

S P E A K E R : "Let no evil falk come out of your mouths, but only such as is good for edifying, as fits the occasion, that it may impart grace to those who hear. Ephesians 4 : 29.

Now, we will take starred questions. Let us call upon Pu Lalduhoma to ask starred question no. 41.

PU LALDUHOMA : Mr Speaker Sir, will the hon'ble Minister, Environment and Forests Department be pleased to state -

(a) Whether the Hindustan paper corporation, Panchgram Hailakandi demands high security deposit with stringent terms and conditions to prevent experienced Bamboo Mahalder of the Mizos from quoting their tender ?

(b) If so, whether the Government of Mizoram will take step to request the Hindustan Paper Corporation, Panchgram to make alterations of the terms and conditions of this contract ?

S P E A K E R : Let us call upon the hon'ble Minister Environment & Forest Department to give answer.

Dr. R. LALTHANGLIANA MINISTER : Hon'ble Speaker Sir, answer to the above questions are (a) It appears that the Hindustan Paper Corporation, Panchgram caused problems to the Mizos as asked by the Hon'ble Member. (b) If so, the answer is 'Yes'.

PU LALDUHOMA : Mr Speaker Sir. Supplementary questions. Is that means the Mizo Mahaders who accept reduction rate of call deposit i.e. Rs100000/- can bid quotation floated by the Hindustan Paper Mills corporation ?

(b) Permit of bamboo Mahal is issued only by Aizawl D.C. While the permit is mainly concentrated in Mamit and Kolosib district. Will the power to issue permit for bamboo mahal be deligated to the Deputy Commissioners of Kolosib and Mamit district respectively for public interest?

(c) Whether the Government rejected the royalty submitted by bamboo mahaldars ? If the rate of bamboo (raw material) supplied to Hindustan Paper Corporation and Bamboo processing Industry owned by the state Government have same rate this problem will mostly solved. How will the State Government decide such problem.?

PU R. LALZIRLIANA : Hon'ble Speaker Sir, supplementary question. As we know, bamboo will be flowering in 2007. The Government harvest bamboo enormously at present. How much royalty is received during this year ? Whether all mahaldars submitted the royalties to the Government ?

Secondly, R.C. Rohluna's residence at Tuirial was destroyed by an order issued by Aizawl Forests Sadar R.O. on 19.7.2005. Whether Forest Department has power to destroy one's residence ? Is not this incidence displayed the failure of this Government to carry out law and order ?

Thirdly, Tuirial YMA. said that 96 bigha of Teak Plantation is issued to an individual holding a periodic patta. To whom this plantantion is issued? For what purpose this plot of land is issued? Thank you.

- PU LALRINLIANA SAILO** : Mr. Speaker Sir, supplementary question.
1) Whether the Government knows that the bamboo mahaldars used to commit theft of Trees and Fishes during transportation of bamboo?
- 2) Under what conditions Government issued an order to restrict transportation of timber in our State?

S P E A K E R : There are some questions, not relevant to the subject, let us call upon the honble Minister to reply.

Dr. R. LALTHANGLIANA MINISTER : Mr. Hon'ble Speaker Sir, regarding the supplementary questions about the incidence at Tuirial and Bamboo Mahaldars committing theft of Timber and fishes. I would like to request your understanding. I will give the answer in writting later on.

Regarding Pu Duhoma's Supplementary questions, the bamboo permit holders and bamboo Mahaldars have serious difficulty to bid quotation of the Hindustan Paper Corporation, in which a quotationer has to supply 30,000 matric ton within two years. The earnest money demanded for it is Rs. 5,00,000/- which caused a serious difficulty to the Mizos. We therefore, take prompt action to solve such problem. It is now expected that no Mahalder or permit holder will have problem any more as a result of the meeting with the Chief Secretary.

This meeting also decided that weight bridge will be set up at Vairengte, Bairabi and Kanhmun as early as possible. And Hindustan Paper Corporation also requested us to arrange stock house properly at Bairabi Rail Station.

PU R. LALZIRLIANA : Mr. Hon'ble Speaker Sir, Will the hon'ble Minister be pleased to state the reason why the bamboo Mahaldars between Rulpuihlim and Rawpuichhip are not to give royalty to the Government?

Dr. R. LALTHANGLIANA MINISTER : Hon'ble Speaker, I cannot give answer immediately. I will see the matter and I will give you the answer. And I cannot give now clear answer to the question of revenue collection because of anticipated revenue to be collected during 2005-2006 which is not yet completed. Anyway we expect to collect Rs. 25,96,258/- during current financial year. Thank you.

PU LALDUHOMA : Hon'ble Speaker sir, regarding delegation of power to issue permit to the Deputy Commissioner Mamit and Kolasib. I did not mean the Inner line Permit, but bamboo permit.

**Dr. R. LALTHANGLIANA
MINISTER** : Hon'ble Speaker Sir, we will see the matter. The Hon'ble Chief Minister does his best for it. Now, the Bamboo Development Agency set up bamboo Processing Industry, Consequently, we need more bamboo in the state.

PU R. LALZIRLIANA : Hon'ble Speaker Sir, Bamboo link road is constructed where bamboo does not exist. what is the reason ?

**Dr. R. LALTHANGLIANA
MINISTER** : Mr. Speaker Sir, the Bamboo Link Road towards Rulpuihlum is a trial plan of Bamboo Development Agency for their chipping plant at sairang

S P E A K E R : Now, we call upon Hon'ble Chief Minister as he had to say something about our subject of discussion.

**PU ZORAMTHANGA
CHIEF MINISTER** : Honble Speaker Sir, I would like to say something about the matter in aid of the answer given by the hon'ble Minister. The

Hindustan Paper Corporation prefers bamboo which have already been chipped than raw bamboo for their Mill. Their chipping Plant could meet their requirement. As a result, we are expected to supply them the chipped bamboo without any pieces. 800 metric tonne is demanded for trial stage. That is now being processed. If we could meet their demand, they wanted to desolate their chipping machine. Knowing our purpose, the mahalders tried to block our way, which brought competition in bamboo supply.

PU LALRINLIANA SAILO : Hon'ble Speaker Sir, Dr. C. Silver, Central Minister had inaugurated the site for Bamboo chipping Plant, will the Government of Mizoram continue the work? The Government of Mizoram include the said chipping plant in the present scheme we have as this may offer jobs to our youths?

**PU ZORAMTHANGA
CHIEF MINISTER** : Hon'ble Speaker, which one does he mean, chipping Plant or paper Mill?

PU R. LALZIRLIANA : Hon'ble Speaker Sir, my question about allotment of 96 bigha of Teak Plantation is not yet answered. To whom this area is allotted?

**PU ZORAMTHANGA
CHIEF MINISTER** : Mr Speaker Sir, we are now going to do large scale chipping at our Plant. We therefore want to rope in all Mahaldars of our state. The H.P.C. also agreed with it. The bamboo chip will be exported through Bairabi railway. That is our policy.

- Dr. R. LALTHANGLIANA
MINISTER** : Mr Speaker Sir, we don't know to whom 96 bighas of Teak Plantation is allotted ?
- S P E A K E R** : Let us call upon Pu Zodintluanga to ask starred question no 42.
- PU ZODINTLUANGA** : Hon'ble Speaker Sir, will the Hon'ble Minister, Public Health Engineering Department be pleased to state -
- (a) The total amount of money spent for public water supply of Zawlpui in Buarpui Constituency after 1999 ?
- (b) The present position ?
- PUTAWNLUIA
MINISTER** : Mr Speaker Sir, answer to the said question are - (a) Rs. 17 lakhs tills 2004-2005. (b) There are two water supply systems at Zawlpui Village. The former water supply and the present water supply. They have been functioning regularly. The former one is to be repaired and the estimate is also finished.
- PU ZODINTLUANGA** : Hon'ble Speaker Sir, Government of Mizoram has two major Development Project Vol I & II While Rs. 43 lakhs appeared for Zawlpui water supply scheme. Which one is correct, this Rs. 43 lakhs or the amount appears in the budget ?
- PU TAWNLUIA
MINISTER** : Hon'ble Speaker Sir, when was it prepared ?
- PU ZODINTLUANGA** : Hon'ble Speaker Sir, It is prepared by Pu H.V. Lalringa, Chief Secretary. It is the latest one.
- PU TAWNLUIA
MINISTER** : Mr Speaker Sir, Other water Supply Scheme is estimated for Zawlpui Village. The estimate and proposals were sent to DONER, water Resources Ministry etc. That is among them.
- PU ZODINTLUANGA** : Hon'ble Speaker Sir. Here, it is written completed 80 %. All Members received the copy.
- PU TAWNLUIA
MINISTER** : We will see the matter.

PU ZODINTLUANGA : Hon'ble Speaker Sir, if the hon'ble Minister could not clarify my question, I will give no supplementary questions any more.

S P E A K E R : Let us call upon Pu Andrew Lalherliana to ask starred question no 43.

PU ANDREW LALHERLIANA : Thank you Hon'ble Speaker, Will the Hon'ble Minister, Sports and youth services Department be pleased to state -

- (a) The amount of expenditure for construction of Kolosib Tumpui Field during 2004-2005 ?
- (b) The amount of expenditure for construction of i) Basket Ball courts. ii) Volley ball Court. iii) Indoor Stadium ; iv) Youth Hostel at Kolosib Hmar Veng ?
- (c) The amount of expenditure for construction of field at Diakkawn, Kolosib ?

S P E A K E R : Let us call upon Pu Z.H. Ropuia Minister Sports and Youth Service Department to give the above starred questions.

PU Z.H. ROPUIA MINISTER : Hon'ble Speaker Sir, the answers are -

- (a) Rs. 5 lakhs.
- (b) (i) Rs. 30,000/-
- (ii) Rs. 40,000/-
- (iii) Rs. 50,000/-
- (iv) Rs. 7,00,000/= for Construction of Sports Hostel but not Youth Hostel
- (c) Rs. 4,80,000/= for construction of Diakkawn Field.

ANDREW LALHERLIANA : Thank you Hon'ble Speaker Sir, As a result of the answer given by the Hon'ble Minister financial involvement about my question is around Rs. 22/= lakhs. The fund sanctioned by the Central Government is Rs. 206/= lakhs. for construction of Kolosib District Sports Complex at Kolosib having condition properly, while it is learnt that the quality of the work is very bad from the foundation of the posts.

Mr. Speaker Sir, I would like to ask three supplementary questions in this regard. Firstly, why financial sanction is no more received from the central Government? Has monitoring report supplied properly to the Central Government?

Secondly, The financial sanction made by the Central Government is valid upto two years only. If so, will we receive such sanction again from the Central Government?

Thirdly, financial sanction for construction of Khawzaw] Mualvawm field is improperly used. Is the Government ready to investigate the case and ready to impose punishment against the persons involved in the misappropriation of the said fund?

PU H. LIANSILOVA : Hon'ble Speaker Sir, regarding Ramhlun Indoor stadium, I would like to raise questions like -

- (a) The estimated amount for the construction
- (b) Time for beginning of the work ?
- (c) Total amount of fund utilised for construction from the estimated amount ?
- (d) Propose date for completion of the work ?

PU ZODINTLUANGA : Thank you Hon'ble Speaker Sir, answering to my unstarred question, Rs. 18,14,699.00 is spent for Ramhlun Sports Complex especially for Construction of two tennis Courts.

I had a spot visit this morning and found no work being done. I would like to ask the hon'ble Minister how such sum of money is being spent ?

Secondly, I would like to ask where did the Government transfer Football ground, Basketball ground and Tennis Court from Zotlang ?

Thirdly, Government of Mizoram is intending to construct Sports Centre at Lunglei District Sports Centre Ground No. 2. I would like to ask the hon'ble Minister whether the sports Centre to be constructed at Ground No. 2. Will be transferred to another place ?

S P E A K E R : Let us call upon Sports Minister to give answer.

**PU Z.H. ROPUIA
MINISTER** : Thank you Hon'ble Speaker Sir Regarding Khawzawl Mualvawm Field, the Contractor did not complete the work. That's why, the Contract bill is not allotted. The matter has been enquired by the authority. Anyway, the whole work has been enquired by the ACB.

In regards to Kolasib District Sport Complex, the hon'ble Members question is right. We are now making Badminton double court. The work is now under progress. Besides this, the work quality of Sports Complex is not good enough. It is now proposed to be repaired immediately.

I feel that it is necessary to know by all Members about its funding. The Central Government has a new policy regarding Sports Complex, Construction of Sport complex is now under Concurrent List not anymore under state list. In the meeting held at Delhi in the beginning of this year, sports subjects were discussed and we demanded to open olympic door for Kho kho and Kabbadi games as we know India is interested in these games. We also demanded not to include instruction of sports complex under Concurrent List. But as it is the decision of the Central Government, four heads of our funding stopped after the decision. As a result, our on going projects have no more funding agency and there is no provision made either in our budget. Hence, Planning Commission was approached and they agreed to fund the on-going projects we have on condition that we produce utilization certificate correctly, only after which, fund will be released. Now, 30 % of state share is received and 60% of the work is completed as a whole. I feel that our progress is now very good from the Government side.

The estimated amount of Ramhlun Indoor Stadium is Rs. 120 lakhs from which 75% of expenditure will be that by the Central Government of which, Rs. 60 lakhs is received. Now we have to draw fund from the state share in the Treasury. That's all.

PU H. LIANSAILOVA : Hon'ble Speaker Sir, it appears that there is money to be drawn from Treasury, while the work is now delayed for want of money. Will you please to see the financial position for immediate relief ?

PU Z.H. ROPUIA MINISTER : Hon'ble Speaker Sir, the work is now under supervision, bill will be ready in accordance with the work progress.

Regarding Ramhlun Tennis Court Rs. 18,48,000/- is spent for stone masonry (retaining wall) before the Construction of the court is started. That's why, it is true the work is a massive task.

In regard to Zotlang Field, the work cannot be carried on further on ground of natural calamity. Rain water used to destroy the work from time to time. As a result, the work is stopped.

PU ZODINTLUANGA : Hon'ble Speaker Sir, if so, why it is published as Government's achievement. I feel that it is not to be included in the achievement.

PU Z.H. ROPUIA MINISTER : Hon'ble Speaker Sir, it is just like Tuikual Community Hall. Which was collapsed due to heavy rain. The Government did no wrong in this case. It is dismantled after completion.

PU ANDREW LALHERLIANA : Hon'ble Speaker Sir, I think the hon'ble Minister may not catch my question. I meant that Toilet, Dressing Room and Pavillion is not constructed, While Rs. 6 lakhs is spent for it, will you find out the reason ?

PU Z.H. ROPUIA MINISTER : Hon'ble Speaker Sir, regarding the hon'ble Member's demand, the ACB is enquiring it. As a result it is not suitable to investigate the case by the department if the ACB does not complete its work.

In regard to Lunglei District Sports Committee No. 2, the Committee makes demand to the authority for the ground may be made more useful. Accordingly it is proposed and turned into sports complex.

S P E A K E R : Question Hour comes to an end. We will take on another business. First of all, announcement. This Assembly is now going on Computerisation. Now we make a website updating every day. List of Business and Bulletin are usually entered. Access point is also made within the premises of this Assembly Secretariat. If all of us have laptop computer internet can be accessed with any phone connection.

On this day, hon'ble Member Mr. Sainghaka could not attend this Assembly on ground of his bad health.

Now, we will have Laying of Papers. What I want to say is that we compulsorily used English. It is good to translate like Laying of Papers in our own dialect. Good advice is expected from the hon'ble Members. It is Parliamentary language. Now, we have six papers to lay. First of all, let us call upon Pu B. Lalthlengliana, Minister to lay "The Mizoram Taxes on Land, Building Assessment of Revenue Rules, 2005" on the Table of the House.

**PU B. LALTHLENGLIANA
MINISTER** : Hon'ble Speaker Sir, with your kind permission. I lay on the Table of the House "The Mizoram Taxes on Land, Buildings Assesment of Revenue Rules, 2005".

S P E A K E R : The copy be laid on the Table of the House. Some Departments feel it is not necessary to lay on the Table of the House like the Central Act adopted in our State. But any Rules to be applied in the state must be laid on the Table of the House.

Now, we will call upon Dr. R. Lalthangliana, Minister, to lay on the Table of the House "The Mizoram water (Prevention and control of Pollution) Rules, 2002.

**Dr. R. LALTHANGLIANA
MINISTER** : Hon'ble Speaker Sir, with your kind permission. I lay on the Table of the House "The Mizoram water (Prevention and Control of Pollution) Rules, 2002.

S P E A K E R : The copy be laid on the Table of the House. Now, we will call upon Pu H. Vanlalauva, Minister to lay on the Table of the House "Order of the Sixth Scheduled to the Constitution".

**PU H. VANLALAUVA
MINISTER** : Hon'ble Speaker, with your kind permission sir. I lay on the Table of the House "Order of the Sixth Scheduled to the Constitution".

S P E A K E R : The copy be laid on the Table of the House. Now, let us call upon Pu Z.H. Ropuia Minister to lay on the Table of the House "The Mizoram Inter-State Migrant Workmen Regulation of Employment and Conditions of Service) Rules, 2005.

**PU Z.H. ROPUIA
MINISTER** : Hon'ble Speaker Sir, with your kind permission I lay on the Table of the House "The Mizoram Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 2005.

S P E A K E R : The copy be laid on the Table of the House. Now, let us call again Pu Z.H. Ropuia, Minister to lay on the Table of the House "The Mizoram State Sports Council Rules, 2005.

**PU Z.H. ROPUIA
MINISTER** : Hon'ble Speaker, with your kind permission Sir. I lay on the Table of the House "The Mizoram State Sports Council Rules, 2005.

S P E A K E R : The copy be laid on the Table of the House. Now, let us call upon Dr. Lalzama Minister to lay on the Table of the House The Institute of Charter Financial analysts of India University, Mizoram Ordinance, 2005".

**Dr. LALZAMA
MINISTER** : Thank you Hon'ble Speaker with your permission Sir, I lay on the Table of the House "The Institute of chartered Financial Analysts of India University Mizoram ordinance, 2005.

S P E A K E R : The copy be laid on the Table of the House. All Rules must be laid on the Table of the House whether it is the State Act or Central Act.

Now, we will have time to present Committee Reports. Let us call upon Pu Andrew Lalherliana to Present to the House The 4th, 5th, 6th, 7th and 8th Reports of Subject Committee-V.

PU ANDREW LALHERLIANA : Thank you Hon'ble Speaker Sir, with your kind permission I present the 4th, 5th, 6th, 7th and 8th Reports of Subject Committee-V.

S P E A K E R : The copies be laid on the Table of the House. The various Committees of the House are the representatives Committee of the House. Subject Committee-V plays the most active part in the House. It is pleasing that they can present five Reports to the House on this day. These Committees work hard for the Government as well as the people. That is why. I want to give thanks to them especially the subject Committee-V from the Chair.

Now, we will go on to the Legislative Business and take Bills. Let us call upon Pu Tawnluia Minister DP&AR to beg the House to introduce, "The Mizoram Civil Court Bill, 2005". The copies had been laid on the Table of the House a week before. Do we agree to introduce it? Let us call him to introduce it.

**PU TAWNLUIA
MINISTER** : Hon'ble Speaker Sir, with your kind permission I introduce to the House "The Mizoram Civil Courts Bill, 2005.

S P E A K E R : The Mizoram Civil Courts Bill, 2005 has been introduced in the House. Let us call him forth with to beg leave of the House to introduce it. If we agree with it, we will have consideration immediately.

**PU TAWNLUIA
MINISTER** : Hon'ble Speaker Sir, with your kind permission I beg leave of the House to consider "The Mizoram Civil Courts Bill, 2005.

S P E A K E R

: Do we agree with it? Yes, let us call him to move it.

**PU TAWNLUIA
MINISTER**

: Thank you Hon'ble Speaker Sir. It is very fortunate to have consideration of this Bill "The Mizoram Civil Courts Bill, 2005". First

of all I would like to request leave of the House to make a few verbal amendments like -

- (a) It extend to the whole of the State of Mizoram will be substituted by. 'It extends to the whole of Mizoram excluding District Council Area'.
- (b) Section 5 sub-section 3 (i) "acquires" shall be substituted by "requires".
- (c) It has three chapters, Miscellaneous provided in chapter 3 should be 'chapter 4'.

Hon'ble Speaker Sir, I am keeping the correction copy if you agree with me.

S P E A K E R

: Necessary amendment in a bill shall be submitted to the Speaker two days before the date of consideration. But Rules 84 I

(2) of the Rules of Procedure and conduct of Business in Mizoram Legislative Assembly Provided "Nevertheless, Speaker may allow verbal Amendment being proposed at the time of Consideration of the Bill clause by clause provided such amendment is in his opinion essential to carry out the objects of the Bill. Accordingly, the Speaker may allow verbal amendment. I feel that it is good to allow to make such correction.

**PU TAWNLUIA
MINISTER**

: Hon'ble Speaker Sir, as we know, this Bill is the desire and interests of all political parties which is highly needed by all. But

we cannot make progress in law making as so required. I am very grateful to discuss this Bill today. I am very grateful to you for you have allowed my request to have verbal amendment. I would like to thank for your ruling in this regard. Hon'ble Speaker sir, I have the copies in my hand for distribution to the hon'ble members.

S P E A K E R

: Do we need it, If so, the copy be given to the hon'ble members.

**PU TAWNLUIA
MINISTER**

: Hon'ble Speaker Sir, the case is appealed to the Supreme Court by All India Judges Association against the Union of India. The

Supreme Court decreeds to the Ministry of Law, Justice and company affairs. Accordingly, the Ministry of Law sets up the first National Judicial Pay Commission (JPC) containing three Members. Mr. Sethi is the chairman and two others are the Member. It is commonly known as Sethi's Commission. This Commission made recommendation to the Ministry of justice, Government of India. The Supreme Courts recommendation to the Government of India is accepted by the Government of India. The Ministry of Law take prompt action to carry out the recommendations. The Supreme Court also makes orders to every State to make separation of judiciary from executive as early as possible. The time comes. Government of Mizoram also considers the separation of Judiciary. The Government of Mizoram make ratification there on. Accordingly,

Government of Mizoram made an issue on 16th June as the ratification. In order to carry out such Supreme Court's order, Government of Mizoram also make "The Mizoram Judicial Service Rules, 2005", on 29th July 2005.

In order to carry out such order it is needed to pass "The Mizoram Civil Court Bill, 2005". After passing by the cabinet, this bill is brought to the House for passing. The main purpose of this Bill is to make separation of Judicial and executive, power of Executive Magistrate. If we see the state and objective of vision, the purpose is clear. This Bill appeals The Rules for Regulation of Procedure of officers appointed to administer justice in the Lushai Hills, 1937 adopted and amended from time to time. We will not be able to speak the matter in detail. We had such order in 1937. It is therefore, clear that the District Magistrate had dual power of Judicial and executive from 1937. On this day, this bill repealed notification for "Rules for Regulations of the Procedure of affairs appointed to administer justice in the Lushai Hills" was then issued on March 1937 and then the criminal justice shall be ordinarily administered by the Deputy Commissioner and his assistance i.e, Additional Deputy Commissioner

Not only this, civil justice further pointed out that "The Administration of Civil justice in the Lushai Hills is entrusted to the Deputy Commissioner and his assistance who shall tak special cognition of well established lushai Custom" and this has been practical till today and further repealed 1937 Rules. We are fortunate to have a chance for discussion of this matter.

Chapter II here shows Bills which needs to be amended such as Court of District Judge Court of senior civil Judge etc. It is also pointed out that District Council Court existing immediately prior to the appointed date shall with effect from the appointed date be deem to be court of senior civil judges. Not only this, objects & Reasons for this bill is clearly pointed out as to set up various civil courts at District & Sub Divisional level without disturbing the continouance of the traditional courts.

It is obvious that separation of Judiciary will then be maintained accordingly after this bill is passed. Thank you.

S P E A K E R : The concern Minister has now moved "The Mizoram Civil Court Bill 2005" for discussion of the House. 10 Minutes each be allotted to the members and 15 Minutes to Leaders of each party. To start with. I now call upon Pu Andrew Lalherliana to have his speech.

PU ANDREW LALHERLIANA : Thank you Mr Speaker Sir, I opine that objects and reason of this Bill is quite impressive as it will then achieve judicial independence will further protect misause of power by some executives. Not only this Mr Speaker sir, it is much appreciated as this will help in curbing lethargic disposal of cases for example kidnapping case at Suangpuilawn incident at Champhai prior to the last Assembly Election. I opine it is highly necessary for our government to introduce separation of judiciary for immediate use.

S P E A K E R : Next, Pu Lal Thanhawla.

PU LAL THANHAWLA
LEADER OF OPPOSITION : Mr Speaker Sir if we look into Article 26, I opine it is necessary to form constitution of Committees. It is much appreciated that the High Court shall constitute a consultative Committee for each District consisting of the

following :- Principal District Judge, Deputy Commission of the District Superintendent of Police of the District and involvement of Bar association President. It will be much pleasing if the government pass this bill which may be implemented right away.

In the meantime, it may also be necessary to complete the draft as soon as possible so as to put this matter effectively. I have no knowledge of how far Administration of Rules 1937 will protect our interest or how much it will increase. Yet I opine it is necessary to make some sort of reservation for the above. As we have had experiences in various cases, criminal are on the prowl here and there due to lack of proper rules. It is, therefore utmost important for the government to determine appropriate rules for judicial services in order to implement this Bill with immediate effect, that is all I have to say in support of passing of this Bill. Thank you.

PU H. LIANSILOVA : Mr Speaker Sir as we have listened the speeches of various members and of the opinion of the public, we all seem to oblige with separation of judicial Power. In the same manner, various NGOs feel the pressing needs of the same. It is appreciated that the hon'ble Minister too expresses his concern for the same for which subordinate court as well as District Council Court should remain undissolved.

It seems that code of Civil Procedure has not been applied practically but only in spirit here in Mizoram. If my memory serves are well, Cr.PC. further provides special status to those tribal areas prior to North East organisation of 1972. As for this reason, it is important for us to determine, preservation of our constitutional tribal identity by highlighting necessary points here in the Act.

PU LALDUHOMA : Mr Speaker Sir, Most of the political Parties in Mizoram includes the importance of Directive Principle of State Policy in their respective election manifestos yet it has not been achieved till today. However, this Ministry now determines to move this subject for which I have to express my feelings of gratitude as this is the only favourable step taken by this Ministry so far.

As we have seen here, ADM (J) District Council Court and Sub-District and Additional sub-District Court will function as a Corresponding Court under this and Magistrate will then be known as Judge. In this connection, it is important to determine of the main authority for transfer and posting of staff and Grade IV as well as ACR of the cover staff and how to deal with salary to that respect. It may also be necessary to lay down clearly of whether Administration of Justice Rules 1953 will remain the same as it is and of whether the power exercised by Village Council Court will be transferred to District Magistrate.

Mr Speaker Sir, I just came across the latest Edition of Mizoram Judicial Service Rule in which it is pointed out that any person who will be appointed for this Service must go through Mizo Language test atleast of Middle School standard which is of much appreciative as it will give opportunity for LLB of our very own Mizos.

As already pointed out, CPC 1908 is being practised only in spirit here in Mizoram. But now, whatever code of this Bill has mentioned should be accepted as CPC and it is obvious that CPC. will now be practised 100%. I opine tribal community like us could not afford to do so.

In this connection, it may also be important to determine of how to deal with this limitation Act, 1963. The Governor of Assam issued notification that limitation Act will not be practised in Tribal Area. As such we have to determine of whether the same notification could be made for Mizoram.

Beside Mr Speaker Sir, here we have not seen matter regarding Customary Law Considering the importance of Customary, this has also support to be laid on the table of this practised in Tribal Area. As such we have to determine of whether the same notification could be made for Mizoram.

Last but not least, it is important to enact Rules as soon as it is passed here in the House. As already experienced in the past, it may not be wise to delay setting of effective dated of our Rules which has already been passed. I would like to request the Concern Minister to explain the matter and make a commitment for immediate practice of our Rules. Thank you.

PU LALTHLENGLIANA : Mr Speaker Sir. It is much appreciated that separation of Judiciary is now being achieved as we are now going to pass "The Mizoram Civil Court Bill, 2005" without which it will not be possible to achieve. Hopefully, this will be of the most important material for removing misuse of power towards the people for which the decision of the Government of India is much appreciated.

Certain members have pointed out incidents at Suangpuilawn Constituency and Champhai prior to the last election while discussing this matter. As for this reason it is much appreciated that we are now having a befitting Rules to drive off such kind of incidents and false allegation during the election.

As already mentioned even if this Bill is formulated following F.M.G.P.C. Model to a certain extends, adjustment has been made in accordance with the Mizo custom and culture. It is obvious that this Rule will not contradict our very own Custom and tradition it will not repeal Administration of Justice Rules, 1953. It is therefore necessary for us to pass "The Mizoram Civil Court Bill as most of the members speak in favour of passing. Thank you.

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

2 : 00 P.M.

S P E A K E R : To start the evening session of our discussion I call upon Pu R. Lalzirliana to have his speech.

PU R. LALZIRLIANA : Mr Speaker Sir, various steps have already been taken since the beginning of this year for the achievement of separation of Judiciary in Mizoram and many a time the plan had been withdrawn due to some objections obviously it is because of our weakness to follow the Rules accordingly that the Bill which has been laid down today will hopefully be passed by the House unanimously.

Mr Speaker Sir, it is much appreciated that Mizoram Police Manual is now being prepared in Mizo version so that it is understandable to Government employees and the concern people in wides sense. Not only this, with your skillfulness Mr Speaker sir, we are now able to receive C&A.G Report in time which is of much appreciated, yet it may be more appropriate if Director of Examination of Account is separated from Director of Account.

Besides, our practice of C & AG Report not only of MNF Ministry but also of the previous Ministries has never been discussed in the House. I opine it is not appropriate for the government to ignore the case of some employees who are found guilty of their works. It is necessary for the government to put to shame those who are benefitting fund for public share. It is therefore, right time for the government to change our pattern for a positive outcome.

Thank you.

S P E A K E R : Pu Lalhmingthanga.

PU LALHMINGTHANGA : Mr. Speaker Sir, "The Mizoram Civil Court Bill, 2005" put forward by the Government is much appreciated as the situation of our state is in need of improvement and I strongly hope this House to pass this Bill unanimously.

Speaking of the exact meaning of the title of this Bill "The Mizoram civil courts Bill, 2005" I have learnt from various sources of Legal experts that it concerns mainly of non criminal cases of civil courts and I am beginning to understand points which I have not understood long before.

It seems that the late leaders like Pu Nehru, Mahatma Gandhi and Dr. Ambedkar were well families with the nature of various Communities in India. In respect to Indian Penal Court and correspondence procedure of Tribal areas, it is demanded to use in spirit but not 'as it is' as every state is having our own social and Historical Background in the sence of preserving our very own Ethnic Identity which is of great opportunity.

On the other hand, we are facing various stages of progress with the changing of Civilisation and we are not able to survive with our own. It is, therefore wise for us not to emphasis only on our customary Law. As already given in the Aims & Objectives of the Bill, it is appreciated that this separation of judiciary will give the chance to make justification whenever it is necessary which may be of much important for the people as a whole.

As the concern Minister introduced this Bill, there is verbal amendment as given by points a, b, c, d, e. and f in which no definition of civil court, District, Governor. Government and High Court is given, which is much regretted.

In the meantime, it is appreciated that it indicates the idea of separation of judiciary which is based on the recomendation of judicial Pay commission as the underlines "Persuance of the first National judicial pay commissions recomendation approved by the Apex Court of India". Not only this, we have also seen in the statement of Objections and reasons No. 4 that "Bill has been prepared in line of the Model drafted by the first national Judicial pay recommendation.

In regard to Service matters, it is pointed out at page 31 that "as of today, the age of retirement of a supreme court judge is 65 years of age. High Court judge is 62 years and logically the age of retirement of judicial officers is 60 years". This judgement order too indicates that it is based mainly on the recommendation of pay Commission.

So, Mr Speaker Sir, in regard to this important step taken by the Government, it is necessary for the members is support the Bill keeping in mind the main important factors which has already been mentioned.

PU K. VANLALAUVA : Thank you Mr Speaker Sir. It is such on pleasant sound to hear from the words of members of the opposition bench of praises of our Government even through the ruling party is incomplete in dealing with Government machinery and it really give us strength to go on.

Mr Speaker Sir, the most attractive part in this civil court Bill 2005 from my point of view is "separation of Judiciary from Executive" even though it may not be easy to deal with it. In the meantime, the government appreciates suggestion made by various NGO'S to have appropriate study on this matter prior to discussion on this bill. By following up the suggestion,

We are now coming to the discussion on this bill. In doing so, I have a question which the concerned Minister may later give the answer, that is why this matter has not been put under Law Department as it is concerned with Judiciary? Secondly, we are now having 7 Districts, whether our Judicial Officers will be able to cover those districts? If not how will the government deal with this matter? In connection with the bill we are going to pass today, there are numbers of Districts who are not having the district jail. Will it be possible to function in each district Headquarters as soon as this Bill is passed? It will be much appreciated if the Concern Minister explained in detail the plan of our government. Thank you.

PU R. KHAWPUITHANGA : Mr Speaker Sir, I think it is of a great asset to have achieved this bill concerning separation of judiciary not only this, this Ministry is praiseworthy for challenging strong opposition of Public as member of nominated seats of village council had been abolished in the last Village Council election. Besides, 25 seats of Lai District MDC had been dissolved keeping in mind the interest of the concern people. This is of a great lesson for our government to have a coverage to take necessary step for betterment of the people as a whole.

Mr Speaker Sir, we the members of both sides seem to support passing of this bill and this indicates peculiarity of the bill. It is much appreciated that this bill further brings preservation of Village Council without necessarily affecting District Council Court. Besides, if we determine reasons and objects of this bill, it is pleasing that no financial expenditure is involved, and it will surely be one of the greatest achievements for the Government. As for this reason, I am expressing my opinion in favour of this bill. Thank you.

S P E A K E R : I now call upon hon'ble Minister for Law to make clarification in regard to legal or technical matters.

PU H. RAMMAWI MINISTER : Mr Speaker Sir, as already pointed out by our fellow member, there are three important points on the foundation of the Constitution of India such as Executive Judiciary and legislature. We, the government of Mizoram too implemented separation of Judiciary since 1972 for which steps has already been taken for the achievement to a certain extends. As a result, we are now having the opportunity to discuss "The Mizoram civil Court Bill 2005." Although the Minister in-charge explained reasons and objects of this bill in detail, some members related this matters with that of Customary Law. Yet Article 371 'G' indicates the safety of our Mizo Custom.

Since we are not having appropriate written document of this matter, a Committee is formed to pursue the work of compilation and is now being completed. Here, it is to be noted that this is not a newly formed Act but merely a compilation of our Castomary Law.

In respect of its validity, it is to be noted that the Constitution of India 37 (G) provides preservation of our Custom, and this will exist as long as we, the Mizos are citizens of India. It is not necessary to put it as a state Act as it is already included in the Article of India Constitution. It is very safe as our social and religious practice too are safeguarded, besides our custom, as our practice may be changed after 50 years or so.

In regard to the appointment of our Judicial service, it is not a matter to be highlighted here in this bill as it is already pointed out in the Mizoram Judicial Service Rules, that had already been passed by the Cabinet. It is already published in the Mizoram Gazette and no longer necessary to show here in this Bill.

Lastly Mr Speaker Sir, I would like to express my appreciation for moving this important Bill here in the House. Thank you.

S P E A K E R : I now call upon the mover of this bill to move to the House permission to pass this Bill. In the meantime, it will be much appreciated if the point raised by Pu Lalhmingthanga is reacted first.

**PU TAWNLUIA
MINISTER** : Mr Speaker Sir. I first of all want to extend my thanks to each of the member who are taking this Bill "The Mizoram Civil Court Bill, 2005" seriously and vendering their valuable ideas in support of this bill.

To start with, Pu Lalhmingthanga have suggested conclusion of the definition of High Court here in the Bill and I do have considered to do the same for which I made consultation with Law Department this morning. In response, our experts of Law Department suggested not to include the said as the context of Mizoram Concern only of Guwahati High Court and it is not necessary to do so due to which it is not included.

Secondly, I would like to explain the member of those who are in judicial service in our state. Presently we are now having 15 out of which Financial clearance has already been attained for 7 vaccant posts. DPC. will be conducted by MPSC shortly for which one member from High Court is expected to come. A reminder has already been sent a couple of time as immediate clearance of this appointment is felt necessary. If appointment of 7 posts is done as desired, it will be 22 nos. According to the national norms of India. There will be one judge per 2000. For Mizoram, we are expected to have not less than 40, 50. Yet, according to the latest amendment of Mizoram Judicial Service Rules, number of requirement is given as 34 nos for the time being which may be changed later accordingly.

In this Connection, it is to be noted that the main object of this civil courts bill is to determine how to establish various Civil courts and then lay plan for constitution to that effect. This will not bring wholly new features, it will not be much different from that of the general practices. Yet, distinctive feature of this Bill will be of ADM(J), which functions under District Magistrate will then be called District judge or session judge depending on the case. As for my points of clarification, I have to mention that application of cent percent of Civil Procedure court will not be possible until and unless state Government, in extention of Central Law Act is passed, hence the same spirit will be mentained for the time being.

In regard to limitation, it will be maintained as it is going to be High Court Ruling. Regarding the question raised by Pu Lal Thanhawla, Leader of the opposition on limitation Act of whether special consideration will be given to tribals, it is to be noted that special consideration is not given to tribals or non-Tribals. As of Mizoram Judicial Service Rules, it has already been passed on the 29th July and its effective date is being notified as June 16th retrospectively. In the meantime Administration of justice Rule 1953 will remain practises as it is in order to preserve our society and Customary Law. Village Council Committee is functioning under this Rules and the statement of objective and reasons has further pointed out that Village Council will function as it is which is of the main safety for one society. Besides, cases of Customary Law will be refered to the District Court and other cases will be taken up by the civil court. Separation of Judiciary will then be maintained in parallel with the existing norms and will not be clashed with each others. So Mr Speaker Sir, I beg permission of this House to pass "The Mizoram Civil Court Bill, 2005" for the betterment of our Government and the people. Thank you.

S P E A K E R : The Concern Minister has wound up our discussion on the Mizoram Civil Court Bill, 2005 with explanation of the necessary points. We will now take decision clause by clause by vote. Those who agree to pass clause 3 to clause 32 of the main body of the Mizoram Civil Court Bill, 2005 may say 'Yes' and those who do not may say "no" (The members 'yes').

This House has unanimously passed "The Mizoram Civil Court Bill, 2005" (clause 3 - 32). This Bill includes 46 schedules and the members who agree to pass these schedules may say 'yes' and those who do not may say 'no' (The Members "yes"). This House has unanimously passed schedules of the Mizoram Courts Bill 2005. Members who agree to pass title definition of preamble may say 'Yes' and those who do not may say 'no'. This House has now passed the Mizoram Civil Court Bill, 2005 including verbal amendment and patent Error.

We now have finished our business for today. According to our Rules no 27 (1) tomorrow is scheduled for discussion of Private Member's Resolution. There are two Private Member's Resolution for discussion and will be decided by balloting.

We will now close our meeting for today and will be resumed on 30th September at 10 : 30 AM.

Sitting adjourned at 4 : 00 P.M.