to the concern authority for the best result. Hopefully, this will be completed by the next session. Knowing that the Central Government implemented this Act for use in every states except Jammu & Kashmir, it may be wise for the concerned member to withdraw this resolution for which I convey my earnest request.

Thank you.

PU LALRINLIANA SAILO : Mr. Speaker Sir, thank you. I first of all would like to express my support for the resolution submitted by Pu Andrew Lalherliana. As I have seen this resolution, I was hoping that it will be passed unanimously without further ado. MZP, prior to the general election have made a query to leaders of each of the political party as to whether this act will be implemented if they win the election, supposing they are not interest in the matter, what could be the reason. Therefore, all the party have given a positive reply. Keeping in mind assurance we have given to the public, I request the members to vote in favour of this resolution.

Thank you.

PU VANLALTHALIANA : Mr. Speaker Sir, thank you. As we have listened, the ruling party, knowing the election manifesto they have made, makes potential effort for implementation

of Right to Information and Transparency in Public Procurement Act. Since various states have already implemented, the Central Government determines to prevail uniformity throughout the country. As for this reason, it is no longer necessary for us to determine a separate rules for our State Government. What is more important for us all is to give emphasise on what is now being processed by the concern authority of DP & AR and we may also give suggestion for a better result. If the Right to Information Act is implemented, Transparency in Public Procurement Act will come automatically, hence we have nothing to discuss on this matter as of now.

As for this reason, I request the concern member to withdraw his resolution as it is the concern of the government.

Thank you.

PU S. HIATO : Mr. Speaker Sir, thank you. As already mentioned by various members, I was hoping that this resolution will be passed by the members without further discussion. But it is regretted to learn that the ruling members do not have real concern for this matter in a true sense. To some extent, it may not be of much encouraging for the ruling party to pass this bill as it will expose the detail of the functioning of the government and may be because of this reason that they are not hurry to implement this Act.

It is true that the interest of the State Government is not the same with that of the Central Government and as for this reason, the late Prime Minister Mr. Rajiv Gandhi initiated Panchayati Raj for the welfare of rural people although uniformity could not be maintained in every state. Likewise, it may not be possible to maintain uniformity in regard to right to information in every states, yet it may be modified as the interest of the concern states. The present members parliamentary of the ruling are well aware of the implementation of the said rule even before the election but included it in the election manifesto just to mislead the concern NGOs and Churches.

As seen here in para 20, the sole authority of this matter is of the Speaker who may notify it after laying the paper in the House. If we have laid the paper after notification, it is possible to pass the Bill against the opinion of the majority which will not be in appropriate for the House.

Mr. Speaker Sir, due to the absence of the said rules, damage has already been done in various departments of the government. As for this reason, it is time for the government to make effort for the implementation of this rule so as to lead administration of the government in a proper manner.

Thank you.

S P E A K E R : Now, time is nearly 3 : 00 P.M. In our normal practice we never cross 4 : 00 P.M. We have not listened speech from MPC Legislature Group. Pu Hminga now raises his hand, we shall call him. Then we still have the Leader of Opposition, the Leader of the House and the mover of the resolution to speak. Shall we continue beyond 4 : 00 P.M.?

PU H. RAMMAWI : Cannot we follow our normal practice? The hon'ble Speaker's proposal seems to be good.

S P E A K E R : Anyway, let us call upon Pu Lalhmingthanga.

PU LALHMINGTHANGA : Mr. Speaker Sir, thank you. This resolution is very important as it contains two important things such as Right to Information and Transparency in Public Procurement. In some Democratic Governments, practice of corruption becomes prevalent which is a very bad practice. The main objective of this resolution is to check such bad practice. Many states of India have already passed this Act. This resolution is not the same with the 'Freedom of Information Act' which was passed by the Parliament in December 2002.

The Central Government does not prohibit the State Governments to make Rules on this Act to be suited with the custom and society of each State. Therefore, this resolution is not against the Freedom of Information Act. I opine that we need to have better Act for our state than the Freedom of Information Act passed by the Parliament of India. I have said this when I faced an interview organised by the MZP on the eve of Election to MLA in 2003 that here in Mizoram we have churches and voluntary organisations on which the people put their confidence. If we can make a strong body in which the said NGOs also have representatives to deal with Right to Information we can achieve our aims in this matter. Otherwise, if we adopt the Central Act, we have to use officials of Competent Authority. The layman will surely hesitate to approach them directly. Therefore, we need to make better Act than the Central Act to be suited with our culture, which is the main objective of this Resolution.

Besides the above, Transparency in Public Procurement Act also aims at prevention of corruption. If we pass this Act, excessive supply of materials to various departments can be checked. Therefore, Mr. Speaker Sir, our legislature party greatly support this resolution to be passed.

Thank you.

PU H. ROHLUNA : Mr. Speaker Sir, thank you. This resolution moved by Pu Andrew Lalherliana, hon'ble member from Khawzawl constituency is very important. However, I opine that the ruling members seemed to be afraid of passing this resolution. In a democratic government people are the maker of the government. Therefore, it is good to make the people aware of the activities of the government. They should be made to get involved in the affairs of the Government. We have known that the Central Government had already passed the Freedom of Information Act. But I am sure that we can make better Act than this to be suited with our society and culture. If some other states can make an Act of this type for their own why cannot we do it too? Not only in Mizoram but also in India as a whole, confidentiality seems to have been maintained strictly. Therefore, we need to have the Right to Information Act, so that people can know the achievements made by the government easily and necessary advice can also be given to the government directly. Developed countries such as USA and UK are greatly advanced in this matter, USA had passed this type of Act in 1966.

The ruling members now said that Rules & Regulations on the Freedom of Information Act will be made by DP & AR. However, I am afraid that the said Rules & Regulations will not fulfill our desires. In this regard, I would like to mention that the Rules & Regulation drafted by the Department should be discussed first in this House before it is enforced. Anyway, Mr. Speaker Sir, I want to have separate Act of our own, so that we can make progress to become 'Switzerland of

the East' as well as to send out hundred thousands missionaries as desired by the hon'ble Chief Minister. Therefore, Mr. Speaker Sir, I want to pass this important resolution moved by Pu Andrew Lalherliana.

Thank you.

S P E A K E R : Now, we will call upon Pu Lal Thanhawla, the Leader of Opposition. He will be given 15 minutes.

P U L A L T H A N H A W L A : Mr. Speaker Sir, thank you. The new convention which you have made suggested not to cross 4:00 P.M. I also want to follow this new convention.

S P E A K E R : Wait for me please. I am not the maker of the said new convention. It is our normal practice even in the previous Ministry too. It is possible to cross 4:00 P.M. if necessary.

P U L A L T H A N H A W L A : Mr. Speaker Sir, it is good to follow suggestion made by the hon'ble Speaker. From the speech of the hon'ble Minister of Parliamentary Affairs, I am in the opinion that we greatly need this resolution to pass. During the election campaign, every political party included this in our Election Manifesto. Therefore, this resolution is moved by Pu Andrew Lalherliana to awaken the sleepy Ministry. Unless there is Right to Information Act it is difficult to collect important informations even for the MLAs. I, therefore, hope that each and everyone of us will agree to pass it.

Besides the above, I would like to mention one important reason for needing to have this Right to Information Act. This morning I have visitors from Champhai. Some of them were members of Village Council. They told me that when they tried to draw funds for their respective villages sanctioned under BADP, the officials told them that the said fund should be given to MNF units as they got instruction from the Minister. We, therefore, need to have this Act to find out who gives wrong information in this matter. Our Legislature Party also submitted Resolutions of this kind. However, they were not included in the ballot. Therefore, we want to pass this Resolution today.

And, in regard to Transparency in Public Procurement, we have listened its importance from many members including Pu Andrew Lalherliana, the mover of this Resolution. We know that this Ministry is good to squeeze many development funds from the Central Government. But, there seems to be misappropriation of such funds. The Minister, himself, might not be involved in such bad practice. Anyway, we need to have this Act to prevent misuse of development funds. Therefore, these two Acts are very important.

In this Ministry, we see violation of democratic principle very often. Many VCs are dissolved without proper reasons. Some opposition VCs are invited to become MNF. This violation of democracy is due to the absence of Right to Information Act in our state. From our speech, everybody wants to have this Act. However, our problem is in the method of passing. The Government now makes Rules and Regulations on the Freedom of Information Act passed by the Parliament, which will be laid in this House and it will be passed whether we like it or not. Therefore, I opine that it will be good to include representatives from Churches and

NGOs while framing the said Rules and Regulation, so that we can avoid many problems in future. I wish the government to remember this spirit. Anyway, we are eagerly waiting for this Act. Therefore, I support this resolution to pass in this House.

Thank you.

S P E A K E R : Now, let us call upon the Leader of the House.

PU ZORAMTHANGA : Mr. Speaker Sir, thank you. We all seemed to be interested in this matter. Our party also wants to have this Act as soon as possible. However, our question is in the sphere of its steps and its legality.

As we have listened, some states such as Karnataka, Goa, Tamil Nadu, Rajasthan, etc. had already passed this Act in their respective State Legislatures. At that time, no one knew under which category list this matter lies. When the law experts examined this, they did not see it in the State List and Concurrent List. So, they decided that this matter should be dealt by the Central Government. Consequently, the Central Government constituted a working group to draft a Bill called 'Freedom of Information'. When it was passed by the Parliament in 2002, we have the Freedom of Information Act for the whole country. I do not deny that many states had already passed this Act even before passing it in the Parliament. However, after the Parliament had passed it, no single state can pass separate Act of this kind. Only drafting Rules & Regulation on this Act is what we can do. Therefore, the Freedom of Information Act passed by the Parliament of India should be enforced in every State except in Jammu & Kashmir. We have no power to pass separate Act.

In our State, DP & AR becomes the nodal department to draft the said Rules & Regulations and now this Department still takes rapid steps for this purpose. I hope that the Rules & Regulations will come soon. There is nothing to be afraid in this matter because there is proper guidelines in the Act to be followed. Anyway, we will try our level best to make the said Rules and Regulations to suit our society and culture as much as possible and for its early completion. The Government also eagerly waited for the completion of this Rules & Regulations. I understand the spirit of the mover of this Resolution. But it is out of our power since the Parliament of India had passed an Act of this kind. So, I request him to withdraw his resolution today.

Thank you.

S P E A K E R : Before calling upon the mover of this resolution, I would like to mention that any Rules to be laid in the House can be examined by the Rules Committee.

Any necessary amendment or deletion can be made by this Committee. Now, let us call upon Pu Andrew Lalherliana, the mover of this Resolution to give necessary explanation on our discussion whether begging for adoption or withdrawal of his Resolution will be as his decision. Now, let us call upon him.

PU ANDREW LALHERLIANA : Mr. Speaker Sir, I was not convinced by the speech of the hon'ble Leader of the House. After the emergence of the NDA Government at the Centre, the spirit of regionalism grows rapidly in some places. Meanwhile, there is a strong tendency from the Central Government to wrap the whole nation under a common code.

However, those who fight for regionalism like Chandrababu Naidu and Jayalalitha are afraid by the Central Government whether their programme is constitutionally right or not. In this matter, some brave states paved the way. We, therefore, do not know cancellation of the Right to Information Act and Transparency in Public Procurement Act passed in their respective States. Those who want to keep up the spirit of regionalism still keep it up. Mr. Speaker Sir, I opine that our State Government seems to accept any programme drafted by the NDA Government. The Central Government headed by the BJP always tries to remove regionalism, common civil code becomes one of its manifestoes. But, there is a hidden agenda in its manifestoes which is Hindutva. We need to oppose this bad programme to safeguard our culture, dignity and religion. Can we review our relation with the NDA since we are in favour of regionalism.

As I have said above, there is a hidden agenda in every Act passed by the Central Government. For instance, the Freedom of Religious Bill prohibited conversion from one religion to another. Besides this, I opine that the MNF party needs to realise its position. In the past, it could not satisfy with the constitution of India, one of the best constitutions in the world.

S P E A K E R : Let me interrupt your speech. Time is now 4:00 P.M. Shall we go on or shall we have a break. Our Rules No. 128 says that "the discussion of a resolution shall be strictly limited to the subject of the Resolution" let us try to follow our rules.

PU ANDREW LALHERLIANA : Therefore, the MNF party do not seem to accept all the programmes initiated by the Central Government. The name of our Chief Minister was written as Bamboo Chief Minister in one of the national papers some days ago.

Mr. Speaker Sir, I am sure that we can pass this Resolution if we want. Therefore, I beg leave of this House to pass this Resolution. I am not going to withdraw my Resolution.

Thank you.

PU LAL THANHAWLA : Mr. Speaker Sir, Is our subject, Freedom of Information and Transparency included in the Union List now ?

PU H. RAMMAWI : Mr. Speaker Sir, it is neither included in the Concurrent List nor State List. Therefore, it should be regarded as the subject of the Union List. Besides, it is included in the Union List in 1997 under Article 248 of the Constitution.

PU LIANSUAMA : Mr. Speaker Sir, procurement seems to be the subject of the State List. We want transparency in public procurement. Is it prohibited by the Central Government ?

S P E A K E R : Yes, Union List included any other matter not enumerated in State List and Concurrent List including any tax not mention in neither of those list. No proper information has been given in this matter. Therefore, the speech of the hon'ble member from Phuldungsei constituency seems to be right. However, this is not our subject today. The mover of the Resolution now begged leave of the House to adopt his resolution. Therefore, we shall take voice vote. Those who support this resolution will say 'yes'. Those who disagree will say 'no'. The sound of 'no' seems to be louder. Is there any complain? If so, Pu Andrew Lalherliana's Resolution - "Right to Information Act and Transparency in Public Procurement Act be constituted and put to force immediately" was rejected by this House.

We shall have a break and meeting will be resumed on 22.3.2004 (Monday) at 10 : 30 A.M.

Sitting adjourned at 4 : 10 P.M.