

S P E A K E R : "Truly I perceive that God shows no partiality, but in every nation anyone who fears him and does what is right is acceptable to him"

Acts 10 : 35-35.

Will take up questions. I now call upon Pu Lalrinliana Sailo to ask Starred Question No. 37.

P U L A L R I N L I A N A S A I L O : Mr Speaker Sir, Starred Question No.37 is - Will the hon'ble Minister for Industries Department be pleased to state -

- a) Does Geology & Mining Wing, Industries Department submit tax to the government of Mizoram ?
- b) If yes, the amount.
- c) From where did it collect the taxes ?

S P E A K E R : May I call upon the Minister in-charge, Chief Minister to answer.

P U Z O R A M T H A N G A : Mr Speaker Sir, answer for Starred
C H I E F M I N I S T E R Question No. 37 is -

- a) Industries Department of Geology & Mining Wing used to submit tax to the Government of Mizoram.
- b) The total amount is Rs. 72,78,864/-
- c) From ONGC - Rs. 64,77,250/-
From Quarry - Rs. 8,01,614/-
Total - Rs. 72,78,864/-

PU LALRINLIAN SAILO : Supplementary Question Mr Speaker Sir. It is my fault to ask year-wise. Geology & Mining has been under Industries Department from 2004. What I would like to ask is Rs. 500/- is needed to issue mining/quarry permit and the validity period is not the same. While the validity is 2 years for some, it is 5 years for some. I would like to know the reason for this. Regarding the rate of royalty, if I am not mistaken, it used to be Rs.70/- per cubic. Which is now Rs. 112. I would like to know the reason for this. I also would like to know the aspect of quarry for development works. In this connection, is there anyone who operates quarry without having mining permit and if yes does the government impose penalty on such operators.

Another question I would like to ask is that the RBM and Tantia had taken stones by joint venture under World Bank at Serchhip Mat river hence the amount they submitted to the Government of Mizoram within two years? My last question is had 36 lakhs rupees been submitted to Geology & Mining for photography and Soil & Hydrological Survey at Mizoram University?

PU H. ROHLUNA : Mr Speaker Sir, what is the amount of tax collected by the government of Mizoram from Tlungvel, Keifang, Bung Bungalow and Kawnpui quarries and do they have mining permit from Geology and Mining to operate the quarry?. It is known that mining is prohibited in these quarries but they are still mining. Is there no proper co-ordination in the Department? I would like to know why they can not stop those quarries which create problems for public? In the same manner, there are many fresh quarries along Champhai highway which are sure to make landslide. Is there any intention to stop these quarries? Last but not the least, I would like to know whether there is intention to bifurcate Geology & Mining Wing from Industries Department?

S P E A K E R : I now call upon the hon'ble Chief Minister to answer.

PU ZORAMTHANGA : Mr Speaker Sir, the questions asked by the hon'ble members had bothered us since long time back. Validity of mining permit can be upto 5 years which is issued in per cubic metre system. Regarding the rate of royalty, it was Rs.70/- per cubic metre in the previous order. But as they said it was not practicable, the Government is intending to fix the rate. In the meantime, royalty is being taken at the rate of Rs.120/-. Now we are processing to formalize the order.

It is clear that some are operating quarry without proper permit. However, the Department is taking steps to find out such quarries who do not have permits. It is the intention of the Government to issue permit to such operators and collect tax from them. It is also liable to impose penalty against those who do not have the permit.

I can not say the exact amount of fund submitted by Tantia. I am unable to answer now whether the amount of fund sanctioned to survey Mizoram University had been used or not. I will ask the Department and give answer later. An important point to be considered in this connection is about the suggestion made by Subordinate Legislation to take up Geology & Mining by Forest Department as before due to shortage of man power in Geology & Mining. We are now studying and examining the suggestion made by Subordinate Committee. In addition to these, we are planning to levy tax to those who operate quarry in Mizoram, be it BRTF, or any agency from Central or local and Company.

Apart from these, knowing the inconvenience caused by road side quarries I myself had visited the nearby quarries. I also had phoned BRTF Chief Engineer to make alternative diversion. In the same manner, a particular engineer from Public Works Department has been detailed to survey.

Another point I would like to clarify is about the findings of ONGC. According to their findings, there are plenty of oil deposits to be tapped in Mizoram. The ONGC now is doing exploration survey near Hortoki within 5000 Kms for which they had already submitted more than 60 crores rupees as fees. According to their survey report, oil and gas deposit in that area is Category I. It is our expectation that they will identify the drilling spot within a year and we are urging them to do so. At the same time, a tender is being floated now by Global Tender Directorate General for Aizawl – Hnahthial area. For this also, an agreement will be signed with the selected Company to submit a fee. So, in regard to oil 20 % of the products has to be State's share and if we are among the share holder, we can get more.

PU LALRINLIANA SAILO : Mr Speaker Sir, the hon'ble Chief Minister had not answered my question about the penalty to be imposed on those who operate quarry without having permit.

PU ZORAMTHANGA : Mr Speaker Sir, there is a penalty
CHIEF MINISTER against those who operated quarry
without having permit whether the
quarry is big or small. In regard to my
on-going subject. I would like to inform the House that our economy will be high if
the steps taken by ONGC is successful.

S P E A K E R : Now I call upon Pu Sailothanga Sailo to
ask Starred Question No. 38.

PU SAILOTHANGA SAILO : Mr Speaker Sir, Starred Question No. 38
is - Will the hon'ble Minister for Health
& Family Welfare Department be
pleased to state -

a) Is there an intention to upgrade Kawnpui Primary Health Centre to
Community Health Centre ?

b) If no, the reason thereof.

S P E A K E R : I now call upon Pu R.Tlanghming-
thanga to answer.

PU R.TLANGHMINGTHANGA : Mr Speaker Sfir, answer for Starred
MINISTER Question No. 38 is -

a) There is no intention to upgrade Kawnpui Primary Health Centre to
Community Health Centre.

b) The reason is that it does not fulfil the norms required to be a Community
Health Centre. According to the national norms one Community Health Centre
should cover 80000 - 100000 people and there should be 4 Primary Health Centre
under it. At present there are 9177 people and 3 Primary Health Centre under
Kawnpui Community Health Centre. At present there are 10 Community Health
Centre in Mizoram which is more than the national norms, so it is difficult to open
another Community Health Centre in our present situation. We are trying to
maintain the existing Community Health Centres. In order to do this, in every
Community Health Centre there should be 4 doctors (Specialist) and the staffing man
power has to be about 40. To meet the requirements as insist by National Rural
Health Mission we had appointed 26 doctors and 1 Dental surgeon yet we can not

give 4 doctors to each Community Health Centre ; there are still 18 Primary Health Centres without doctor, the Hon'ble Chief Minister is worried by this so he is making plan to create post. However, as 70% of our budget is spent for the salary of man power we are not in a position to open new Community Health Centre.

PU SAILOTHANGA SAILO : Mr Speaker Sir, we all know that national norm is not fulfilled in Mizoram. If it is not possible to upgrade Kawnpui Primary Health Centre to Community Health Centre, is it possible to renovate it? Secondly, there used to be a doctor at Lungdai Primary Health Centre but now he is going for further studies so there is no doctor at Lungdai Primary Health Centre. I would like to know is it possible to post a doctor at the said Primary Health Centre? Thirdly, I am sure even other constituencies will need doctor. Can the Government make appointment at least in contract basis?

PU LALRINLIANA SAILO : Supplementary question. Mr Speaker Sir. Is there possibility to increase the number of cabins at Civil Hospital, Aizawl for the convenient of the public?

PU R.KHAWPUITHANGA : Mr Speaker Sir, Supplementary question. When will construction work of Kulikawn Health Worker Training Centre begin?

PU K. VANLALAUVA : Mr Speaker Sir, on behalf of the people of Khawbung constituency, I would like to convey their gratitude to the Hon'ble Health Minister. What I would like to ask is when will Primary Health Centre building at Selesih be inaugurated?

PU R.TLANGHMINGTHANGA : Mr Speaker Sir, in regard to the question asked by the hon'ble member from Kawnpui constituency, I myself know the importance. There was no proper latrine, so VIP (Ventilated improved pit latrine) was made. In the same manner, even other centres are in great need of quarters.

It is worth to mention that in the 20/30 years ago Primary Health Centre and Community Health Centre in many villages were built voluntarily by the Community. We challenged even Central Government by pointing out this that since the Government of Mizoram does not have fund to renovate these old buildings and quarters. Central Government should take steps in this regard. Accordingly, we were advised to prepare Detail Project Report so we prepared Detail Project Report for 52 crore rupees and submitted to the Centre. Which had already been approved. There are some questions to be answered before the fund is sanctioned. So it is accepted in principle and we are having high hope. In regard to posting a doctor at Lunglei Primary Health Centre, though it is our desire to post doctor in every centre, we can not do it now due to the shortage of doctors. So we are posting to remote areas where there is less facility. We also practiced the suggestion proposed by the hon'ble member from Khawhai constituency. Since the pay of doctors in contract basis Rs. 8000/- p.m. according to the standard system issued by Department of Personnel and Administrative Reforms we cannot find doctor to work in the Primary Health Centre at this rate. As that is the case and while the Central fixes Rs.15,000/- Rs. 20,000/- for RCH and State Aid Control, the hon'ble Chief Minister proposed to consider the pay of the doctors.

In regard to Cabin system of Aizawl Civil Hospital, it is more profitable for the Government to make/have more cabins. But those who occupy cabin cannot enjoy the facilities enjoyed by those who are in general wards. If we increase the number of cabin and reserved them for the rich and well-to-dos only, we are suppressing the poor who do not afford cabin. As that is the case, we are planning to enlarge and renovate the existing Hospital. So, a project report estimating 54 crore rupees has been made.

To answer the question asked by the hon'ble member from Aizawl South-II, we can start the construction work now. In regard to the question asked by Pu K.Vanlalauva, it is not difficult to build the building, so even in other villages like Sialhawk, Kanhmun and Sihphir they already built the building. The infrastructure itself is not a problem but to be able to function as it should be is our main problem. I, therefore, made suggestion to simply build the building. In my own decision I do not intend to build a fresh building before we can allot the required man power in the existing Primary Health Centres including Sesih and Sialhawk.

PU LALDUHOMA

: Mr Speaker Sir, Starred Question No.39 – Will the hon'ble Minister for Home Department be pleased to state - Under-ground outfits operating within and along the borders/boundary of Mizoram.

PU TAWNLUIA
MINISTER : Mr Speaker Sir, answer to Starred
Question No. 39 is -

There are no underground outfits in Mizoram. As far as we can know the followings are the underground outfits operating along the border/boundary of Mizoram - NLFT (National Liberation Front of Tripura ; UPDC (United People's Democratic Front) Bangladesh ; (United National Liberation Front) Manipur ; PLA (People Liberation Army) Manipur ; PREPAK (People Revolutionary Party of Kangleipak) Manipur ; KNA (Kuki National Army) Manipur; HPCD (Hmar People Convention (Democracy) ; CAN (Chin National Army) Myanmar ; CLA (Chin Liberation Army) Myanmar.

Besides these, 195 personnel of BNLFF (Bru National Liberation Front) and 736 personnel from different Candles of BLFM had surrendered to cease their operations....

PU LALDUHOMA : Mr Speaker Sir, it seems the Ministry is very cautious because it sent the police to my house with search warrant. I would like to inform the House that I am an innocent and decent citizen.

What I would like to ask first is about the case of Suangpuilawn kidnap. In our previous session when the hon'ble member Pu Saikapthianga asked the Home Minister whether the Government could take immediate action if he furnish the officers who involved in the Suangpuilawn kidnap with the number of vehicles used in that incident, the concern Minister could not answer him. Since the hon'ble member who asked the question is in the ruling now, when will the public know the exact case of Suangpuilawn kidnapping.

The hon'ble Minister did not mention HPC 'D' and HNA which are HPC underground outfits. These two groups are incompatible and it is known that the Ministry is helping the other side of HPC outfits in various ways. It is also known that as the term of the present Chhinlung Development Council Chairman is near to an end, he is allowed to campaign freely at Tlungvel. I would like to know can the Ministry stop these kind of things which encourage the underground outfits.

Thirdly, I would like to ask the Minister can he give assurance that the present Ministry from now on will stop giving shelter and accommodation to the leaders of underground outfits and stop the business of A.K. Rifles and ammunitions.

Lastly, do the home guards take their remuneration in cash as it is increased.

PU LALRINLIANA SAILO : Thank you Mr Speaker Sir. The hon'ble Minister said that there is no underground outfits in Mizoram. It is known that leaders of 7 different underground outfits had met the hon'ble Chief Minister on 12th August, 2006 and made Joint Press release on 15th August, 2006. Even while the CID clearly know that the underground outfits are well established in Mizoram to say that the Government does not know is to deceive the public. According to the information we are getting various underground outfits like Bru, CAN and even Mara are having training at Sinzawl. Does this mean we are not safe within our State and why do the Maras join the training? One more question I would like to ask is that is it true that the Home Department of Mizoram recommended Pu A.R. Kohli, the then Governor of Mizoram for Padma Bhusan award?

PU R. LAIZIRLIANA : Mr Speaker Sir, a case against me is filed as I said that the government of Mizoram is giving money to the underground outfits. It will be pleasing if the Government punish me if I am wrong but stop doing if I am right.

It is clear that the underground outfits are well established in Aizawl. According to the information I have, a house near Salvation Temple at Sairang road is occupied by PLA/KNA with the knowledge of the Chief Minister. When we are surrounded by the undergrounds, there is ignorance of Law & Order among the youths. I wonder why the Government can not know that there are well established underground outfits within Aizawl itself.

PU ZODINTLUANGA : Mr Speaker Sir, the hon'ble Minister has stated that 700 BLFM rebels had surrendered with their arms at Kanchanpur. If so, I would like to enquire the number of arms they had surrendered.

PU TAWNLUIA : Thank you, Mr Speaker. I will first reply
MINISTER with the question raised by Pu
Zodintluanga. The Mizoram Police team confirmed the number of BLFM who have surrendered at Kanchanpur as 736. They have also submitted a variety of arms like two 9mm pistol, two 22 Bolt Action rifles, 22 revolvers, 10 Country made Guns, 1 AK 47, one pistol, country made gun, 2 grenades and 1 mortar. 195 rebels had surrendered earlier following the agreement between the BLFM and the Government of Mizoram. As I have stated before, another 700 insurgents have surrendered with their arms and ammunitions at Kanchanpur. The President of the insurgent group, Pu Vanlalliana, the Vice

President, Pu Vanngama, Army Chief Pu Lallawma and Captain Romawia were arrested on April 20th. On March 16th another 38 insurgents had surrendered. Altogether 53 BLFM insurgents have surrendered to the Government of Mizoram. As far as the Government is concerned, the Brus have gradually abandoning the attitude of insurgency. This has been reported to the Home Ministry and with its instruction, the Mizoram Police Force have gone to the Bru-area to look into the matter.

In regard to the question raised by the member from Ratu, I would like to say that there are two factions in the HPC led by Pu Thansanga and Pu Lianhmingthanga.

The hon'ble member from Khawhai has mentioned about the training undergone by 30 youths from Saiha. (Pu Lalrinliana Sailo : Mr Speaker . my source of information is reliable enough. I am quite certain that what I have said was the truth).

Mr Speaker, it would be appreciated if the member report the matter to the authority instead of pointing it out in the house, so that we could avoid unnecessary arguments in the House.

As we all know, the hon'ble Chief Minister has taken vigorous steps for various NE insurgent groups towards the achievement of peace with their respective States. The Prime Minister of India has also given green signal to the Chief Minister for their task. As this is the case, arrangement, has been made for the accommodation of certain groups. I would like to say that they are not making problems with the State government.

PU R. LALZIRLIANA : The case of one fellow Mizo insurgents and those from outside who are protected by the Government is not the same.

PU LALRINLIANA SAILO : Mr Speaker, the hon'ble Minister has highly spoken in favour of the insurgent groups of our neighbouring States. But, I would like to argue that we are not safe anymore even in our own State because of the harassment of the insurgents. Mr Speaker, let me remind you about a BLFM related incidents recently where a young fellow named Isaac of Ramhün was killed.

PU TAWNLUIA : Mr Speaker, as I have stated before, the
MINISTER Government is taking investigation on
the case mentioned by Pu
Lalrinliana Sailo.

In regard to the case of that particular bullet pointed out by Pu
Lalduhoma, I would like to advise the hon'ble Members to make a report to the
Government if they find anything suspicious.

PU LALRINLIANA SAILO : Mr Speaker, here is a copy of the Joint
Press release signed by S.T. Thangbei,
General Secretary and Thanglianpau,
Chairman, United Peoples Front which
is an organization of seven rebel groups. The UPF was formed after meeting the
Chief Minister and the General Secretary and the Chairman of UPF were allotted
accommodation at Chaltlang Tourist Lodge. (Interrupted).

S P E A K E R : Not all Press Release are accepted by
the House as authentic. The members
are also informed to produce only
authentic ones.

PU LALDUHOMA : Mr Speaker, the hon'ble Minister has
not reacted to my question.

PU TAWNLUIA : Mr Speaker, I think I have given
MINISTER sufficient answers. As for the question
raised by Pu Lalduhoma, the
Government has been waiting for the
submission of enquiry report only after which the matter could be finalized.

S P E A K E R : The member insists on asking about the
recommendation of Mr A.R. Kohli.

PU TAWNLUIA : Mr Speaker, I would like to admit that
MINISTER the Government of Mizoram has
recommended Mr A.R.Kohli.

S P E A K E R : Question hour is over and let us now call upon Pu Zoramthanga, the House Leader to lay on the House, 'Correction of reply to unstarred question No. 28 put by the hon'ble Member Pu F.Lal Thanzuala on 18.10.2006.

PU ZORAMTHANGA CHIEF MINISTER : Mr Speaker , with your recommendation and the permission of the House I lay on the Table of the House, 'Correction of reply to unstarred question No. 28 put by hon'ble Member Pu F.Lal Thanzuala on 18.10.2006.

S P E A K E R : The copy of the paper may be distributed to the members.

I shall now call upon the House Leader to lay on the Table of the House The 8th and 9th ZENICS Annual Report.

PU ZORAMTHANGA CHIEF MINISTER : Mr Speaker, with your permission and recommendation of the House I lay on the Table of the House ' 8th and 9th Annual Report of ZENICS Ltd. for the year 1998-1999 and 1999-2000.

PU ANDREW LALHERLIANA : Mr Speaker, report presented in the House would be more meaningful if the members have at least half an hour time to study and discuss the report.

S P E A K E R : We will see what the Rules say on the matter. The Secretariat officials may note down.

Let us now call upon the Minister, Dr R.Lalthangliana to lay 'The Mizoram Right to Information Rules, 2006.

Dr R.LALTHANGLIANA : Mr Speaker, With your permission and
MINISTER recommendation of the House, I lay on
the Table of the House ' The Mizoram
Right to Information Rules, 2006.

(Speaker : The copy may be circulated).

S P E A K E R : The hon'ble Minister. Pu
B.Lalthenglina will now be invited to
lay on the Table of the House 'The
Mizoram Societies Registration Rules, 2006'.

P U B . L A L T H L E N G L I A N A : Mr Speaker, with your permission I
MINISTER now lay on the Table of the House ' The
Mizoram Societies Registration Rules,
2006'.

S P E A K E R : Today, the member, Pu K.Lianzuala has
taken leave of absence from the House
due to illhealth.

Let us now proceed to the Legislative Business.

P U L A L T H A N H A W L A : Mr Speaker, I support the suggestion
raised by Pu Andrew Latheriana that
time should be allotted for the discussion
of reports submitted by various
Committees. Mr Speaker, what is your reaction to this.

S P E A K E R : I will look into the Rules. It would be
appreciated if the members who raise the
suggestion could collect information for the
same. Let us now call upon the Chief Minister who is also the Finance Minister to
introduce 'The Mizoram Local Funds Accounts and Audit Bill, 2006.

PU ZORAMTHANGA
CHIEF MINISTER : Mr Speaker, I beg to introduce 'The Mizoram Local Funds Accounts and Audit Bill, 2006.

S P E A K E R : If the House agrees, the Bill may be introduced into the House...

PU ZORAMTHANGA
CHIEF MINISTER : Mr Speaker, with your recommendation and permission of the House I introduce ' The Mizoram Local Fund (Account and Audit) Bill, 2006'.

S P E A K E R : The hon'ble Chief Minister may now be asked to move the Bill for consideration.

PU ZORAMTHANGA
CHIEF MINISTER : Mr Speaker Sir, I believe that "The Mizoram Accounts and Audit, Bill, 2006" is not an intricate one to consider. As we know, The Assam Local Funds (Accounts and Audit), Act, 1930 continues to be in force in the State of Mizoram even 19 years after Mizoram attained Statehood. It is felt necessary to have a separate act. Hence, the draft Mizoram Local Fund (Accounts and Audit) Bill, 2006 is prepared with the object of making better provisions for the audit and safeguarding of local funds in Mizoram. The proposed Bill, after it becomes an Act, shall repeal The Mizoram Local Funds (Accounts and Audit) Act, 1930.

The Bill provides for an examiner of local funds Accounts. The Director of Accounts and Treasuries will be the Ex-officio who will then appoint an Auditor.

As provided by the Bill, the Government may form a tribunal to adjudicate the performance of the Examiner of local funds. The Tribunal shall have the powers of a Civil Court under the code of Civil Procedure, 1908 as amended from time to time.

The Examiner shall audit not only local funds but the State Government may direct the Examiner for audit of the accounts of Government departments. When an auditor completed the audit of the accounts, he shall submit the report to the examiner, who in turn shall forward a copy to the local authority.

The Tribunal may also be empowered to surcharge or to issue show cause notice to any person or persons considers to be responsible in misappropriation of fund.

As I have stated before, this Bill is not a complicated one. The State Government shall make rules for the purpose of carrying out the provisions of this Act. Hence, Mr Speaker, It would be much appreciated if the House could consider this Bill and give approval for the passing of the same.
Thank You.

SPEAKER : The mover of the Bill has explained the Bill. The House will have a discussion. The members will be allotted 10 minutes each. Let us now call upon Pu K.Vanlalaiva.

PU K.VANLALAUVA : Thank you, Mr Speaker Sir. The Bill proposed today by the Hon'ble Chief Minister has been new to me. But, I feel satisfied after I had gone through the draft Bill, particularly that of Section 6 which provides for special audit of the accounts of Government Departments in like manner. Any department may also ask the Tribunal to conduct special audit on its accounts. As we are all aware, there has been allegation that fund under BAFFACOS has not been used for the right purpose. If this Bill is enforced, the Examiners shall have the power to check and audit the financial accounts of the concerned department. Therefore, Mr Speaker, this Bill is a new blessing for the House whereas it can be an useful instrument for safeguarding the local funds in Mizoram. Hence, I support this Bill for passing. Thank You.

PU R.LALZIRLIANA : Mr Speaker Sir, one supplementary question please concerning section 3 which says that the State Government may appoint any person to be an Examiner of local fund Accounts. If any person appointed by the Government can examine the local account it would be difficult to disclose the misdeeds of the Government. The Minister may please explain this point.

PU LALDUHOMA : Thank You, Mr Speaker Sir. At the outset, let me express my support for this Bill as the objectives is to make better provisions for the audit and safeguarding of local funds in Mizoram. I am glad that the Government has proposed this Bill to replace the existing Act. However, there are certain points which are not

satisfactory. Despite this, the Bill when it becomes an Act will certainly be beneficial.

Starting with Section 2, there is mention of municipal and Aizawl Development Authority. Let us assume that the accounts of the ADA could be examined after it starts to function.

I have given due importance to local Boards and Village Local Authority. Of these, the village council is the most important agency as rural development fund and most of Government sanctions are being handled by it. But, the accounts of the village council has never been audited or examined by the Government which is why corruption loop-hole is widely opened. After this Bill becomes an Act, the accounts of only local authority could be examined and audited in accordance with the rules made in this behalf under the Act.

Whereas an offence committed by Government Servant is easy to recognize, the illegal action of the village council is very difficult to detect. A Government servant can be punished by suspension from his job, but the same cannot be applied to Village Council Members. For these matters, I have great anticipation that this Act will be helpful. Member of Parliament fund and M.L.A fund should also be audited as these are also local funds. Mr Speaker, I would like to mention that MLA fund sanctioned in my name has been drawn by one ruling party village council and I have not received a single amount from him. I feel sorry to inform this to the House. Under this Act, these kinds of incident could be checked.

The Hon'ble Forest Minister has stated in his reply to my unstarred question that the Secretaries of Village Forest Development Committees keep Chairman seal in agreement with the VFDC Chairman and the Secretaries themselves. But, Mr Speaker, before this question is raised, I have already informed the Hon'ble Minister that the VFDC Chairman were totally against the idea of handing over the seal to the Secretaries. Despite my information, the Hon'ble Minister still said that it was done with the consent of the Chairman. His replies has given me great surprise and I had even thought of taking it as a breach of privilege. To state one example, the VFDC Chairman of Darlawn, Pu Tiangthankhuma has not seen his Chairman seal till today because it is in the possession of the Secretary. Mention may be made that the Secretary belongs to the MNF party. Therefore, this is a serious matter. Illegal sanctions can be made in the name of the Chairman without the knowledge and authority of the Chairman, himself. This opens door for corruption and hence added to the necessity of auditing local accounts. It would be appreciated if the hon'ble Forest Minister could take action so that the Secretaries return the Chairman Seal.

Coming to Section 6, the permission of special powers will be most beneficial. Section 6 of the Bill provides for auditing of other local funds like Chhinlung Hills Development council, District Council Fund and the account

of the BDOs. There are a number of BDOs under the State Government whereas we have only 6 auditors. Shortage of Staff may be taken into consideration. The shortage of auditor is also reflected in the Comptroller & Auditor General Report and hence action should be taken in this regard so that more qualified auditors could be employed. To help ease the task of the Auditors, the inspection report of State Level Monitoring Cell would be very helpful. Unfortunately the hon'ble Rural Development Minister influenced the hon'ble Chief Minister to dissolve the State Level Monitoring Cell. The Cell that has to monitor the performance of the Rural Development is not welcomed by the concerned Minister. I have with me the note written by the hon'ble Minister in this matter. The media were also given the copy. I have got the copies of the documents which show that the Rural Development Minister is misusing this power in regard to the utilization of certain funds. I have all the documents in accordance with the RTI Act.

As I have mentioned earlier, Central fund under BAFFACOS should also be audited in accordance with this Act. The State Government may also invite the Examiner do audit the accounts without waiting for the C&AG Report. I would further like to suggest that the audit report of the Examiner should reach the Public Accounts Committee for its consideration.

To conclude my speech, I suggest that the provision "Protection of action taken in good faith" should be included in this Bill. If the programmes and policies are not implemented or done in good faith even the best of Act can be of no use for us. Thank you.

S P E A K E R : Let us now call upon Pu Andrew Lalherliana.

P U A N D R E W L A L H E R L I A N A : Mr Speaker, I support the points of the hon'ble Member from Ratu. I would further like to express my appreciation to the hon'ble Chief Minister for his desire to make better provision for safeguarding local funds and accounts in Mizoram.

I would first like to say a few points in regard to the appointment of Examiner of local fund Accounts provided on Section 3. Here, it says that 'the Government may appoint any person to be an Examiner'. As already stated by the member from Ratu, the Examiner should take action in good faith. However, there is a possibility that the ruling party members would make it difficult for the Examiner to exercise their powers and duties. If once expect good work and good result, provision for the protection of the Examiner should be included in the Bill. It is the duty of the Government to protect the action taken in good faith by the Examiner. The Bill also provides for the appointment of 'any person' for an examiner. If this is the case, the Government should be very cautious not to appoint conscientious person. Therefore, the wordings 'Any person' could easily

be misused. So, it may better be amended as there is debatable point in this section.

There has been misuse of SGRY schemes in various places. In chalang village, the SGRY fund has not reached the people which is against the policy of the Scheme. Not only this, the MP Fund sanctioned for the best performed constituency has also been misused without the knowledge of the MP himself. If only we already have adopted this Act. This kind of misappropriation of fund could be disclosed. To conclude my speech I would like to say that I appreciate the intention of the mover of the Bill and for the successful implementation of the Bill I request the hon'ble Chief Minister to take notice of my suggestion. Thank you.

PU LALHMINGTHANGA : Thank you, Mr Speaker, for allotting me time. This Bill is concern with the public and so, if pass, the Government should see that it is actively enforced. I have not much to say on the Bill body. However, I have a suggestion to make. On section 2, we find the definition of 'local fund' where the terms municipal Board, Town Committee and Local Board are mentioned. But, in Mizoram we have no such local authority yet. The term 'Village Authority' may also be changed as 'Village Council'. As stated by the member from Ratu, different authorities in the Village level have taken up development works in their own respective areas. Being the implementing agency, local authorities in the village level used to manage development fund. As their accounts have never been audited corruption has been quite prevalent. Therefore, when the supporting rules is prepared, specific mention should be made on these various agencies of the Departments.

Another important point I would like to mention is about the penalty for defaulter. Whereas the Bill provides for the audition and examination of the accounts of various local Bodies, there is no provision for the penalty of defaulters. Many of the local bodies must be autonomous and therefore if there is no penalty clause in the Bill, it could be less effective.

I agree with the member from Ratu in his suggestion that audit reports that are beyond the clearance of the Department must be referred to the Public Accounts Committee for its final conclusion.

Considering the condition of the State we cannot deny that we really need this Bill. With great anticipation I support this Bill for passing. Thank you.

PU H. LIANSILOVA : Thank you, Mr Speaker one of the main functions of the legislators is to make laws. Realising this, we have passed four Bills during this short session. It is indeed a great performance of the member of this House. Though this Bill has been moved from the Government level, the successful implementation of the Act is certainly depending on the efficiency of Government officials who are concerned with this.

Section 6 of the Bill says that 'the State Government may direct the Examiner for audit or special audit of the accounts of Government Departments and local fund account'. If this is the case, auditing of accounts is not compulsory but the Government may prescribe for it if found necessary. Here, I suggest that audit of accounts may be conducted at a reasonable interval or annually. In order to do this, the strength of the Audit staff may need to be increased. I would like to advise the authority to note this point in times of preparation of the rules for carrying out this Bill.

There is a provision for the appointment of Auditor and Examiner in Section 3 and 4. It says that 'the State Government may appoint any persons to be an Examiner and an Auditor of local fund Accounts in Mizoram'. But, the Financial memorandum says that 'the Director of Accounts & Treasuries will be the Examiner of local fund and Account'. Therefore, the wordings "Any person" may better be amended as that of the Director of Accounts and Treasuries as stated in the Financial Memorandum.

As found in Section 9, the Auditor shall prepare an audit report and shall submit the same to the Examiner who is the Director of Accounts & Treasuries. This means that the report will have to end at the Examiner level. Hence, this provision does not reach up to the mark and should be made more complete when the rules is prepared.

Considering the existing strength of the audit section it will not be an easy task to have audit annually or at a regular interval. Therefore, the audit section of the Directorate should be upgraded. Apart from the audit work, there are many pension cases to deal with. So, proposal has to be processed for their favour.

S P E A K E R : There is 20 minute left. Let us now call upon Pu Lal Thanhawla.

PU LAL THANHAWLA : Mr Speaker Sir, It is highly necessary to have The Mizoram Local Funds. (Accounts and Audit Bill, 2006). I am delighted that this Bill has been moved in the House today.

In regard to the Bill body, the first point I want to mention is the provision for the appointment of an Examiner found in Section 3. The Bill says that the Government shall appoint 'any person' for an Examiner. This provision is not a desirable one as we are not confident that the Government would take up the appointment of 'any person' in good faith. On Section 7, it reads that "Every auditor and Examiner of Local fund Accounts appointed under this Act shall, for the purposes of the powers and duties conferred and imposed upon him by or under this Act, be deemed to be a public servant within the meaning of Section 21 of the IPC. The wording 'public servant' may not be the right choice for this. Therefore, as suggested by Pu Liansailova, we should better follow the Financial Memorandum and confirm the Director of Accounts & Treasuries as the Examiner of Local Accounts.

The provision for penalty has not been clearly prescribed in the Bill. It would be more perfect if the above points could be taken care of when the Rule is made.

Another important point I would like to mention is the periodicity for the conduct of an audit, what should be the intervals between audit is the question. Certain accounts needs to be audited half yearly or quarterly. Some may depend on the volume of the fund.

The Village Council which is the grass root level in a local authority has earned lot of complain in connection with the management of fund and account. Moreover, the BDOs office have also manage local funds. If we really want to safeguard local funds we should contribute our best efforts and skill. We should be very cautious in the appointment of an auditor.

The provision for the penalty has not been clearly prescribed in the Bill. All these points I have mentioned may be added in the Rules. To conclude my speech, I would like to raise a suggestion that proper rules be made for successful execution of this Act and I support this Bill. Thank you.

S P E A K E R : The Hon'ble Chief Minister may now be asked to wind up the discussion.

PU ZORAMTHANGA : Thank you, Mr Speaker though we have
CHIEF MINISTER the Mizoram Local Funds (Accounts and
Audit) Act, 1930 which is prepared in
the line with the Assam Local Funds, Act, it is felt necessary to have a separate Act
of Mizoram. Hence today's Bill is from the light of the speeches of the legislators. I
have several new ideas. I also come to think that amendment would be necessitate in
the near future.

Firstly, the Bill has short preamble which is "To make better
provision for the audit and safeguarding of local funds in Mizoram".

I am fully conscious of shortage of auditors and Staff of
Accounts & Treasuries. The Government plans to increase the strength of the
Auditors provided that the State's Financial position has improved.

This Bill is necessary for reformation of one our country. In
this connection Right to Information has now been introduced in Mizoram which I
hope will bear fruits. We all need to clean ourselves from inside out. In order to do
that we need better Rules and Act. As I have said before, through this Act not only
the Legislature Assembly, but also local authority would be audited and examined.

PU LALDUHOMA : Mr Speaker, the penalty provision is
found to be insufficient. As a penalty
for misappropriation of fund, a person
charged under this Act has to make a recovery as an arrear of land revenue within
these years of the date of the certificate of order. Mr Speaker Sir, the penalty is
rather mild that it would not be a threat. Therefore, I want the hon'ble Chief Minister
to assure us that an amendment Bill would be moved in the next Session...

PU ZORAMTHANGA : Mr Speaker Sir, I will go to the point
CHIEF MINISTER raised by Pu Lalduhoma. I would like to
inform the Legislators that it is the policy
of the Government to purify the State from inside out.

PU LALHMINGTHANGA : Mr Speaker, the local bodies are not
regular office holder and are mostly
constituted for a term of 2 to 5 years. If
there is no proper penalty clause, this Act can not be a success.

PU ZORAMTHANGA : Mr Speaker, if the penalty clause
CHIEF MINISTER prescribed in the Bill is found to be
incomplete, the advice of the expert in
this field would be sought. If necessary the Government is always open to make an
amendment.

In regard to the suggestion that audit report should be referred to the Public Accounts Committee, I would like to add that the Government welcome any advice if it is found to be better.

The appointment of Examiner of Local Fund Accounts has earned a lot a debate. Here also, I would like to assure the House that the Government is open to better suggestions.

In the Definition, local fund means any fund declared by the State Government to be a local fund for the purpose of this Act. If so, when the Rules is laid, the Government has to declare other local funds as well.

As shown in the Financial Memorandum, the Director of Accounts and Treasuries shall continue to be an Examiner of Local Accounts and Auditors in the Directorate of Accounts and Treasuries shall also continue to function as auditors under this Act. If the members demand for a more specific provision, their ideas and suggestions would be accommodated when making Amendment.

Before I conclude my speech, I would like to add that a separate wing or cell may be set up to check or preview the Bill draft before it is moved in the House.

The Bill may not be cent per cent perfect. But, I request this august House to pass 'The Mizoram Local funds (Accounts and Audit) Bill, 2006. Thank you.

S P E A K E R : We shall have a voice vote clause by clause. Those who agree to pass clause 3 to 4 may say 'yes'. The House passed clause 3 to 4. Anyone who agree to pass clause 5 and 6 may say 'yes'. The House has unanimously passed clause 5 to 6. If the House agree to pass clause 7,8,9 you may say 'yes'. The House has passed clause 7,8,9 unanimously. Those who agree to pass clause 10 to 13 may say 'yes' (The House has passed clause 10 to 13 unanimously). Those who agree to pass clause 14 to 18 may say 'yes' and those who disagree may say 'Nay' (The House has passed clause 14 to 18 unanimously). We shall now take vote on the Schedule which is included in the Bill. If the House agree to pass, please say 'yes' and if not you may say 'Nay'. The House has passed this Schedule.

Now, anyone who agree to pass Preamble and acting formula may say 'yes'. Anyone who disagree may say 'No'. The House has passed Preamble and acting formula and clause 1, 2 Short Title and Definition unanimously.

During House has completed its business. Before the House is adjourned, I will make important announcement.

During the 3 days session, the House has taken up the following business - Starred Question submitted 78, Rejected 4, admitted - 74, clubbed - 5, List of Business 51, answered in the House - 9, unstarred question 98, rejected - 3, admitted - 92 clubbed - 2. 85 unstarred question has been laid in the Table of the House, out of which no replies had been received from question 29, 77.

An interim reply was received from Taxation Department in regard to question No.55. There is no replies on question No. 72 from Higher & Technical Education. The concerned Minister is informed to see that this thing would not happen again.

The House observed 2 minutes silence on the demise of Pu Sainghaka. An obituary reference was also given on the same.

During the session the following reports are presented. Business Advisory Committee report 24, 25, 26. Subordinate Legislation Committee Report, 1st, 2nd, and 3rd Report of Subject Committee. These are also laid on the Table of the House. The Mizoram Legislative Assembly Right to Information Rules, 2006. The Mizoram Passenger and Goods Taxation Rules, 2006. The Aizawl Development (Master Plan and total Development Plan) 2006. Annual Report of MAMCO for the year 1996-1997, 1997-1998, 1998-1999, 1999-2000. The annual accounts of KVI Board 2002-2003, An audit report of KVI Board for the year 2002-2003. The 20th Report of KVI Board 2004-2005. The Mizoram State Consumer Welfare Fund Rules, correction of reply to unstarred question No. 28 put by Hon'ble Member Pu F. Lal Thanzuala on 18.10.2006, The 8th & 9th Report of ZENICS Ltd. 1998-1999, 1999-2000. The Mizoram Right to Information Rules, 2006 ; The Mizoram Societies Registration Rules, 2006.

4 Bills are moved, one passed and one has been withdrawn.

I would like to request the members to submit their questions 15 days in advance. If question is submitted at the last minute, the department would have no time to furnish their replies. The members are further advised to submit their question as brief as possible.

With the development in information technology, the House proceedings are now being telecast live on our T.V. As such, the members are requested not to use indecent language in the House. If allegation is made against the other, the point should be substantiated. The members are further requested not to furnish wrong information and guesswork. It is our duty to use parliamentary language in the House.

Sitting is adjourned Sine die

1:25 P.M.

NGURTHANZUALA,
SECRETARY.

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