

**PROCEEDING OF THE FIFTH LEGISLATIVE ASSEMBLY
OF MIZORAM**

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**EMERGENCY SESSION ON THURSDAY, THE 4TH MAY,
2006.**

MEMBER PRESENT

Pu Lalchamliana Speaker at the chair, Deputy speaker, Chief Minister, 11 Ministers and 25 Members were present.

LEGISLATIVE BUSINESS

Bill for Introduction, Consideration and Passing

1. **PU H. RAMMAWI** to beg leave of the House to introduce "The Mizoram State Legislative Member {Removal of Disqualification} {Amendment} Bill, 2006.

ALSO

To introduce the Bill
to move that the Bill be taken into consideration
And
To move that the Bill be passed.

S P E A K E R : Do nothing from selfishness or conceit, but in humility count others better than yourselves. Let each of you look not only to his own interests, but also to the interests of others.

Phillippians 2 : 3-4

Today's session is a short Notice Session, therefore, there will not be question hour. We have one government bill. We will now call the hon'ble Minister Pu H. Rammawi, to introduce. The Mizoram State Legislature Members (removal of Disqualification) (Amendment) Bill, 2006.

**PU H. RAMMAWI
MINISTER** : Mr. Speaker Sir, I seek the permission of the House to introduce "The Mizoram State Legislature Members (Removal of Disqualification) (Amendment) Bill, 2006.

S P E A K E R : The hon'ble Minister seeks the permission of the House to introduce the bill. Do we all agree ?

**PU LAL THANHAWLA
LEADER OF OPPOSITION** : Mr Speaker Sir, you have just mentioned that, this session is a short Notice session, The newspapers quoted as special session, and the summon quoted as Emergency Session Which one is the correct term ?

S P E A K E R : As per Rules 3, of section 2, which stated that, provided that when a Session is called at short Notice on Emergency'. It is as per this clause that the session has been summoned. The Government Summon the Emergency session in a short Notice. Therefore, I accept it as Emergency Session at short Notice.

**PU LAL THANHAWLA
LEADER OF OPPOSITION** : Mr Speaker Sir, It seems that, it should be Emergency session. If it is Emergency Session, it has to be notified in the Gazette. Not be individually notified. But, as of now, members are individually notified.

S P E A K E R : Members are notified, and the copy of the Gazette notification is also given to the Members. I assumed that, former law-makers copy from the Parliament procedure. The Parliament wordings goes as. When a session is called at short Notice or Emergency. But I do not quite understand why it has been kept as 'Short Notice or Emergency'. May be they felt it more appropriate.

**PU LAL THANHAWLA
LEADER OF OPPOSITION** : Mr. Speaker Sir, I accept the wordings. Point of information the bill States. 'The Draft Amendment Bill does not state to provide any financial provision whatsoever, and therefore, if enacted, there is no scope of financial implication by virtue of application of provision of the bill'. Pu Speaker, I would like to know if this bill could be termed as money bill, since its immediate effect will be finance.

S P E A K E R : After careful study, it has been decided that, it is not a money bill. Since there is no direct financial involvement. Do we Agree for the introduction of the bill. Let us now call the hon'ble Minister to introduce the Bill.

**PU H. RAMMAWI
MINISTER** : Mr. Speaker Sir, With your permission and the house, I introduce the bill, "The Mizoram State Legislature Members (Removal of Disqualification) (Amendment) Bill, 2006".

S P E A K E R : Let the copy be distributed we will now call the hon'ble Minister to move the bill.

**PU H. RAMMAWI
MINISTER** : Mr. Speaker Sir, this bill 'The Mizoram state Legislature Members (Removal of Disqualification) (Amendment) Bill, 2006' has been passed in the House in the year 1975. The said Act No. 8 of 1975 in its application was given a retrospective effect from 1972. The said Act was enforced in all the States of the country and the Parliament without exert. But, with changing of times, it is now felt that, the provision needs to be specified more specifically as the clarification may varied in different court. This is the main objective for the introduction of the bill.

Article 191 of the constitution of India envisages a member of the Legislative Assembly of a state of its disqualification. Article 192 highlighted the resolution for dispute if any, in regard to Article 191. Base on Article 191, removal of disqualification of members is enforced in the state with different wordings, but with same aim and objectives. Articles 92 (2) high-lighted the mandatory binding of Election Commission's opinion in regard to disqualification of Legislators. Like wise, Article 103 high-lighted the mandatory binding of Election Commission's opinion in regard to disqualification of Member of Parliament. Pu Speaker, all these time, there was no confusion, but as of now, all the states felt the need for Amendment.

Therefore, it is due to this reason that the bill is introduced for amendment in this August house. There are definitions which needs to be added in various provisions of the rules. Like Union Territory to state. There are provisions without definition, this is the main reason for the confusion.

Pu Speaker, if we could all turn to schedule - I, there should be coma at the end of constitution of India. 'Including those others', should be in one sentence. 'Of' should be added at the end of 'honorarium or otherwise or house rent allowance for the purpose'. This is purely typing mistake Pu Speaker such should be added before Ministers of state, and there should be coma after such Ministers of state. I regret for the typing mistake. In schedule I (a) 'The office of the Leader of opposition on the Mizoram state Legislative Assembly', should be added since Opposition Leader was not included in the 1975 rules.

Coming to schedule 6, coma should be added after Educational Institution and, 'including those other who have been permitted such and such' has been added. In schedule 8, as per Corrigendum distributed. Deputy or Vice Chairman, Director or Member of any statutory corporation, Authority or company, has been added, to support If the holder of such offices is not entitle to any remuneration other than compensatory allowances'.

Pu Speaker, as time passes by, the rules and Act needs amendment, from time to time. The prevention of disqualification rules of the parliament also needs amendment, consultation is in progress, new rules is expected within this month. U.P. Himachal Pradesh and Jharkhand have amended the Act. Therefore, I request the hon'ble members to leave aside the political party feelings, and join hands as Legislators and support the amendment of 'The Mizoram state Legislature members (Removal of Disqualification) (Amendment) Bill, 2006". Thank you.

S P E A K E R

: Now that the hon'ble Minister has moved the bill, we will start discussion. Each member will be allotted 10 minutes.

(Pu Lal Thanhawla the hon'ble Minister has moved the bill. It seems to me that he lacks interest in the bill. Pu Speaker, it is just 2 pages, but it is regretting to note the number of mistake that is made. Pu Speaker, the Governor has forwarded the names of 12 MLA's, whom he considered to be holding office of profit to the Election Commission. Therefore, can it be subjudice? and before we start discussion, we should first know how many states have amended the Act.

S P E A K E R : The Opposition Leader accused 12 MLA's of holding office of profit, but the information that we have may not be the same. So far, the House has not received information that it is subjudice, though Election Commission has Quasi Judicial power. Therefore, I do not feel inappropriate to discuss the Act.

PU LIANSUAMA : Mr. Speaker sir, It is premature to term it as sub-judice as it is yet to be acknowledged by the Election Commission.

S P E A K E R : It is under the state Assembly competency. We will start discussion, Pu Liansuama.

PU LIANSUAMA : Mr. Speaker Sir, as per provision of rules 84 - I would like to make verbal amendment.

S P E A K E R : The time allotment will be 10 minutes for each members, where as group leaders will be given extra time. Pu Liansuama.

PU LIANSUAMA : Mr. Speaker Sir, thank you. After careful study of the bill, I am not satisfied with the way Article 4, is intended to be amended. The following clause is the clause which is to be added, "If the holder of such office is not entitled to any remuneration other than compensatory allowance. Pu Speaker, it clarified what the previous Act of 1980/1975 Article 4 of the schedule, high-lighted. But the whole article is not applicable at present condition. Therefore, I request for verbal amendment that is, 'if Article 4 of the schedule shall be omitted based on the provision given by rules 84'.

S P E A K E R : As provision given by rules 84, proposed amendment has to be sent to the secretary in writing before two days on which the Bill is to be considered. But the hon'ble member did not submit. However, there is a proviso "never-the-less the speaker may allow a 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". The hon'ble member's point is vital, therefore, we will consider the amendment and voice our support.

PU LIANSUAMA

: Mr. Speaker sir, first all I would like to clarify, why I felt the need for amendment. In Article 4 of the schedule. Autonomous District Council CEM, Executive

Member, Chairman, Vice Chairman, President and Vice President Village Council disqualification is included in the present amendment. Previously, as the Act permits, we have members like, Pu Hiato, Pu PP. Thawlla and other former Legislators holding the said posts simultaneously. But as of now, the work load of Legislators and members of council has increased. Thereby, making it impossible for one person to shoulder the two posts simultaneously. The remuneration of Legislators and Members of Council goes hand in hand and also the enhancement of power.

Pu Speaker, pointing out extreme case like, with the provision of the present Act, Ministers can hold the post of Village/Council, which is out dated. The Act was applicable during 1975 and its amendment there after in 1986. Therefore, this Article should be omitted. The intended amendment is not sufficient, as, if holders of such office is not entitled to any remuneration, it degraded the members of District Council. Pu Speaker the office of CEM is 24 hours, therefore, it is a difficult task for one person to hold the said two offices. As mentioned earlier, the Act was applicable all these time, and the Legislature and Parliament functioned without any complication but as we have heard earlier, Pi Jaya Bachhan was disqualified on ground of office of profit, later Pi Sonia Gandhi. The impact of their disqualification led to the amendment of the Act in the states. Some states added and some omitted the office included in the removal of disqualification. Pu Speaker, we should also omit Village Council Vice President, District Council Member, Executive Member, CEM Chairman and Deputy Chairman from Article 4, and amend 'Prevention of dual Membership', so that, any one will be free to stand for dual election, but bound by rules to hold dual membership, if elected. Therefore, Village Council members and District Council members should be omitted from the membership qualification I highlighted these points to widen our views, while considering the Verbal amendment.

Thank you.

S P E A K E R

: With the permission of the House, the hon'ble Minister moved "The Mizoram State Legislature Members (Removal of Disqualification) (Amendment) Bill, 2006.

Pu Liansuama has also moved verbal amendment. The House will have discussion on the two Subjects. Members will be allotted 10 minutes each.

**PU LAL THANHAWLA
LEADER OF OPPOSITION**

: Mr. Speaker Sir, individually, I supported the amendment Bill. I have the opinion that those who held the Office of Profit should not be condemned. Formerly, there had been a case of disqualification for holding an Office of Profit. Though the hon'ble

Home Minister and the Minister for Parliamentary Affairs have stated that disqualification could not be a threat to us. Amendment Bill is moved today for the removal of Disqualification Bill.

There are 12 Members who are known to hold office of Profit. Pu K. Vanlalauva, MLA, Chairman, MKVI Board, Pu R. Khawpuithanga, Adviser to Chief Minister, Pu Lalthlengliana, Chairman, ZIDCO, Pu H. Vanlalthaliana Chairman ZENICS, Pu D. Thangliana, Chairman, MIFCO, Dr. R. Lalthangliana, Lecturer Reader Pachhunga University College, Dr. Lalzama, Pu Lalchamlia, Pu RM. Chakma, Pu Lal Thanzuala, Pu Aichhinga, Pu Z.H. Ropuia. It is known that these MLA's and Ministers received profit from these offices. The Leader of Opposition is also covered by this for being part of a Legislature. Even for the laymen, it is clear that this Bill is being moved to spare some members from disqualification. Even if the Opposition Leader is included he should be disqualified.

There is shortage of posts in the political fields. meanwhile, it is not an appropriate thing for an MLA to hold any other office for profit. Therefore, Mr. speaker Sir, it does not seem right to amend rules according to one's convenience. If the Legislatures have tendency to adjust rules so as to condone their misdeeds, democracy would have no meaning. We should be ready to face the decision of the Election Commission if it recommends for the disqualification of any member for holding office of profit. The main objective of this Bill is to safeguard the Members of the House who have been holding office of profit from disqualification. An emergency Session has even been summoned for this. The ruling members seem to be very hurry in passing this amendment bill. We should have the courage to leave the office of profit if necessary. We should not be blinded by our greediness.

It is learnt that the Parliament is scheduled to sit on 10th May, in which one of the Bills to be considered is this Disqualification Bill. Therefore, Mr. Speaker, I suggest that we wait for the decision of the Parliament. Bring a Christian State, we should be patient and not take impulsive actions. We should face the fact with dignity and honesty so as to become a model state for the future generation. Therefore, I request the hon'ble Minister to withdraw his Bill as it is not imperative for the present.

Thank you.

S P E A K E R

: The hon'ble Opposition Leader has mentioned my name amongst the list of members who hold office of Profit: In my opinion. Being an employee of the Mizoram University. I have taken (EOL) leave with the permission of the Executive Council and has not received even one paise from the University so far. So, I would like to assert that I occupy this office with a clear conscience Act 191 (1) (a) of the Constitution of India envisages that "a person shall be disqualified if he holds any office of profit under the Government of India or the Government of any state". Mizoram University is an autonomous body and is not owned by the Central or the State.

**DR. LALZAMA
MINISTER**

: Thank you, Mr Speaker Sir, for allotting me time. Today's amendment Bill is regarded as necessary as the existing Mizoram Union Territory Legislature

Members Act, 1975 and Mizoram Act no 8 of 1975 as amended in 1986 is subsequently found deficient in many respects other Indian States have also amended the said Act. Hence, it is our responsibility to make modification when and where necessary.

According to the Supreme Court. 'an office of profit is defined to be an appointment to the office held under the Government to which pay or salary and allowances is attached'. As already mentioned, the Executive Council has provided for an extra-ordinary leave to be availed for the employees of the Mizoram University. Section 26 (a) of the Mizoram University Act 2000 Clause 19, Sub - no. 3 of Ordinance OE - 6 made a provision for such leave. I would further like to state that the members whose names are being mentioned by the hon'ble Opposition Leader do not receive any pay and allowances since assuming office as an MLA. If necessary I can produce the copy of the Grant of permission to contest in the Assembly Election.

Therefore, Mr. Speaker, we should not hesitate to modify the existing law if necessary.

Thank you.

PU R.M. CHAKMA

: Thank you, Mr. speaker. It give me most Pleasure to see that this Bill has been Moved in the House today as I am concerned with this Bill. As you have

seen, I have been holding the 'post of Chief Executive Member. But, I felt that I do not violate the law by holding this post while sitting in the State Legislature.

I am not denying that I have been holding an office of profit whereas being a member of the Legislative Assembly of the State. But, the Bill, that is being discussed today has removed the law of disqualification for a member of the State Legislative Assembly if he holds any office of profit under the Government of the State. Anyhow, I would like to repeat that I have no guilty feeling in holding these two offices of profit.

I would also like the Members to know that I am not entirely in favour of this bill. Actually, I am eager to see the decision of the Election Commission. Its decision should be honoured.

As for the verbal amendment suggested by Pu Liansuama, I am the only one who would be affected. Anyhow, I have supported this Bill.

Thank you.

PU S. HIATO

: Mr. Speaker, I have the opinion That the ruling members are not feeling at ease in the case of 'the office of profit'. My opinion has

been confirmed when I received Summon for this Emergency Session. It seems that the State Government has been awakened by the recommendation of the Election Commission for disqualification of Mrs. Jaya Bachchan, we know that the Parliament Session is scheduled to be held on May 10 where this issue is to be considered. The decision of the State Legislature can be overruled by the Parliament whichever decision it may take. In that case, the Bill passed today could be null and void if the Parliament makes Opposite decision. Therefore, it may not be the right idea to make hasty decisions.

I supported the suggestion of Pu Liansuama for verbal amendment. In regard to the case of Pu R.M. Chakma he has no guilty feeling for being the CEM of Chakma autonomous district Council while occupying the office of the MLA. He has enjoyed full facility from Chakma District Council. He is in charge of the entire financial condition. Most of all he become the ruling party MLA and all the financial provisions under DRDA, SAY etc. are in his hands. But, it is his moral responsibility, that should be what we take into account.

It is not a favourable system to become both member of State Legislature and an MDC or CEM. Hence, this needs to be amended person may file his nomination for an MLA or an MP. But, if won he should make an option between the two posts within 30 days.

As stated by the hon'ble House Leader, this Bill must be very urgent that even before we start the discussion verbal amendment has been moved. Not to mention the other errors and traces of correcting fluids in the bill body. I think that the ruling members have taken every possible steps to avoid some members from disqualifying. To conclude my speech I would like to suggest that before taking hasty decision we should wait for the Parliament.

PU P.P. THAWLLA

: Thank you, Mr. Speaker Sir, At the outset, I would like to say that I have suggested the Bill to be moved today by the hon'ble Law Minister. Also, the verbal

amendment suggested by the member Pu Liansuama is found to be peremptory.

Mizoram State Legislative has made a number of laws for the welfare of the people.

In regard to office of Profit, we know that some members of the Parliament have been disqualified following the recommendation of the Election Commission. As that is the case, it becomes imperative to amend the existing laws. The Mizoram State Legislature has also faced this situation. Hence, the Law Minister has moved this Bill at the right time.

I have also suggested the verbal amendment propose by the hon'ble member from Phuldungsei. Therefore, Mr. speaker, I support the Bill moved by the hon'ble Law Minister and also the verbal amendment for omission of Article 4 of the schedule for passing of the House.

Thank you.

PU ZODINTLUANGA : Thank you, Mr. Speaker Sir, As we are all aware, we have various problems in Mizoram we have boundary disputes with our neighbouring State for which the Government has made little or no effort to solve the problem. Another problems faced by the people are poor supply of water and shortage of foodstuff like rice Despite all these the Government has summoned an Emergency session for the sole benefit of the ruling members. Mr. Speaker Sir, we, the members of this House are elected for Legislation. However, we need to know our limits. We are not merely elected to make laws just for our own benefit.

By looking into the Bill itself, it is quite clear that this Bill has been moved just to protect some persons. The Bill provided for inclusion of teachers and lecturers in Central or State Universities in the offices which are not office of profit in the Schedule. If that is the case, Teachers of High Schools and Middle Schools should also be permitted to vie for member of Legislative Assembly.

Mr. Speaker sir, we should be very particular before moving a Bill. As already stated by the members who stood before me, this Bill must be very urgent that there are several corrections and amendment to be made the Bill body. We should thoroughly study the objectives of the Bill before moving it into the House. Therefore, I would like to raise a suggestion that we should wait for the decision of the Parliament since the matter has to be discussed in the Parliament on the coming May 10th.

Thank you.

DR. R. LALTHANGLIANA : Mr. speaker Sir, it is pleasing that the hon'ble Minister has moved this Amendment Bill in the House. I have also supported the verbal amendment moved by

Pu Liansuama. As you have known, I am concerned with few persons directly effected by this office of Profit matter. In Mizoram, we have a separate 'Mizoram University Regulation'. College Lecturers are not simply permitted to contest in the parliament/State Legislature. It is only for those who are specially allowed to contest in the election We have an existing regulation in India. Section 26 ® of 'The Mizoram University Act, 2000 and clause 193 of ordinance OE 6 has clearly stated that, 'A teacher of this university permitted by the Executive Council to contest election and elected as members of Parliament/Legislature/District Council or nominated to the same shall be governed by the following terms and Conditions during the period of such membership. There it has stated that a teacher will not be required to take leave but if they so desire, they may be considered for grant of leave. It has further provided that such teachers not availing leave shall not hold any administrative position/responsibility in the University. Also, teachers of the University are allowed to avail EOL for the period of holding executive Job, the period suspend accounted for increment and for seniority. This is a special provision provided to the teachers by the University. Accordingly, we the three members of this House are given permission by the University Executive Council. The highest Committee of the University has considered our application for contest in the election and has decided to grant permission for our flavor.

Further, after we won the election, the University granted us EOL on political ground following our application for leave. The Executive Council Order has stated that "The Council considered the application of the three teachers of PUC, and resolve to grant Extra Ordinary leave". It further reads that "While sanctioning EOL to the mentioned teachers, a Council deliberated upon the wisdom of continue retention of Ordinance which would permit teachers EOC without an outer limit". Therefore, Mr. Speaker, there is no Controversial matter in our case. However, the hon'ble Law Minister has just included our case to make the existing Act more perfect.

In regard to the summon of an Emergency meeting that has been Criticized by the Opposition Members I would like to say that there is a need felt to call an emergency meeting as the case of the Office of Profit has newly been raised in India recently. With the passing of time we become more and more particular and thus, we want better rules and regulations. Therefore, I support this bill and request the House to pass the same.

Thank you.

S P E A K E R : The hon'ble Minister has presented University Regulation as House property. Let us now call upon Pu Lalrinliana Sailo.

PU LALRINLIANA SAILO : Thank you Mr. Speaker Sir, The subject under discussion is a complicated one. It seems that this Government has followed the system of retrospective legislation and not as prospective.

I am wondering why we become so impatient. We should have waited for the decision of the Parliament like other. NE States. The necessity to clarify ourself is enough evidence that the persons involved are under the threat of disqualification. Today, the people of Mizoram have asked the question of why the Government has become so eager to pass this Bill. We should tell the truth to the people.

As stated by the Opposition Leader, we should be prepared to face the reality. If it is necessary to resign we should be ready for it. So, Mr. Speaker, I would like to request the hon'ble Parliamentary Affairs Minister to withdraw his Bill.

Thank you.

**PU Z.H. ROPUIA
MINISTER** : Thank you, Mr. Speaker Sir, for allotting me time. It is most gratifying that 'The Mizoram State Legislature Members Removal of disqualification Amendment Bill, 2006' has been moved in the House today for this could be an opportunity to classify ourselves. We all must have known how show cause notice had been given by Governor to the Election Commission we have also heard the University terms and Conditions of services. What I would like to emphasize in the amount College lecturers have lost by

becoming member of Legislative Assembly. They could have earned double amount in College and University. For them it is not an office of Profit but rather an office of Lost.

As for my case, I have come to know that I am also included amongst the members whose name have been sent to the Election Commissioner Here, I would like to inform the House that State Sports Council Bill was passed in 2002 which provides for the Sport Minister to become ex-officio President section 22, 1, 2, 3 of the Act. Further provides for traveling and daily allowance and honorarium facility for the office Bearers of the State Sports Council. But, I have not taken a single amount from the Sport Council till date. If anyone can prove that I have received financial benefit from the same I assure you that I would resign from the office of the Sports Minister within an hour.

My feeling has been deeply hurt to know that I have been wrongly accused I have also come to know that the ones who are responsible are active members in their respective churches. Therefore, Mr. Speaker, I would like to repeat that we should be honest.

Thank you.

S P E A K E R : We have only 20 minutes left in the morning session. So, we shall continue our discussion. Let us now call upon Pu R. Khawpuithanga.

PU R. KHAWPUITHANGA : Thank you, Mr. Speaker Sir, we are most fortunate that there is peaceful atmosphere inside. The State Development fund coming from the Centre has also been utilized for the right purpose. There are visible signs of development in every field particularly towards rural connectivity. At the same time, there seems to be some persons who are not happy to see those developments achieved by the State Government Being a representatives of the people, it is our duty to serve the country with virtue and dignity.

In regard to the Bill under discussion, there is a need felt to make amendment on certain articles. As such, we sit here today to have a discussion for amendment. As we can see, a number of advisory offices have been created by the Government. In these offices, the MLA's are supposed to hold the post of Chairman or members. The principal Act was adopted in 1975 and amended in 1987. The case of lecturers and professors have been mentioned in Article 6. Proposal has been made today to make amends on the same article.

If we look into article 9, it says that 'Any office under the Government which is not a whole time office remuneration by salary or fees'. As this is the case, the existing Act adopted by the then Congress Ministry in 1986 protects us from being disqualified.

The subject we have discussed today is not a complicated one. It is only a proposal moved as a bill for the removal of certain outdated rules. If the circumstance

demands for our resignation, we should be prepared for it. To conclude my Speech, I would like to express my support for the verbal amendment moved by Pu Liansuama.

Thank you.

PU LALDUHOMA : Mr. Speaker Sir, at the outset I would like to express my gratitude to the Government for consulting the opposition members regarding this Bill.

We, the members of the ZNP Legislature Party have adopted a prominent principle. We will always support the Government for the steps it has taken for the welfare of the people. As for today, I will express my opinion according to the merit of the case.

First, it is necessary that we tell the truth to the people of Mizoram. It appears that the people have the impression that MLA's who hold any other officer violate the law. It is our responsibility to show that this is not true. Article 191 of the Constitution has empowered the state Legislature to declare, by law, any other offices under the Government not to disqualify its holder for being chosen and for being an MLA of that State. Therefore, there is nothing to argue about in this matter.

As we have known, 12 MLA's have been involved in this case. Adviser and Opposition Leader is the only office which the present Rules does not safeguard.

A number of complaint against 40 MP. And 200 MLA is submitted to the Election Commission. Action is taken only against Jayabachan. But now Parliament will have revision about the provision of the rules. Complaint against an MLA is to be submitted to the Governor. The complaint shall be referred to the Election Commission. The Election Commission will take necessary action in accordance with the recommendation made by the Governor. It is not to condemn this Ministry as other Ministry may do the same. It is best to be saved from it. That why, if we have revision, all errors will be amended. The present Rule does not safeguard Minister with Adviser and Opposition Leader. What we dislike most is simultaneous Membership of MLA with MDC. The bill is now, under discussion but not include what we dislike. This enraged us very much. If this is not amended, this bill will not be voted by us. We don't condemn the concerned Member but only the rules. But now, we have verbal amendment proposed for it. We do support the proposal. If it is accepted the bill will be voted.

Regarding decision of Parliament I would like to point out that decision will be made against MP's only but not MLA's. Every State has to make law for its own. Parliament already has the Prohibition of Simultaneous Membership Rules, 1950. If a Member of Parliament has simultaneous Membership with MLA, he has fourteen days for option. Our State also have to make law like that of the Parliament. We are therefore demanded to delete all provisions of Section 4 of this Act.

Thank you.

S P E A K E R : Only one Minute left, we will have a recess. The sitting of the House will be resumed at 2 : 00 PM.

Sitting adjourned at 1:00 PM.

2 : 00 PM.

S P E A K E R : Before starting discussion I would like to inform The House that Mr. Pramod Mahajan Ex-Union Minister died obituary function is held in Mumbai, today, we will not have obituary reference as his dead body is still remained. Let us call upon Mr. K. Vanlalauva.

PU K. VANLALAUVA : Thank you Hon'ble Speaker sir, for sparing we time to Speaker on the Bill. I do support the Mizoram State Legislature Members (Removal of Disqualification) amendment Bill, 2006 with its verbal amendment proposal. The Bill is not completely without complaint. But its principle is good. On the other hand, it appears that the bill envies some Members of the House in their achievement. That's why it appears that the opposition too had no good morning that seemed from his speech. On this day, I do appreciate the hon'ble Members of this House who adopted this in the House both in 1975 and 1986 respectively. But I feel that it is not good to copy the practices of other state. This House stands for justice and dignity of Members. The Bill should be passed without any complaint if it is good and reject it if it is not good. This Bill is pure in spirit not only for the present Members but also good for the members of the House in future. I therefore, request you all Members to pass it with its amendment proposal.

Thank you.

PU K. LALRINLIANA : Thank you Hon'ble Speaker sir, when we discuss. The Mizoram State legislature Members (Removal of Disqualification) Amendment Bill 2006 on this day what I want to say is that the word of God read out by the Hon'ble Speaker to share each other without selfish end comes into my mind. Anyway, regarding its interpretation, there may be difference in opinion between the ruling bench and opposition bench. That's why, the Congress (I) and P.C. Parties demanded interpretation of the rules by the election Commission, we did not mean to single out the concerned members but we meant only its true interpretation.

It appears that all of us agreed with the verbal amendment proposal made by Pu Liansuama. I also want to delete all provisions of article IV. And I would like to

point out that Mr. Rasik Chakma gave false information to the House. No Number should give such wrong information to the House. It is contempt of the House. If this article IV is deleted, others will know and not claim such office of profit after winning MLA election. I know that the Ministers are holding the post of lecturer, which is office of Profit. University may have provision for the welfare of its staffs. But it cannot violate our rules. Anyway, the Rules of the legislature is superior to the Rules of University and we should stand by it. That's why, the Rules of University could not be applied against the Legislature Rules. The Rules of office of Profit to Members is superior to the Rules of University.

In this connection, I feel it is better to include even medical Practitioner. If not, let us include all MCS, IPS and MPS personels which may cause downfall of this Ministry. Members of Chakma are surely the victims of this Rules, Emergency Session is now summoned to consider the safety of Lecturers who are also the Members of the Legislative Assembly while Special Session could not be summoned due to request by Former underground Association for the good of our Country. This bill has no importance for the good of our Country. It is undesirable, how can we say that it is for the good of our State. It is unfortunate that we are going to pass this bill by means of majority in the House.

Thank you.

PU LALTHLENGLIANA

: Thank you Hon'ble Speaker Sir, The bill we are discussing is very important. It had been discussed in 1975. It was moved by Pu Saitlawma, while dual membership of

District Council and MLA was moved by Pu Ch. Saprawnga. But it was totally failed.

In 1986, the Opposition Leader, the then Chief Minister had passed the dual Membership of MDC and MLA earnestly in the House. It was enjoyed by them happily for political stability. It is therefore, very difficult to take advantage of this for other political party. Now, other Political Party enjoyed the bill passed by them. But they could not tolerate such political party. If such bill is not good for the people, the victim, Mr. Rasik Mohan Chakma Happily accepted. This bill was moved in the House in 1975 and 1986. It is now moved in the House amending the errors for today. This bill moved by way of amendment bill is therefore to be passed automatically.

I would like to Point out that we were accused of saving ourselves. It may be true to some extent. In fact, PSO is given to the Minister and MLA's. We are now seeking to provide the same to the Leader of Opposition group which is not provided in 1975 and 1986 respectively. The Leader of Opposition is to thank the Ministry but he does not. It is surprising that the Leader of Opposition and other Members make law in the House but the Opposition leader condemned the followers of the rules which they also followed for a number of years. Some Minister's became the Chairman of ZIDCO and MIFCO. It is a surprise that they accused and made complaint.

Thank you Sir.

PU SAIKAPTHIANGA

: Hon'ble Speaker Sir, we are now discussing a very important rules concerning all Members of Legislatures Commonly spoken in India. It is an amendment Bill

with its proposed oral amendment. As the hon'ble Members said, it is originated in 1975 and made amendment in 1986. Now, it is time for further amendment in this year, 2006. Parliament will pass it around tenth day of this month. But the bill will not concern State Legislatures. Because of this, it invites different ideas of the State Legislatures. Pu Pranon Mukherjee asked our State MP's, ideas of our state Legislatures. That means it concerns State Legislatures to some extent. That's why, the discussion of this amendment bill is a must. On this day I would like to quote the word of Bible read by Hon'ble Speaker. It is our duty to share our views and ideas with one another.

The practices of this House today is the practice of the House in the past. That's why, the practiced of the House on this day is not the result of selfish end. If the practice lacks goodness we should make an amendment. This bill is now moved for amendment, it is our duty to pass it. The Legislature is there to make laws and make amendment where necessary. If amendment bill is criticized and not passed there will be confusion. The opposition leader knows that lecturers are allowed to join politics or candidate for MLA. Dr. Lalzama was invited to be the candidate of MLA in 1989. Professor Tlanglawma was also invited again in 2003. That's why, it is clear that the rules allowed lecturers to be a Minister or an MLA. Hence it is necessary to make amendment for the following reasons.

Firstly, no provision is made for adviser to Chief Minister.

Secondly, Opposition Leader is not provided facilities he now enjoys in the rules.

It is therefore needed to pass this amendment.

In this connection, it appears that there is much guessing that a political party accused twelve MLA's of violating the rules and hold office of profit. Another political party accused six MLA's of holding office of profit. That's why, to pass this Amendment Bill is for the safety of all of us.

Some Members think that Mr. Rasik Mohan Chakma would be disqualified. That is not true. He may have an option. He may be still on MLA. The hon'ble Speaker may accept the option. I therefore, support this Amendment Bill with its proposed oral Amendment.

Thank you.

PU H. ROHLUNA

: Thank you Hon'ble Speaker Sir, the people of Mizoram will be very glad if this bill were the reduction of Tax Bill. I also do support the verbal Amendment of article 4.

In fact, it is not so appropriate to hold office of VC, MDC and MLA simultaneously in modern computer age. I do agree with the proposed amendment. The first victim, MLA

from Chawngte said that he had drawn dual salary of MLA and MDC, CEM respectively as 1986 Amendment Bill allows. The constitution of the Chakma Autonomous District Council and Conduct of Business Rules, 2002 does not allow MDC/CEM to hold office of profit at a time. But which Provision of the section was deleted as The Mizoram Gazette Extra-Ordinary issued on 23rd March 2004 states that The Mizoram Gazettes Extra-Ordinary issue is made after the victim becomes an MLA of Chawngte Constituency. That's why, it is not so appropriate to say clearly and fluently in the House. The Rules of Mizoram Legislative Assembly may allow him to hold office of profit but The Constitution of Chakma Autonomous District Council and Conduct of Business Rules, 2002 does not allow him to hold dual office of profit. But he himself makes amendment of the Rule as he holds dual office. That is what I would like to highlight.

If MLA from Phuldungsei Constituency does not move Verbal amendment it appears that Pu Mohan Chakma will automatically abandon the office of MLA. I am very sorry that the Bill Drafting Committee left out this section as it was submitted by twelve Members. He, the victim had Verbal declaration that he had drown salaries of CEM and MLA Now, we have true definition of the rules of compensatory allowances and action will be taken against him. Any way as it is an Emergency Session it appears that the bill is not properly checked. If the Bill is passed, it will have retrospective effect with effect from 20th February, 1987. Some Members smoothly clarified, but this rule is applied at that time after we became U.T.

The matter is not a burning issue at that time and there was no complaint. It is now a burning issue in India. The Parliament and all other States of India are busy about it. It is therefore, not convenient to apply with retrospective effect in the eyes of the people.

"Accuse" is commonly used in the House. It may be the result of lack of speech in our own dialect. It is not "accuse". But it is a 'demand' of interpretation submitted by twelve Members Jointly as no interpretation is made properly in the rules.

I also want to print out that the bill does not make provision for the President Mizoram state Sports Council What is the reason? Isn't there discrimination in the Bill?

Thank you.

PU ANDREW LALHERLIANA : Thank you Hon'ble Speaker Sir. It is best to think the merit of the case when we consider this Bill. I think all of us will agree with this Bill, if the preamble of the Bill that is article 191 clause (a) of the Constitution of India is viewed by setting aside party feeling. It will be then settled easily. Article 191 (a) of the Constitution reads - If he holds any office of profit under the Government of India or the Government of any state specified in the first schedule, other than an office declared by the Legislature of the State by law not to disqualify its holders. It appears that the State Legislative may declare office of what an MLA can holds. Secondly, any other office other than the declared office will cause the MLA for disqualification. That's why, The Mizoram Union territory Legislative Member (Removal of disqualification) Act, 1975 has been passed by the House

Accordingly more than three Ministries had gone through. Some MLA's hold office more than one or two. Since Jaya Bachan had been disqualified, lawyers read pros and cons in the rules and found a large loophole. Due to this loophole, Parliament and judiciary are usually against each other. As a result of Judicial inspired, there may be a loophole. Because of this, this amendment bill is moved by the Minister consulting the opposition members. We are now going to amount the bill.

We support the bill to have necessary amendment but not wholly, because CEM or EM are not deleted from the Bill. But the verbal Amendment proposal by Pu Liansuama were accepted. I will support the amendment Proposal.

Even the Centre is going to amend the rules regarding office of Profit to protect the MP's, hence we have the right to mend our rules to protect the members. I, therefore, would like to say that the ZNP Legislature Party support this Bill but at the same time. I also would like to make it clear that we are going to support or oppose the ruling according to the merit of the case/issue for Mizoram Thus, it is good to pass this Bill with the proposal of Verbal Amendment.

Thank you

**PU TAWNLUIA
MINISTER**

: Mr. Speaker Sir, I am glad that we can have a discussion on 'The Mizoram State Legislature Members Removal of Disqualification Amendment Bill, 2006.

First of all. I would like to mention that the hon'ble House Leader together with Parliamentary Affairs Minister advised me to have meeting with other legislature parties about this. Accordingly, we could have a meeting with ZNP Legislature Party and discussed about this matter. However, we could not have meeting with MPC and Congress Party but today we can have discussion in the House.

Both the Parliament and state Assemblies passed a Bill and make a list of offices which can be occupied by MP's/MLA's. Even in our State we have the list as prescribed by Article 191 of the Constitution and the Parliament is also having its own list. As the Office of profits hold by Pi Sonia and Pi Bachan are not in the list, they are questionable so they have to resign. But in the case of the MLA's in Mizoram, the office they are holding are in the list so, they are holding their offices according to the rules and they are safe. However, we feel the need to amend our rule according to Modernization of our society. Today, our topic is to make a list of office which can be held by the MLAS in principle. I would like to request some of the Opposition Parties to reconsider their stands. I therefore, would like to point out that it is good for our state as a whole to pass the Amendment Bill and the proposed verbal Amendment.

Regarding land revenue Tax, I myself gave assurance that this will be revised. The matter is under consideration but I would like to inform the House that it is not an easy task and it will take time. However it is being revised and even other parties had submitted suggestions as they are requested. So, I would like to request the House to pass this Amendment Bill and verbal amendment unanimously.

Thank you.

S P E A K E R

: Though the hon'ble member Pu. Liansuama had moved Verbal Amendment, he had not said about the bill, so may I call upon him now.

PU LIANSUAMA

: Thank you Mr. Speaker Sir, We all know why we have to amend our Rules. While the Parliament Session was going on, resignation of Pi Jaya Bachan was announced. While Union Law Minister. Pu Handras Pardas took steps to legislate, Home Minister Pu Shivras Patil suggested an ordinance. While it was processed for he consulted the Opposition who accused him of defending Pi Bachan and leaked out the issue. Hence the ongoing Parliament Session had to be adjourned. As a result, Parliament Session had to be adjourned. As a result. Parliament Session has to be summoned again. This clearly shows that Central Government is taking every step to defend its members. As already pointed out, this Bill had been Legislated by ourselves in 1975 and 1986, Parliament is not going to Legislate for our state.

In my opinion, the sitting MLA's of Congress Party do not charge some of the MLAS for holding office of profit but other members of the party do absurdly. I became the first Chairman of KVI Board while I was a Minister and no one charged me. I was also Chairman of ZIDCO and MIFCO while I was a Minister because it is permitted by our Rule. I wonder why we go against the Rules we had been using for a long time and find it now as unsafe. The matter about the CEM, EM and other posts in District Councils as found in schedule 4 is also the same with Assam and Nagaland. In regard to the effective date, 10 states out of 26 states who have this rule had made retrospective effect, so we are justified in doing the same. While talking about this, I would like to express my gratitude to MNF and PC Parties for not charging us while we hold those positions. I wonder why those who legislated the rules are charging other who are practising the rules they have legislated.

In the case of lecturer according to the Rules of Assam and others, part time lecturers other than University lecturers are allowed to hold office of profit.

In regard to the office of Chairman of Sports Council held by Sports Minister, it is written in schedule 9 'any office under the Government which is not a whole time office remunerated either by salaries or compensatory allowance' is quite enough. It is not possible to list down all the names of the office so they are included by schedule 8 which states 'authority appointed by the Government of India or Government of any State'. As pointed out earlier, regarding the effective date we do not have to wait the bill, passed by Parliament because we already passed in 1975 and 1986. I would like to say that even the present Amendment Bill may not be perfect and it may need another amendment in future like to define 'Compensatory allowances' more definitely : we can amend it when we feel the need. However, I would like to request the House the present Bill and the verbal amendment I had proposed.

Thank you.

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S P E A K E R : I now call upon Pu. Lal Thanhawla, Opposition Leader.

**PU LAL THANHAWLA
LEADER OF OPPOSITION** : Mr. Speaker Sir, though I am not a good orator, I would like to inform the House that I am very interested in our present topic.

It is not a matter of charging other, because this issue has not been raised in India before. In contrary to the hon'ble member who spoke before me, we were in the opposition during the ministries of PC and MNF but we did not mention about this issue. Since the issue had been raised in India. We also feel the need to raise in our state.

Regarding the office of Opposition Leader ; I think our state is safe according to our salary and Allowances Rules. Even the High Court and Supreme Court declared the office of Opposition Leader as the office of Chief Minister and MLA i.e. part of the legislature. As we knew that even the College lecturers are permitted by the University Rules we never mention about them. But when they become a Minister or MLA, the question about office of profit arises from the state and Election Commission though they are safe from the University. Therefore, there is no one to blame in this issue. As our population increases, there are many intellectual persons who are not MLA's in every political parties and we think it is good to make chance for these people instead of holding all by the MLA's. Since we, the MLA's are having/taking high salary and have good facilities, it is good to make chance for these people. So, instead of blaming each other, since the Bill needs amendment, I would like to suggest not to pass this Bill.

Thank you.

S P E A K E R : Now I will call upon House Leader.

**PU ZORAMTHANGA
CHIEF MINISTER** : Thank you, Mr. Speaker sir. I am glad that we could discuss 'The Mizoram Legislature Members (Removal of Disqualification) (Amendment bill 2006'.

This issue had been ignored both in the Parliament and state legislatures for a long time and now we raise the issue since the issue is under current topic in the Parliament

In regard to the summon of this Emergency Session, it is baseless to say that it is meant to defend ourselves. We do not hesitate to summon the Emergency Session because even the Parliament has summoned Session to consider this issue.

Regarding it's effective date, the Mizoram legislature itself passed it in 1975 with retrospective effect. Even other stated were doing in the same manner. If the effective date is not done in retrospective effect many of us had hold double office and the name itself was in the name of UT. We have to change it into the name of state so we do not include UT period now.

Another point I would like to clarify is about the introduction/proposal of verbal amendments it is meant to check simultaneous membership of either an MLA or MDC without revoking the Rules passed by the former legislatures in the year 1975 and 1986. According to this, they have to opposition the office they prefer within a given date. But after careful consideration, we decided to revoke it since the target is the same.

Though this matter is arguable, there is no one to be blamed because the Rules/Bill passed during the Congress Minister in the year 1986 allowed the MLA to hold other office. However, since there are more new offices and as it is not clearly written in the text, we want to put it clearly so that there will be no ambiguity as is in the Parliament and other states.

Regarding leader of opposition and President of Sports Council, their salaries and allowances and other facilities are justified to our rules.

Therefore, the main reason for moving this Bill is that as Parliament is making its own Rule, even we, the state legislature have to make our own Rule and there. Hence, I would like to request the House to pass this Bill with the verbal amendment.

Thank you.

PU H. LIANSILOVA : Mr. Speaker Sir, I think there is one point to be clarified for instance, according to our Rule 1986, Pu. Rashik can hold CEM office being an MLA. But that section will be dropped in the proposed verbal amendment. If the retrospective effect of the Bill we are going to pass is 1986 can it invalidate itself.

S P E A K E R : It is true to some extent. But the experts said that even if the Bill is passed in retrospective, action had never been taken in retrospective.

PU H. LIANSILOVA : Mr. Speaker Sir, can it be included at least at the end of the clause so that there will be no ambiguity.

S P E A K E R : The matter had not been raised during our discussion. As I had said, whenever a Bill is passed in retrospective effect, retrospective action had never been taken.

Now I call upon the hon'ble Minister to win-up and react to the proposed verbal amendment which had been accepted by the House.

**PU H. RAMMAWI
MINISTER** : Thank you, Mr. Speaker Sir, In regard to the name of the present session it is quite appropriate to sum up 'a short notice of emergency' as 'Emergency'.

Mr. Speaker Sir, in regard to the miss-quoting of the speech of the hon'ble Home Minister, he himself explained about it I, myself did not mention about this anywhere. However, I explained about the Bill after it was passed by the cabinet. I would like to make it clear that I tried to avoid pressmen as far as possible.

Some members suggested to wait Parliament but there is no need to wait. As Parliament is not going to make rules for us. As permitted by the Constitution, Parliament and state legislatures have separate authority, while Parliament is going/doing according to Article 102 whereas state legislatures will go according to Article 191. In the meantime, we will have to see whether they will delete Article 103 (2). However, it seems they are going to apply Article 102. i.e. with retrospective effect. Hence there is no need for us to wait the Parliament. While some members are against retrospective effect it is necessary to do in retrospective effect because it is going to be a State Act now.

The hon'ble member Pu R. Lalzirliana suggested to include all Medical practitioners, but there is no discrimination, it depends upon their rules that is whether they are employees of Insurance Company, or lecturers in the College or University. If they are allowed by their rules we do not make any discrimination or restriction.

In regard to the question asked by the hon'ble Opposition Leader about the opinion of Election Commission in the case of University Lecturer/Teachers of University which includes our Minister and yourself, the Election Commission had accepted while they filed their nomination papers.

**PU LAL THANHAWLA
LEADER OF OPPOSITION** : Mr. Speaker Sir, that is not the question, their candidature is not the question. The question is they are elected and hold the office of either MLA or Minister. What about their benefits/facilities in their previous office.

S P E A K E R : Since you have conflicting opinion I think it is better to settle this matter between the two of you.

**PU H. RAMMAWI
MINISTER** : Mr. speaker Sir, today I would like to urge all the members being legislators to think what will be good for our state. While we are legislating rules but not on its implications. In Mizoram, there may be corporations in the near future besides the

existing ones and other authorities. Bearing this in mind we made the definition of 'Authority' in the Bill to cover all these as 'Office of the Chairman, Deputy Chairman, Director or Member of statutory or non-statutory corporation, Authority on company constituted or appointed. As that is the case, our Bill will cover which is not mentioned here.

Regarding Article IV of the schedule, the Department is reluctant to delete/omit it because we respect our former legislators/Ministry. Luckily, the hon'ble member from Phuldungsei Constituency proposed verbal amendment to omit article IV of the schedule.

S P E A K E R : Its going to be 4 : 00 PM. now . The Minister is nearly finishing so shall we go beyond 4 : 00 PM.

PU H. RAMMAWI MINISTER : Mr. Speaker Sir, it is not good to be in a hurry for the legislators.

S P E A K E R : That is not the case. According to our Rules we have to take the opinion of the House if we are to go beyond 4:00 PM.?

PU H. RAMMAWI MINISTER : Thus Mr. Speaker Sir, I would like to thank all the members who participated in the discussion. I therefore, would like to request the House to pass The Mizoram State Legislature Member (Removal of disqualification) (Amendment) Bill, 2006 with the printing mistake. I had mentioned, to insert 'Patten era' and the corrigendum in schedule 8 to add 'Chairman' at Deputy or Vice with the proposed verbal amendment made by the hon'ble member from Phuldungsei Constituency.

S P E A K E R : The hon'ble Minister had made necessary clarifications while winding up our discussion and asked the house to pass the Bill with the verbal amendment proposed by the hon'ble member Pu Liansuama.

According to our Rules, a Bill is to be discussed clause by clause and pass it accordingly. But it is our convention to discuss the whole Bill and vote it clause by clause.

First, the hon'ble member from Phuldungsei Constituency proposed verbal amendment saying that serial no.3 and article 4 of the schedule after the word 'regulation' the punctuation mark shall be substituted by the punctuation mark 'comma'

and there-after the following clause shall be added namely 'if the holder of such office is not entitled to any remuneration other than compensatory allowance' in the Mizoram State Legislative (Members Removal of Disqualification) (Amendment) Bill, 2006 is not good enough so article 4 of the schedule shall be omitted. Members who agree to pass the verbal amendment proposed by Pu Liansuama may say 'yes' (Members agreed). Hence, the verbal amendment to omit article 4 of the schedule of the Mizoram Legislative Member (Removal of Disqualification) Acts 1975 is passed.

Now those who agree to pass the Amendment Bill, serial No 4-Amendment of the schedule to the Principal Acts according to which from page no 1 last Para sub-section 1, 2, 4 will become 3, 5 will become 4 and 6 will be 5 may say 'yes' (Members agreed) Thus Amendment Sl. No. 4. Amendment of the schedule to the Principal Act is passed by the House.

Again those who agree to pass Amendment Sl. No. 2 - Amendment of short title of the principal Act and Sl. No. 3- in section of a new section after section 1 of the Principal Act may say 'yes'. (Members agreed) Hence Amendment Sl. No. 1 - short title and commencement : Sl. No. 2 - Amendment of short title of the Principal Act and Sl no. 3 -in section of a new section after section I of the Principal Act is passed by the House.

Lastly, those who agree to pass Preamble Enacting formula may say 'yes'. (Members agreed) Thus Preamble Enacting formula is passed by the House.

So, the House passed 'The Mizoram State Legislature (Removal of Disqualification) (Amendment) Bill, 2006. Corrigendum will be made later and will pass by the House to insert the word 'of' and 'Minister of state' as asked by the hon'ble Minister (Pu H. Rammawi : thank you Mr. Speaker Sir.) Our business for today is over now. We will adjourn the meeting.

Meeting is adjourned. Sine die at 4. PM.

