

THIRD SITTING ON FRIDAY, THE 19TH OCTOBER, 2001

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

Pu R. Lalawia, Speaker, at the Chair, Chief Minister, 14 Ministers, Deputy Speaker and 24 Members were present.

SPEAKER : "Thus says the Lord of hosts, render true judgements, show kindness and mercy each to his brother, do not oppress the widow, the fatherless, the sojourner, or the poor; and let none of you devise evil against his brother in your heart".

Zachariah 7:9-10

Now, we will take up starred question, we will call upon Pu R. Lalzirliana to ask starred question no. 41. •

PU R. LALZIRLIANA : Mr. Speaker Sir, will the hon'ble Minister, Election Department be pleased to state starred question no 41-

How many persons were removed from Electoral Roll of Ratu - II in 2001 revision? What is the reason?

SPEAKER : Due to the absence of the concerned Minister, Pu Tawnluia may give answer to it.

PU TAWNLUIA MINISTER : Mr. Speaker Sir, the reason for removal of some voters from Electoral Roll Revision of 2001 under Ratu II constituency is that they migrated from Ratu to another place. Totally, they were 44 voters.

PU R. LALZIRLIANA : Mr. Speaker Sir, those voters were inhabitants of Sunhluchhip grouped at Ratu. When they were deliberated for return, they had returned to Sunhluchhip. Those voters were enrolled latest by 1995.

Mr. Speaker Sir, they were asked to settle down at Sunhluchhip. Some of them refused to shift from there. They were, however, removed from the electoral roll. I feel that it is not the way for the government to take action in such a manner. Mr. Speaker Sir, will the government be pleased to enroll them again in the Electoral Roll?

PU NIHAR KANTI CHAKMA : Pu Speaker, a supplementary question. The same thing had taken place at Tlabung also. In the preparation of Electoral Roll, a number of genuine voters have been removed, why was this done so? Minister may clarify this. Names found in 1956 roll have also been deleted in the new Role.

PU LALRINZUALA : Mr. Speaker Sir, I think it will be relevant to say that 1557 voters were removed from Electoral Roll in January, 1996 in Chawngte Constituency. Those voters were enrolled again in March - April, 1996. A written statement was received on 29th April, 1996 for removal of those voters. Have they really been removed from the Electoral roll or vice versa? If not yet removed, is there any intention to do so?

PU LALTHAN KUNGA : Mr. Speaker Sir, our started question is about my
DEPUTY SPEAKER constituency within Ratu Village Council and Sunhluchhip is a village within N. Serzawl Village Council and is treated as a village by the Government of Mizoram. But, the persons not included in the Electoral Roll are immigrants from Manipur who settled in the jungle about 1½ kms away from Sunhluchhip. Order was issued thrice to shift to Sunhluchhip, but they refused and would not comply with Government's order. As such, they were rooted out by the army eventho' they fled to other place when the army comes. It was therefore felt that to have such settlers enroll in the Electoral Roll will not be right as they were settlers in that place without the permission of the Government or the Village Council. I, therefore, want to ask a question whether it is good to enroll in the Electoral Roll persons coming from Manipur settling in the jungle?

PU SANGHMINGTHANGA : Mr. Speaker Sir, if they were simply settling down in
H. PAUTU the jungle, how many houses were there in that village? If they were not more than 30 families or if the Government does not issue permission to establish sub-village, no one has a right to settle down anywhere. Isn't the Government responsible to enroll such persons in the Electoral roll?

PU R. LALZIRLIANA : Mr. Speaker Sir, they reside in that place with the permission of the former Government. Anyhow, a number of unauthorised villages exist in different places. The fact is that they were wholly Congress voters. That's why, they were deleted from the electoral roll.

PU H. RAMMAWI : Mr. Speaker Sir, a supplementary question - Those deleted voters were coming from Manipur. Mr. Speaker Sir, the Mizoram voters having citizenship have never met such problem (interruption). The Registration of Elector Rules do not permit to have dual votes within Indian Union. I want to ask whether their votes are deleted in Manipur. We should be clear about it. That is the problem of our State Government.

S P E A K E R : Please keep silence, we are losing the honour of the House. It's not right to speak when a Members is speaking. It may not be the same what we knew and what we understand. That's why, it's good to listen. Now, we will call upon Pu Tawnluia to give answer of the said questions.

PU TAWNLUIA : Mr. Speaker Sir, the said 44 deleted voters are now setting at Tuibial. The MLA of Saitual Constituency might have a false information in this regard. The

Government of Mizoram ordered them to settle down at Sunhluchhip Village but they did not like to follow the order. Anyhow, all of them were coming from Manipur State. That is the record of Government.

Mr. Speaker Sir, as appeared in the record and in the electoral roll, two of them requested for deletion of votes to the designated Court by means of the proforma application form. As recommended by the designated officer and AERO, ERO, Additional DC Aizawl had deleted them from Ratu II electoral roll. I think all of us will know the rules but I want to inform you about the revision of electoral roll. Revision of the roll is not the authority of the Government of Mizoram but it is the authority of Election Commission of India. The Election Officers of Mizoram carry out the direction of the Election Commission of India in regards to roll revision. Section 13 of Representation of People's Act, 1950 provides the rules for enrolment and deletion from electoral roll clearly. The Chief Election Commission of Mizoram then worked out the revision.

The removal of 44 votes of Sunhluchhip Village is due to the change of residence. Now, the Election Commission of India issued special summery revision of electoral roll. The claims and objectives period is fixed on November 23. As such, the hon'ble members may contact the designated officer informing the importance of the issue. That means, they may enroll or delete voters from electoral roll as provided by the rules. You may inform your colleague in your party to take necessary action in this regard. The questions may be clear enough from this point.

No one shall have dual vote at a time as provided by the People's Representation Act. If one shifted his home town, he should have his vote deleted or acquired deletion certificate, without which transference of vote is impossible. The designated officers are responsible in this regard. I, therefore, inform you that the preparation of electoral roll is done in this Government in accordance with the guide lines and intructions issued by the Election Commission of India.

Thank you.

S P E A K E R : Now, we will call upon Pu K.L. Lianchia to ask starred question no. 42.

P U K . L . L I A N C H I A : Mr. Speaker Sir, will the hon'ble Minister be pleased to state -

- (a) How many Primary Schools are there in Mizoram (excluding English Medium, Saiha and Lawngtlai District)?
- (b) How many Primary School Teachers are there in Mizoram (excluding English Medium, Saiha and Lawngtlai District)?

P U F . M A L S A W M A : Mr. Speaker Sir, the answer is that -
M I N I S T E R

- (a) Eight hundred, eighty two (882) Primary Schools.
- (b) Three thousands, two hundreds and thirty two (3232) Teachers.

P U P . B . R O S A N G A : Mr. Speaker Sir, supplementary question. Firstly, whether a teacher could sent his representative? Secondly, in my constituency a teacher staying at Aizawl

had sent his representative to teach pupils? Government is informed of this two or three times.

S P E A K E R : The question hour is over. That's why, I do not admit it as a relevant supplementary question.

P U K.T. ROKHAW : Examination for Primary School Teacher is conducted two years ago, Is the Government of Mizoram made appointment? If not so, what is the reason? Secondly, it is said that unqualified Hindi Teacher is appointed for a post, is it right? If so, what is the reason?

P U LALRINZUALA : Mr. Speaker Sir, as the hon'ble Minister had answered we have 882 Primary Schools and 3232 Teachers in our State. If we divide the number of teachers by the number of Schools, every Primary School should have about four teachers. But in my constituency, there are many Primary Schools having a single teacher. Those Primary Schools had not even the representatives. May alteration in the number of teacher be made in this regard. Secondly, some teachers are posted in those Primary Schools, but they did not like to attend School nor send their representatives. Will you please take action in this matter?

P U K.L. LIANCHIA : Mr. Speaker Sir, a supplementary question - as said before, every Primary School should have three or four teachers. In my constituency one or two teachers are provided in many Schools. About March 1999, examination for Primary School teacher is conducted, we depend upon the result. Nearly three years had gone having no result till date. I don't know how to condole those Schools which have one or two teachers only. May additional teachers be given to those Schools Mr. Speaker Sir?

Thank you.

P U Z.H. ROPUIA : Mr. Speaker Sir, how many Primary School teachers are there in Lunglei District? Secondly, how many Primary School teachers are there in Thangte primary School? Whether the teacher is transferred or not?

P U J. LALTHANGLIANA : Thank you, Mr. Speaker Sir. In my constituency, Hnahva and Hruiduk Village have no teacher for a long time. Teacher is employed on contract basis. But the contract period is over. Then those schools have no teacher till date. How will you do about this?

P U VANLALHLANA : Mr. Speaker Sir, what I want to ask is that I know Government of Mizoram did not allow to send representative for teachers. A teacher of Thinglian Primary School sent representative. I, myself, personally reported the matter to the concerned Minister. How did the Government of Mizoram take action? Secondly, Examination and interview is conducted by Government of Mizoram for about 200 Primary School

Teachers in 1999. It was said that the Government of Mizoram did not yet have approval. What is the matter ?

PU SANGHMINGTHANGA : I feel that my question will be relevant to the started question. That's Sir, we are busy for lack of P.S. teachers generally in the far flung villages, while almost all Aizawl Primary Schools have a number of teachers. Will you resuffle those teachers ?
H. PAUTU

PU F. MALSAWMA : Mr. Speaker Sir, as I have a number of questions to be clarified, it may take more time.
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Firstly, in reply to the question asked by MLA of Ngopa, necessary action will be taken. Anyhow, we take action against all report received by the Government and we will continue the action. I had left out nothing against the report.

Regarding the examination and interview of Primary School Teachers, the Government could not make any approval due to financial problem. But, now we had the approval and ready to make appointment.

And regarding Hindi Teacher, we cannot employ only good teacher because educated Hindi teachers are not adequate to meet the requirement. We demanded from the Central Government and allotted fund for 206 Teachers. Those were employed in Middle School and High School standard only. We could not yet cover the requirement. That's why, we cannot care for their quality. They were automatically employed for holding the returning fund to the Central Government.

MLA of Buarpui Constituency pointed out inadequacy of teacher. That is our headache. On the other hand, we, the Members are to press Government for posting within Aizawl making appropriate reasons. It was said that the average teacher is four but it is only three. Teachers are now to be provided in Primary School in accordance with the number of pupil. We had worked out principles for this policy. The department concerned is trying to implement it.

Regarding the question raised by Pu K.L. Lianchia, we, of course admit the inadequacy of teacher which is a serious case. We do appreciate his love of his Constituency and we have adjusted the number of teachers in Primary School from his constituency itself. The reason why we have difficulty is that employment of officiating teacher is abandoned in place of teachers who go on leave due to lack of money. That's why, we meet such difficulties.

In Lunglei District, thirty Primary Schools have a single teacher. Thangte Primary School had two teachers and 36 pupils. Their names are Pi Lalhmingthangi and Pu Saikaia. But Hruiduk and Hnahva teacher will be examined later on. And regarding employment of representative by teacher is now enquired by the department.

And it is said that Primary Schools in Aizawl are over - staffed. It is now to be solved as far as possible. As the number of pupils is different from one to another, it's not right to post equal number of teacher in each school.

As we received a new information, Hnahva P.S. had two teachers namely Premarangan and Priyda. The names of Teachers of Hruiduk Primary School are Natunchandra and Janarajan in the record.

PU Z.H. ROPUIA : He was transferred two months ago, I can produce the said order. And regarding Thangte Primary School, one teacher is deployed on contract basis, while there are 50 pupils without any controller. I, therefore, ask the hon'ble Minister whether he knew that the teacher was transferred?

PU VANLALHLANA : Mr. Speaker Sir, the case of the representative teacher has seemed to be examined by Government. What is mean by the word "examine"?

SPEAKER : O.K. let it be enough. Let's go to the next question.

PU K.T. ROKHAW : Whether the Government knew there is no teacher at all in the Primary Schools of Tlabung Constituency. Secondly, will you provide Headmaster for Chakhang High School as assured in the former session?

PU R. LALZIRLIANA : In my constituency, Tualbung and Dilkhan have one teacher each. Other teachers were transferred. I asked the hon'ble Minister for additional teacher but he cannot do so. I, then, request him to withdraw his speech "Transfer and posting should not be done without my knowledge as it is my department"?

SPEAKER : Let us call upon Pu F. Malsawma, the hon'ble Minister to clarify the questions.

PU F. MALSAWMA : Mr. Speaker Sir, some difficulties may occur when transfer and posting is done without prior notice of the concerned Minister. The reason is that one may show favour partially against other employees. The former Government had proposed like that. The proposal was thus followed. In this connection, the hon'ble members are requested to inform any matters to the concerned Minister personally. But now, it is required to follow office procedure.

And regarding the Headmaster of Chakhang High School, I want to inform you that MPSC offers to provide the Headmaster to the High Schools in accordance with the rules and procedure of Office. Now, MPSC is conducting the recruitment of Headmasters. If we cross the month of March, a new ACR is to be written. In such case, their ACR cannot be collected within the time fixed. It is very troublesome. I, therefore, request you to have a good understanding of the existing problem.

SPEAKER : Now, let us call upon Pu Zakhu Hlychho to ask starred question no. 43.

PU ZAKHU HLYCHHO : Mr. Speaker Sir, will the hon'ble Minister be pleased to state - whether the Government of Mizoram promised to provincialise all deficit Schools?

S P E A K E R : Pu F. Malsawma, to answer the above question.

PU F. MALSAWMA : Mr. Speaker Sir, the Government of Mizoram is
MINISTER taking steps to provincialise all Schools.

PU ZAKHU HLYCHHO : It seems that the hon'ble Ministers had no discussion
or good cooperation in the policy matter. The hon'ble
Chief Minister had informed the House that his Min-
istry would follow a new system. The new system is given to me in written form. But
after two years hence, the hon'ble Minister said that this Ministry would follow a new
system.

This question is raised because the hon'ble Chief Minister had urged
about privatisation in this august House as privatisation is so important in modern world.
He further said that WRC would be privatised and Bulldozers would be employed for
paddy field. He also said that Government vehicles would be privatised.

S P E A K E R : It is only a supplementary question, that's why

PU ZAKHU HLYCHHO : Mr. Speaker Sir, what I want to ask is whether the
Government is following a new system of privatisa-
tion, while the hon'ble Chief Minister also follows the
policy of provincialisation of Deficit Schools. In fact, the Government is now running
in contrary to its policy. My Supplementary question is whether there is a cabinet
decision to provincialise all of the deficit schools as the hon'ble Minister had publicised
through radio ?

Secondly, how many deficit schools are to be provincialised with the
number of teachers ? If so, will the Government of Mizoram create new posts after
signing the MOU ?

PU H. LALTANPUIA : Mr. Speaker Sir, has Finance Department submitted
SSA Project report to the Government of India ?

PU K.L. LIANCHIA : What are the system of provincialisation of schools ?
Will you provincialise all schools at a time ?

Dr. LALZAMA : Mr. Speaker Sir, how many deficit schools will be
provincialised ? And what will be the criteria for
provincialisation ? Will you provincialise all Schools at
one time or provincialisation will be done one by one on the basis of seniority list ? I
think that there are a number of private Middle Schools and High Schools in our State.
Will aided system also be adopted ?

PU SANGHMINGTHANGA : Mr. Speaker Sir, the main starred question indicates
H. PAUTU all deficit schools and I think that this mean Middle
Schools and High Schools. I, therefore, ask, how
many deficit Middle Schools and deficit High Schools are to be provincialised ?

S P E A K E R : Now, Pu F. Malswma, Minister to give answers to the said supplementary questions.

P U F. M A L S A W M A M I N I S T E R : Mr. Speaker Sir, Saiha MLA had spoken about the new system of Government. The hon'ble Minister and hon'ble House Leader had spoken the new system at different places at different time. As such, provincialisation and aided School system should not be taken into account for a criteria.

Regarding provincialisation, Cabinet Meeting had made a decision in 1999 to have further examination. The matter is reviewed in August this year and adopted it in principle. But the Government has to examine those Schools for provincialisation. The Cabinet Meeting then informed the department concern to make arrangement for provincialisation.

In this connection, necessary information is received. But it is necessary to give thoughts to the system of Education in our State. In the School deficit system, Government of Mizoram fully paid salaries while all the management and discipline rest upon the Board. That means the Government of Mizoram had no power to supervise deficit schools. The Government therefore gives importance to its administrative system for better academic and administrative quality. It does not mean that the Government encouraged a new policy but seeks better ways and means. In fact, there are many stages in our schools like recognised school, private school, purely private school, aided school, deficit school and Government school. Of which, only deficit school is proposed for provincialisation as salaries are fully paid by the Government.

And regarding SSA, High Level Committee is taking step, hence we may receive a large sum of money from Central Government.

Again, in regards to provincialisation, it is required to follow placid manner as it will automatically effect leave facility, pension, LTC, etc. And regarding upliftment of private schools to aided schools, with paucity of funds in our budget, we would not be able to do it within this year. But we have expectation with the earnestness of the hon'ble House Leader in the coming year.

And the number of deficit school is asked by MLA of Aizawl N-I. Deficit Middle School is 197, with 1238 teachers and the number of deficit High School is 36 with 279 teachers. Totally 233 schools and 1517 teachers. We must note that it does not include deficit schools established and ran by churches.

Thank you.

S P E A K E R : Now, Pu Z.H. Ropuia to ask starred question No. 44.

P U Z . H . R O P U I A : Mr. Speaker Sir, I ask starred question No. 44 to give answer by the hon'ble Minister of School Education Department.

S P E A K E R : Now, let's call upon Pu F. Malsawma Minister to answer the starred question.

P U F. M A L S A W M A : Mr. Speaker Sir, starred question no. 44 is that whether

the construction of High School and Higher Secondary School building from Non - Lapsable Central pool Fund is to be done by the contractor or by the department itself? The answer is that, as per the detailed project report, it is to be constructed by the School Building Committee and Officials of Department. Anyhow, the constructing agency may be different, but the department itself will supervise the work in any way.

PU VANLALHLANA : Mr. Speaker Sir, a supplementary question. How many schools will be constructed from Non - Lapsable Central pool fund? I was informed by the hon'ble Minister that two schools will be selected from my constituency under Phase I. But we are left out in Phase I. Please inform us whether phase II will be initiated?

PU Z.H. ROPUIA : Mr. Speaker Sir, a number of Schools were constructed under this Non - Lapsable Central pool fund by a board or by officials and teachers. Some of them constructed as good as possible, while, some of them do it very badly. Will you take action against those who did badly?

PU ZAKHU HLYCHHO : Mr. Speaker Sir, for what purpose 3% of Non - Lapsable Central pool fund is deducted? Secondly, is it true that Rupees 10 crores sanctioned under EMGY for furniture and drinking water is used for salary? Thirdly, rupees 11 crores is sanctioned for the year 2001 - 2002, out of which rupees 4.5 crores is used for salary. Is it right?

PU NIRUPAM CHAKMA : Mr. Speaker Sir, my supplementary question is that Kamalanagar Higher Secondary School building is to be constructed this year, the estimated amount is Rs. 5 lakhs. A few days back, the Chairman of Managing Board asked the Director whether the building could be constructed by them. The Director informed him that the hon'ble Minister had recommended a contractor for construction. Is it right about it?

PU SANGHMINGTHANGA : Mr. Speaker Sir, how many High Schools and Higher Secondary Schools, Primary Schools and Middle Schools are proposed to be constructed under Non - Lapsable Central pool fund?
H. PAUTU

Dr. LALZAMA : Mr. Speaker Sir, what is the amount of sanction for new construction of each High School and Higher Secondary School? Is there any difference in amount especially for repairing works?

PU F. MALSAWMA : Mr. Speaker Sir, it is required to clarify the supplementary question raised by hon'ble MLA, Lungpho especially about High School. HRD Central Ministry recommended Rs. 66 crores to the Planning Commission. Out of which Rs. 12 crores only is cleared up by the Planning Commission. It is now released, that also only Rs. 6 crores. The state Government now have to use only this amount. We are afraid that the needy schools will be left out. That's why, we
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had informed the hon'ble Members to select needy schools of which they gave special importance in their constituency. We knew that we cannot cover all needy schools but we were afraid to leave out needy schools of which they give priority. We are going to follow placid manner and informed the hon'ble Members to have a list in order of priority. The fund will come again even if we leave out from Rs. 12 crores we have, it will be carried on from Rs. 54 crores which to come. The matter is also submitted to the authority both in verbal and written.

And the construction of School buildings under this Non - Lapsable pool fund will be verified by the Government and take necessary action in accordance with their work.

And regarding supplementary question raised by MLA, Saiha I do not know the reason why 3% is deducted. I am not sure about its technicality. Anyhow, it is required to prepare its utilisation likely to be auditable. As the question is not relevant, I cannot clarify it clearly.

And as we said before, PMRY is used for salary. This year, Rs. 4 crores out of Rs. 11 crores is to be used again for salary. About Rs. 6 crores shall be used for salary and Rs. 4 crores will be used for implementation of the scheme.

And regarding the construction of Kamalanagar Higher Secondary School, below Rs. 5 lakhs may be executed by the School Building Committee. On the other hand, above Rs. 5 lakhs may be executed by the Department as per the DPR. As such, the government may offer the work of construction to the contractor.

The amount of fund for construction of School building differs from one school to another according to the size of the building. The said funds are allotted for repair and renovation of School building.

And the number of School buildings constructed under non - lapsable central pool fund are - Primary School - 405, Middle School - 282, total - 687. in the second phase, 660 Schools are expected for construction. Out of 660 Schools, 407 is for Primary School and 253 is for Middle School.

S P E A K E R : Now, question hour comes to an end and we will proceed to the next business. Today is for Private Members' business. We had received 14 Private Resolutions. It was balloted on 12.10.2001, accordingly we will take the Resolution. Firstly, we will take Pu H. Laltanpuia's Resolution, "Sales tax imposed by the Government of Mizoram be relaxed till Trading Regulation formulated for safeguarding the interests of the Mizos is fully implemented". Now, we will call upon the member concern, Pu H. Laltanpuia to move the motion of his Resolution. He is expected to spent not more than 20 minutes. Now, let's call him to move it.

PU H. LALTANPUIA : Thank you, Mr. Speaker Sir, for sparing me time to move a very important Resolution. My Resolution is that "Sales tax imposed by the Government of Mizoram be relaxed till Trading Regulation, formulated for safeguarding the interests of the Mizos, is fully implemented".

It is required to resolve this important Resolution in this august House. Today we are going to discuss the interests of the Mizos. That's why, there should be no difference between the Treasury Bench and the Opposition Bench. We should be

well alert with the bottom of our heart. We should not think only five years but future generations as well. What most important is the safety of the interests of the Mizo People.

This Trading Regulation has a very long background, we may not cover it on this day. We had an Act of Non - Tribal Trading Regulation under section 10th of the Sixth Scheduled of the Constitution of India. But the Non - Tribal Traders appeared to the Supreme Court of India and the Supreme Court decreed in favour of them. We, the Mizo District Council were condemned by the Court. After U.T. in 1974, we were awoken by the necessity of having Trading Regulation properly. Then, the former leaders of U.T. consulted lawyers and the Trading Regulation Act was formulated for ten years under article 19(5). Thus, a Trading Regulation is formulated under the said article, which was approved by the President of India. It is to be renewed just before ten years lapsed. Its validity came to an end on May 7th, 1987.

At that time, I, myself, was the President of MNYF. It appears that we did not think about it clearly. Mr. Speaker Sir, I don't mean the weakness of MNF party but the Members of this House did not like to have Trading Regulation. Mr. Speaker Sir, the MNF Ministry too, did not like to renew in time as it was not good enough to safeguard the interests of the Mizos expecting better Trading Regulations to be formulated.

Mr. Speaker Sir, the MNF Ministry drafted the Trading Regulation and submitted it to the Central Government. But the Central Government was not very easy to convince to approve the Regulation. In fact, it appears that we are not well versed in the provisions of the Indian Constitution.

S P E A K E R : Stop a moment, please. There may be mistake at that point. I, myself, was a member of Subordinate Legislation Committee at that time. It is impossible to renew that Trading Regulation. The New Trading Regulation was formulated for filtration of non - Mizos and laid on the table of the House. Unfortunately, the Governor rejected it as it concerned interstate relation. There may be mistake in this regard.

P U H. L A L T A N P U I A : Mr. Speaker Sir, it's to be renewable. Article 304 and 305 of the Indian Constitution provided the reasonable restriction. The Trading Regulation existed steadily under the said articles. What I mean is that MNF Ministry does not seem to have studied the provisions of the constitution. That may be the reason for rejection by the Governor. As a result, we have difficulty in Trading Regulation till date.

The Congress (I) Ministry too tried its best without any success. The problem faced for the existence of Trading regulation is not only for what I'm speaking. The House Leader too had said about it on April 2, 1991 at page no 609 of the proceeding of the Mizoram Legislative Assembly. The Home Minister too supported him in his speech at the same session. Mr. Speaker Sir, it is therefore required to have cooperation as we are belonging to the same tribe having same interests. Now, Sales tax is to be imposed by the Government without having proper Trading Regulation in the State as we were informed to impose sales tax compulsorily from Central Government. What I feel very sorry about is that we are to collect Sales tax at an uniform floor rate with other State.

Mr. Speaker Sir, what I want to speak in the first place is that we are to collect sales tax without having Trading Regulation. I know you had think about it seriously. In this connection, it is always said that Non - Mizo trader may be prevented

through Inner Line Permit (ILP). Chapter 11 of Inner Line pass guide line provides that the validity of such permit is fixed at one year and renewable yearly. On July 30, 1999 Government of Mizoram made a corrigendum providing the validity of ILP upto two years and renewable every six months. It means that ILP is opened wider than before. Not only that but the Government of Mizoram issued Notification specifying the ILP validity exceeding one year but not exceeding three years renewable at six months interval for persons who are in position of permanent Trade licence or holder of permanent resident certificate issued by competent authority. In November 1999 the Government of Mizoram issued again Notification supporting the former Notification. It issued appears that Government imported Non - Mizo Traders by means of ILP. Mr. Speaker Sir, it seemed that safety of the interests of Mizo became worse day by day. It may be done in goodfaith but only five years is not to be given thought of. I feel very sorry that Trading Licence is issued to non - Mizo through ILP in Mizoram. It worsen the safety of the people of Mizoram. This gives a very bad precedence for the next generation.

That's why, Mr. Speaker Sir, the problem faced by the Mizo people is serious for we had promised to the Central Government to impose sales tax at an uniform floor rate. Accordingly, Additional Secretary, Government of India informed Financial Commissioner of Mizoram to impose sales tax on May 3, 2000. The House Leader too accepted it at the Chief Ministers' Conference. The hon'ble Chief Minister too received information to make suitable legislation for this purpose by the said Additional Secretary. N.P. Saksena, Secretary Planning Commission and the Government of Mizoram to impose the sales tax. I do wonder how we had run the Government of Mizoram. Anyway, you had spent 20 years in the jungle for safety of the interests of the people of Mizos. Now, your time had come to do your best just like what Esther did in the Bible. Let us therefore have co - operation to fight against the imposition of sales tax at an unifrom rate irrespective of our political party inclinations.

We have become full - fledged state. We are proud of it. Are we to take an advantage of this by imposing sales tax ?

13th Election Manifesto of MNF & MPC is to discard non - Mizo traders who trade illegally in Mizoram and it also promised the people not to impose Sales tax before Trading Regulation is formulated properly. Isn't this to be applied at this time ? Let us not intentionally make offence as we are the leaders of Mizo people. I, therefore, request you to consider and pass this Resolution.

Thank you.

S P E A K E R : Now, we shall have a discussion. As I had said before, we received fourteen private Members' Resolutions. We should not consider two or more Resolutions in a day.

The concerned member had already moved his Resolution, we will have a discussion. Each member will be given ten minutes. The Rules 131 provides that no member should be allowed more than fifteen minutes. Anyhow we will fix at ten minutes each as we are not to cross 4 : 00 P.M. for discussion. If we want to cross it, the hon'ble members may do it by decision. Now, any members want to speak about it ? Pu K.L. Lianchia will speak about it.

PU K.L. LIANCHIA : Mr. Speaker Sir, as the mover said, we had a long debate in the discussion on Trading Regulation what I want to speak is that MNF & MPC Election Manifesto

no. 13 provides that no sales tax will be imposed before trading regulation is properly formulated. I feel that we should not break our marriage bond with the people. As such, sales tax is not to be imposed if we have not yet formulated trading regulation properly. The former Government also had abandoned the imposition of sales tax as a result of improper trading regulation. Although the coalition had been broken, the Election Manifesto on the other hand should stand and should be respected. I, therefore, request you to show respect to the Election Manifesto.

Secondly, MNF & MPC and Congress Ruling Party jointly submitted the draft of Trading Regulation 1998 to the Central Government. Not only that, but also had a talk personally with the authority. But the Central does not agree immediately. A good thing can never be done at once. Anyhow, we did not expect to get success in the first approach. The former Government too had withdrawn the imposition of sales tax to safeguard the interests of the people of Mizoram. That is to be followed by the latter Government. We know that the Government followed up the petition for trading regulation to the Central without cooperating with us. Mr. L.K. Advani, Home Minister had a short answer, I feel that it is undesirable to abandon the petition of trading regulation and it is not good to have an idea as impossible. Mr. L.K. Advani had said, "the bill will not bring in - conformity with the freedom guaranteed by the Constitution. Besides, similar practices followed by other state in the North East have not yielded positive results and have proved to be a stumbling block to the flow of investments to the region". This does not display our failure in the formulation of trading regulation. I think that there may be a lot of argument in this regard.

Now, sales tax is imposed without trading regulation although we inform the Government that the imposition of sales tax is a violation of the Election Manifesto. The Government of Mizoram feel that the interests of the Mizo people is safe enough in ILP. As the mover said, the Government of Mizoram now fixed its validity upto two years. If non - Mizo traders have ILP for two years, he will apply sales tax registration. If we reject his application, the position of ILP will be in danger for deletion. We may lose it just like the said Trading Regulation. If a man is registered for once in the sales tax registration it will be difficult to deny him of ILP if demanded. The former Government lost a large sum of money for want of trading regulation. Let us not impose sales tax as we had made decision if we have no trading regulation. Let us not be so desperate in trading regulation, instead, let's make better cooperation between us and pray to the Government of India. The hon'ble Chief Minister is now trapped by the imposition of sales tax at an uniform rate which is decided in consensus in the Chief Minister's Conference. The most dangerous thing in politics is economic assimilation which is now at hand for us. For this reason, Trading by non - tribal rules as per provided in the Sixth Scheduled of the Constitution was handed over to the authority of District Council. Anyhow that Trading Rules was altered in 1998. This important Resolution is based on that Trading Rules. Let us use this Resolution for a claimant of that Trading Regulation and cease the imposition of sales tax. If we fail, anything could happen to us. I feel that to put a stop to the imposition of sales tax would be the best mean of request for this Trading Regulation. If sales tax is imposed in the state what would be the tool for our trading regulation in the next time. I, therefore, support this Resolution.

Thank you.

PU H. RAMMAWI : Mr. Speaker Sir, I feel that it is required to think deeply about this Resolution. The safety of the interests of the Mizos is its main theme. It appears that the Lushai Hills District Trading by Non - Tribal Rules is regarded as the safety of the interests of the Mizos. The resolution means that sales tax shall not be collected before Trading Regulations is formulated properly. But now, we had become a State, what do

you mean by the safety of the interests of our community? It appears that it is Trading by Non-Tribal Rules during the period of District Council. What is the exact point of the safety of the interests of our community? It is a law under Sixth Schedule of the Constitution of India at para 10 which provides the power of District Council to make Regulation for the control of money lending and trading by non-tribal rules. In this provision the interests of Mizo is safe enough. By that Rules, the Lushai Hill District Trading by non-Tribal Regulation 1953 came into existence. This is what we said the safety of the interests of our tribe. It provided that no person other than a tribal resident in the District shall carry on whole-sale or retail business in any commodities. The words, "other than a tribal in the district" is the safety of our society. While "other than a tribal" means the Non-Mizo traders.

Here, our difficulty began in May, 1987 when District Trading Regulation was deleted. Why did the Trading Regulation is appealed to the Court. The reason is that Mizoram (excluding the three districts in the South) has no more been under the Sixth Scheduled of the Constitution of India and it is not regarded as tribal area. But the Congress Ministry tried its best to have validation of the Trading by Non-Tribal Rules as an infant State of the Central Ministry of Congress (I) Party. As a result of this, it was validated on 2nd January, 1975 which was formulated in 1972 after becoming Union Territory. The rules provided that it shall be validated for a period of ten years. It is not to be renewed.

What I want to speak in this regard is that we cannot apply this rules any more as we are no longer under the Sixth Scheduled of the Constitution of India (excluding the three district councils). After departing from the Sixth Scheduled of the Constitution, what do you mean by the safety of interests of our tribe? We have no more any kind of defence, we should be cleared enough about it. The President of India can ratify it. Not only that, the Constitution of India was also amended in 1988 making alteration of the words, "other than Scheduled tribe", non-tribals etc. That's why, the three districts too became extinct from the Sixth Scheduled of the Constitution of India. We, Mizoram (including the three districts in the South) died out of the Sixth Scheduled of the Constitution of India. That's why, we should deeply think about it. Whether we want to run business having regulation of Trade or without controlling the Trading. If so, it will not be good for our State. That's why, it's required to think deeply. Sales tax is imposed from 1972 till date. If we expect to provide "other than Scheduled Tribe", the resolution is unworthy to be passed.

The wording of the resolution is drafted by non-involving member. That's why, the leaders of the people should use their conscience for our State. We would not be successful in getting permission of the Constitution of India. We are, in the district council and also busy about trading. That's why, this resolution is not worthy to be passed.

Thank you.

PU J. LAWMZUALA : Mr. Speaker Sir, in this Private Member's Resolution, we should think also for the next generation. It is not a political debate between opposition bench and Treasury bench, but it is a Trading regulation in our native state. Proper formulation of Trading Regulation before imposition of sales tax is a very important question. If nothing is expect to be possible we should seek the ways and means. We should not hesitate about it but seek its ways and means. As we know, we have peace accord with the Central Government. The Central Government do respect the peace accord and provided that as "the Inner Line Regulation have now in force in Mizoram, we cannot amend or repeal without consulting the State Government". But this Government

amended and made alteration of its own. It opened a wide door for non - Mizos. That's why, we need Sales Tax Act and Inner Line Regulation properly. We do not mean that the imposition of Sales tax is not good. But we should do it in accordance with the progress of the State. But now we are so poor to impose sales tax at an uniform floor rate as passed in the consensus by the hon'ble Chief Ministers. Our difference is so great with the developed States like Punjab, Rajasthan, etc.

Today, we are collecting sales tax at an uniform rate with other developed state. This is the heaviest burden of the poor people. It does not concern only sales tax but also millionaire non - tribal traders. The ILP issued to them may be extended yearly. We should think deeply whether the interests of the Mizo will be saved ?

And let us keep up and follow the joint Election Manifesto 1998 of MNF and MPC in regard to imposition of sales tax before Trading Regulation is properly formulated as moved by the hon'ble member. After that, we will collect sales tax if Trading Regulation is properly formulated. If we see only its dark side, we will never have success. If we do not know its implications or its advantages etc. let us keep silence. We should do our best for the good of the people. If we have a will, we can do the work. Let us have a good co - operation so that we may have the Trading Regulation. Independence may be very difficult but we will have a success to safeguard the interests of the Indian citizen i.e. backward classes. An alteration or amendment may be made to any law if circumstances prevail for much. I, therefore, support and request you to pass this Resolution.

Thank you.

Dr. LALZAMA : Thank you, Mr. Speaker Sir, for sparing me time to speak. Firstly, I want to raise question. MNF and MPC coalition Government had made decision to impose sales tax in the Cabinet Meeting held on 30th September, 1999. Four members of the opposition attended the Meeting. It was decided without any complaint. It was proposed to be effective from November 1999. I ask myself whether the four members will back up the resolution.

Secondly, The Central Sales Tax and The Mizoram Sales of Petroleum Products Taxation Act, 1973 were applied from 1st April, 1974. It is a good source of revenue for the State. It has amounted to Rs. 465.25 lakhs. Does the mover of Resolution included it in his resolution? We had practised them for about 27 years. It is the source of revenue for our State. The Central Sale Tax Act is passed by parliament and applied to the whole of India. Ous State too applied it. Does the resolution included this Act? It appears that we fear what is not to be feared. Even now, there are some non - Mizos who are residing permanently in Mizoram having ILP from the period of District Council but having no permanent residential permit.

We noted that there are non - Mizo traders permanently residing at Aizawl who hold ILP permanently who can only be registered under the present Mizoram Sales Tax Act. That's why, Mr. Speaker Sir, it is not to be afraid for Mizos such assimilation as said before. It appears that some hon'ble members speak ill of it for fear of difficulty in Sales tax payment. From several years back, the opposition Members pressed the Treasury Bench in this regard.

Mr. Speaker Sir, the present Government too, wanted to formulate the said trading rules and tried its best for this purpose. All political parties and voluntary organisations were invited for discussion. But some political parties did not want to

participate in the discussion. Mr. Speaker Sir, what I want to say is that the Central Sales tax is imposed in Mizoram for a long time. It does not make problem but became a very good source of state revenue. That's why, the resolution is not good for passing.

Thank you.

PU R. LALZIRLIANA : Thank you Mr. Speaker Sir. The Congress (I) Party was not afraid to attend the Meeting to have discussion on ILP and Sales Tax. The Congress (I) Party may be condemned since the Government did not know how to take step in the Trading Regulation.

Mr. Speaker Sir, it is fortunate to discuss this resolution. It will reveal what kind of man we are, you should not hate me for what I am saying. This resolution was once moved by Pu Zakhu Hlychho and discussed it on 23rd July, 1999. During that period, the MNF and MPC jointly ran the Government.

In the discussion, the hon'ble Members especially Pu Vanlalhlana, Pu H. Laltanpuia and Col. Lalchungnunga had spoken in contrary to this resolution.

No. 13th of joint election manifesto had provided that both the parties will not impose sales tax before trading regulation is formulated properly. But now, the said election manifesto had been broken. In this connection, I want to say that the Treasury Bench led the government without any respect to election manifesto as the election manifesto is only joint election manifesto.

And regarding Trading Regulation and Sales tax, it is the power of State Government as per provided in the State list no. 54 of the Constitution of India. It is unfortunate that the Government of Mizoram is afraid of the Central Government. I feel that it is very shameful for the hon'ble Chief Minister as he cannot safeguard the rights of the State Government which is provided in the Constitution of India Mizoram is really humiliated in this regard. The Congress (I) government had faced this problem for ten years back. It was always forced to impose sales tax. The leader of the Congress (I) government answered and said, "we cannot impose sales tax as other State had done for we were in disturbed area for a period of 20 years". One day, Planning Commission tried to reduce forcefully the demands of the Government of Mizoram in the Plan Discussion. The hon'ble Chief Minister, Pu Lal Thanhawla answered and said, "if so, I can't stay here, but I will beg to the mogolian brothers in the east", and left the discussion. Can not the hon'ble Chief Minister do higher than that?

As always stated, chapter six of Peace Accord states that - the Central Government will provide what is necessary for the Government of Mizoram in case of financial paucity imposition of Sales tax. Today, you can make objection against instead, it seemed that the hon'ble Chief Minister said nothing about such objection. Let him say, "you did not force to impose sales tax even during the former government for ten years, if you force me to do what we cannot, I will return to where I was coming out" why don't he answered like that?

The people of Mizoram expect this Government to stand for the poor. But instead, having become rich themselves, they seemed to have regarded themselves to be able to pay tax dis-regarding the conditions of the poor. Have they forgotten the people who elected them? We know that they received lots of warning but they are expected to face such warning bravely. Today, we the Congress (I) Party do appreciate the resolution, but it seemed that the mover and the party who ran the government are the same. The Congress (I) Government had imposed sales tax but withdrawn it again

two times as a result of their opposition during the previous Government. If the present Government could not make any regulation, we will make regulation as soon as we form the government. We will withdraw collection of Sales tax before Trading Regulation is formulated properly. The MNF Party is based on Psalm No. 15. Not only that, they had signed late with their blood for Mizoram. Now, they have 73 election manifestos. Out of it, two of them are not to be done. Actually, they have not implemented even a single election manifesto out of 71 election manifestos. They have to examine themselves in this regard.

Thank you.

S P E A K E R : It is pleasing that the members keep the time. Now, we'll have a recess and resume our business at 2:00 p.m.

Meeting adjourned at 1:00 p.m.

2 : 00 P.M.

S P E A K E R : Now, we will proceed to the next business. Firstly, it is required to set programme. It is required to fix time whether we will carry on our discussion after 4:00 P.M. Anyhow, let me know the opinion of the House.

P U K. VANLALAUVA : Mr. Speaker Sir, it's good to fix time at 4:00 p.m. so that we may adjust ourselves. The opposition group also will adjust themselves. That's our desire as it is generally done in this House.

P U LALHMINGTHANGA : Mr. Speaker Sir, the discussion is generally finished at 4:00 p.m. But now, two Ministers have to wind up. That's why, time is too limited for the members to discuss this resolution. I, therefore, request you to allow to cross 4:00 p.m. for discussion.

S P E A K E R : I am going to spare about 30 minutes for Ministers and the mover of the resolution.

P U LALHMINGTHANGA : Mr. Speaker Sir, it's good not to cross 4:00 p.m. We feel that the treasury bench will be liberal and have broad mind to accept our proposal. We, generally did not follow this principle before. In the discussion of private member's resolution, we usually crossed 4:00 p.m. We, therefore, request your good understanding.

P U TAWNLUIA : Mr. Speaker Sir, as we had generally done in other session, let us finish our discussion at 4:00 p.m. In fact, the ways and means of discussion is now the same.

S P E A K E R : The request of the hon'ble opposition leader is very respectable although other Members' request are also respectable.

PU Z.H. ROPUIA : Mr. Speaker Sir, the speeches are generally the same. That's why, I feel that we should not cross 4:00 p.m. The discussion is more or less like one member against all the members. After this, there is not much to speak.

PU H. RAMMAWI : Mr. Speaker Sir, although this resolution is important, we were given ten minutes each as 4:00 p.m. is regarded to be fixed for finishing or closing our discussion.

SPEAKER : Truly, the Ministers are to be given 30 minutes. But the mover of the resolution is given more time. Anyhow, let me fix at 4:15 p.m. for finishing our discussion. I do request your understanding as there is request from both sides. Now, Pu Sanghmingthanga H. Pautu.

PU SANGHMINGHTHANGA: Thank you, Mr. Speaker Sir. When I see this resolution, "sales tax imposed by the Government of Mizoram be relaxed till trading regulation formulated for safeguarding the interests of the Mizo is fully implemented". I found it to be conflicting itself. While the main theme seemed to be the Trading Regulation, it also implies the relaxation of sales tax. That's why, the mover is also confused in his speeches. If its main theme the formulation of Trading Regulation is good. It's good to be passed without any complaint, but its purpose seems to be the relaxation of sales tax imposed by the Government of Mizoram. That's why, I feel that it is unfit for passing in this august House. The Government of Mizoram is taking steps for formulation of Trading Regulations and summoned meeting three times. But the mover and his colleagues did not want to attend the meeting. The Government is ever-ready to formulate Trading Regulation to safeguard the interests of the Mizo people and readied at any time to approach the Central Government or NGO. I feel that the opposition member did not really like the Trading Regulation. It appears that it is only a political play in this august House.

And regarding sales tax, Mr. Speaker Sir, we decided to impose the sales tax with the MPC at the Cabinet Meeting on September, 10, 1999. No alteration is made till date and now the sales tax is imposed accordingly. But now, a proposed for relaxation of the imposition of sales tax is brought up in this House. Not only that, this government is accused of opening a door widely for non-Mizo traders. In fact, the non-Mizo traders hired the names of Mizo and ran business in our capital. I feel that it's good to examine ourselves.

And an MLA from Saitual Constituency speaks about the Joint Election Manifesto and speak ill of the two parties - MNF and MPC. Mr. Speaker Sir, the said election manifesto is joint election manifesto. But now, the MPC party is separated from MNF Party. As such, we have nothing to do in the joint election manifesto. We are now going to collect sales tax. The poor people will not suffer the imposition of sales tax but the merchants and the rich will suffer more. Due to the imposition of sales tax, the prices of various commodities cannot be so high as the maximum price is fixed in each articles. That's why, the imposition of sales tax is not desirable for the rich because the poor people are usually blamed in pricing.

That's why, Mr. Speaker Sir, it's not good to speak ill of sales tax as it is the safety of the interests of the poor people if it is collected with its right percentage. In fact, taxes are not collected from the rich and merchants but from the

poor customers. Because prices of articles are not fixed as high as they want. In this regard what has been teaching is not good. That's why, this resolution is not fit for passing in this House. Both the imposition of sales tax and trading regulation is indicated in the resolution. It must be a clear cut resolution. I will agree if it is a proposal for implementing trading regulation. On the other hand, I feel that the resolution is unfit for passing.

Thank you.

PU F. LALTHANZUALA : Thank you, Mr. Speaker Sir, our discussion is a very important discussion. Firstly, MLA of Saitual Constituency nicely spoken about this resolution and criticised both MNF and MPC party. But it seemed that he did not know the facts. The ruling party wanted to impose sales tax and discuss it accordingly. But they thought that ILP would be given to the applicants for a period of one year. While sales tax would be imposed to a person who holds ILP not less than for two years. If so, the interests of the people would be saved. But an order was issued on July 30, 1999 indicating that ILP can be issued for a period of two years. On August 19, 1999, ILP can be issued for a period of three years. That is the reason why we dislike and oppose the imposition of sales tax. That's why, this resolution is very important for passing in this House.

Secondly, what I want to say is that Mizo nationalism seemed to have died down year by year. Although we have a high percentage in literature, we are but a young society coming out of forests. I feel that it is required to safeguard ourselves against the west and eastern people i.e. Indian and Burmese traders who came to Mizoram. They are very at home in Mizoram. They had encroached the economic development of Mizoram from both sides. The learned men regarded us to be simple and the Indian traders are regarded as sophisticated. That's why, we should be very careful at any time against the plain traders. On the other hand, we also should be careful against the people coming from the eastern side. Border trade centre is to be established in the eastern side of Mizoram i.e. Champhai. In our transaction, our money will be gone in the east. I think that Border Trade Centre at Champhai will be the source of our declination. By law, 40km from the boundary will be the line of free area. It is very frightening for our state to be economically assimilated.

A few days back, a man from Thingsai Village comes to DGP Mizoram and informed him the cooperation between CNA and Thingsai Police Commander. We may not be saved from the backward classes if this happens to be true.

And it is also required to care for the plain people coming to Mizoram. By our ILP, which may be issued for two or three years, the door is opened widely for them.

A few days back, Forest Department called for Bamboo Mahal. Someone tried to issue the bamboo mahal to the plain people. That's why, let us have a Regulation properly, ILP is not safe for our State. Let us therefore, pass this resolution.

Thank you.

PU K. THANGZUALA : Thank you, Mr. Speaker Sir, I feel that it's not
MINISTER necessary to speak much. I would like to speak about the Resolution. I expected the mover to speak the safety of the interests of the people of Mizoram, but he didn't speak much about it. I had read out the list of Resolutions and this resolution is at 7th and 13th of the List. Other resolutions are complete in themselves, but this

resolution has contained a condition. The condition contained in it is not possible to implement in this House. As such, I feel that this resolution has demerit in itself. And next to this, the provisions of this resolution can be implemented only from the Central Government. The Trading Regulation provided in this resolution could not be implemented here in Mizoram. It is the responsibility of the Central Government. The sales tax act provided in this resolution is done by the Central Government at an uniform rate to all its states. We cannot cease or alter the instruction from here.

That's why, the provisions of this resolution is not to be considered or implemented from here. I, therefore, feel that this resolution is unfit for consideration in this august House. Anyhow, I feel that it is necessary to think whether we were saved or not saved in this regard. Although we have no Trading Regulations properly, do you know whether there is a rich merchant coming to Mizoram after attaining Union Territory till date? Instead, they are decreasing year by year. As such, I feel that the interests of the people of Mizoram is saved now?

In fact, while we want proper rules and regulation, the common people needed it greatly and urgently. For example, in Silchar no other tribe could run business successfully due to communal feeling. Deeply considering the provisions of this resolution I feel that it is unworthy to consider in this august House for we have nothing to be implemented. I, therefore, request the mover to withdraw his resolution.

Thank you.

PU LALRINZUALA : Thank you, Mr. Speaker Sir, for sparing me time to discuss this resolution. We are now discussing a very important resolution. If the honourable House Leader attends today's sitting, I think he would show yellow or red card to some Members of his colleague because of what he had spoken - "nothing is impossible in politics", on December 3, 1998. Some Members regarded this resolution as impossible for implementation.

I also want to express my gratitude for the speeches of the hon'ble Member from Saitual Constituency as the Congress (I) party was awoken from their dream regarding the imposition of sales tax in Mizoram. He said that only his party has to speak about the Trading Regulation and Sales Tax. But I feel that there may be mistakes in his speeches. Mr. H. Laltanpuia and his party are the true party to move this resolution. We have now just getting out of the custody of the Treasury bench. We feel that we are happy to discuss this resolution without any care for their opinion. We, therefore, move this resolution. The Congree (I) Ministry firstly imposed the sales tax two times and withdrawn it again as it was opposed by the MNF party in 1991. In these days, the present Treasury bench (MNF Party) strongly opposed the imposition of sales tax as it is the burden for the poor people. I expected them to remain in their stand. That's why, Mr. Speaker Sir, we should pass this resolution.

Now, Mizoram is placed in the special category state by the Central Government as the Eleventh Finance Commission Report 2000. The Eleventh Finance Commission is very careful in dealing with different states. It differentiates all States in different category. It placed five states at high income state, five states at middle income state, five states at low income state and ten states in the special categories states. The states which can be easily be assimilated and which requires protection by law are placed in the special category states. That is to be used for our tool. The Central Government too had treated us accordingly. I feel so sorry to regard ourselves as high income state. It is not good to be afraid of the Central Government who love our state. We cannot comply with all the directions coming from them. But we should think the welfare of our state. I wonder how can a ruling member said 'it is good for

the poor people'. In fact, if city bus fare is raised and if market price is higher, the rich never suffers but the poor people usually suffer more.

That's why, Mr. Speaker Sir, let us pass this resolution without any complain.

Thank you.

PU NIRUPAM CHAKMA: Thank you, Mr. Speaker Sir, for sparing me time to speak. This resolution brought in by MLA of Suangpuilawn Constituency is right enough. It is clear that all of us like to have Trading Regulation to safeguard the interests of the people of Mizoram.

As said before, sales tax is imposed by the Congress (I) Ministry but as a result of opposition by the MNF Party from different angles it was relaxed two times. The Congress (I) Ministry was also taking step to have Trading Regulation properly. It did its best and also went to Delhi. It also decided to follow it.

And all parties wanted to have Trading Regulation and sales tax. All of us like to have Trading Regulation for non-tribal traders, who might have been doing business in Mizoram without permission. And we also like to relax the imposition of sales tax before Trading Regulation is formulated properly. When Government is formed, the imposition of sales tax is the first step taken by the Government. Which party does not stand by its election manifesto? We are now busy standing by the manifesto. Let us be clear and stand firm in our policy. Let us stop the imposition of sales tax, after that we will fight for Trading Regulation. We will know whether we will have success or not.

Lastly, the present Government of Mizoram have no proper policy formulated. As we had listened in the morning, the Government will now issue ILP for a period of three years which can be extended for four to five years. It seemed that the present Government is not clear in its policy. It also seemed that they did not dislike non-tribal traders, not only that they also favour them Mr. Speaker Sir, we stand by this resolution. But it was rejected on 23.7.99. That's why, we will leave the House.

Thank you.

PU VANLALHLANA : Thank you, Mr. Speaker Sir. It is very pleasing that this Resolution is moved by Pu H. Laltanpuia. I feel that we should discuss it seriously as it is an important issue for the good of our country. Just like this resolution was brought into this House in 1999 by Pu Zakhu Hlychho, our ideas were spoken out by Pu Lalzirliana a few minutes back. By principle, I do support the resolution. But as I feel that there was a good trading regulation for imposition of sales tax I had opposed the resolution at that time. The Mizoram Extra - Ordinary copy issued on 1.7.1991 indicated that "Mizoram Trading Regulation Act, 1991 which received the assent of the Governor of Mizoram on 3.6.1991". But it still requires the assent of the President of India before the bill is passed in this House as provided in Article 304 of the Constitution of India. The Government of Mizoram did not know the procedure at that time and brought the bill in the House without the assent of the President of India and passed it. But it is meaningless.

That's why, this resolution is required for passing in this House. The wording of the resolution was criticised by the hon'ble Members. But it indicates a

Trading Regulation for the safety of the interest of the Mizos and it also indicates relaxation of sales tax which is being imposed. It means that we should have Trading Regulation for the safety of the interests of the Mizos as indicated in the Election Manifesto. We should work for the safety of our religion, country and our nationalism. Stopping of illegal non - Mizo traders and relaxation of sales tax before Trading Regulation is formulated properly was also included in the Election Manifesto. That means we feel that our State and society is not safe from non - Mizo traders.

We, the Mizo tribes are few people who are not high in literature and easy to be assimilated. Tiperis and Cacharis were already assimilated. We all fear of assimilation. We, therefore, should make law for protection of our society. The British too had protected us against assimilation by Bengal Eastern Frontier Regulation and Chin Hills Regulation. After Indian Independence, we were protected by Sixth Scheduled to the Constitution of India. After becoming District Council, we were protected by Trading by Non - Tribal Rules. After becoming a State, the illness of our State has appeared. Now, Sales tax is imposed in the State without having Trading Regulation properly.

That's why, the people of Mizoram want Trading Regulation before sales tax is imposed in the State. For this purpose, let us have cooperation to request the Central Government. Failure in first attempt did not mean the failure in future. I feel that we will have success if all parties have cooperated in this matter. I, therefore, request all the hon'ble Members to pass this resolution.

Thank you.

PU Z.H. ROPUIA : Thank you, Mr. Speaker Sir. I feel that this resolution is very important. The resolution is that "sales tax imposed by the Government of Mizoram be relaxed till Trading Regulation, formulated for safeguarding the interests of the Mizos, is fully implemented. The Trading Regulation is now being discussed. It implies that Trading Regulation is formulated for safeguarding the interests of the Mizos. But we are mixing Trading Regulation with that of Sales tax. Step is taken for proper formulation of Trading Regulation and tax is imposed from 1972. Mr. Speaker Sir, what I feel is that those sitting on the left side said that they relaxed tax for the time being.

In regards to petroleum and petroleum products, motor vehicles and entertainment, tax is being collected till date. The resolution may be genuine if it means to collect tax in addition to the present collection by the Government of Mizoram. The thing they seemed to have dislike most is what we have done altogether. It seemed that they did not like it for they separated themselves from the Ministry.

Anyhow, any law is fruitful according to its enforcing agency. If its enforcing agent is not efficient, the people and their interest is not served or saved. Why, we should have a mind of ownership. If the owner of the land does not love his native land, no law can ever protect the land and its inhabitants. For this reason, we should do our best to protect the people and their interests by means of the present rules and regulations.

I, therefore, think that this State of Mizoram will be saved because the owner of the land is looking after it. That's why, I feel that it is good enough to carry out the decision made by the Cabinet Meeting on 30th September, 1999. We should do nothing just like Vawrselapa did in the legend. We should do everything as a gentleman's promise.

And again, I feel that there is an advantage for the poor people in

regards to the imposition of sales tax by the Government. Because, prices of commodities can't be so high as one's own desire for the printed price will be based for imposition of Sales Tax.

We should therefore be ready to safeguard the interests of the Mizos by means of Inner Line Regulation. I, therefore, request the mover of this resolution to withdraw it from this august House.

Thank you.

S P E A K E R : Now, we will call upon Pu Zakhu Hlychho, opposition Leader. After that we will call upon Ruling Deputy Leader, as the hon'ble Chief Minister is absent from the House. After that Pu Lalchamlana will be called again.

P U Z A K H U H L Y C H H O : Thank you, Mr. Speaker Sir, what I want to speak in the first place is that the Sales Tax on Petroleum and Petroleum products was not collected according to State's Sales Tax Act. When I became a Member of this House, I deeply think what God had appointed me to do in this august House. I feel that I should speak all things which is best for Mizoram. As such, I don't care whether I am a Member of opposition or a ruling party. One thing, what I want to speak is that some Members speak a thing according to the side of their seat. The hon'ble Chief Minister said, "we, the people of Mizoram are now too poor to impose sales tax, we are unfit for imposing sales tax," in this House in 1997. I feel that he has a spirit of true patriotism.

But MLA General Election is held in 1998 and the present Government won the election. After 9 months hence, the Cabinet Meeting had decided to impose sales tax in the State. I am very sorry for House Leader's absence. I was greatly surprised by his speech. The speech is, "we, the Mizos who usually paid taxes from our forefathers, it is shameful to become a tribe who could not pay taxes". I do wonder about him, I asked myself "how can he changed his colour very easily?" It is only 9 months for changing his idea. That's why, it appears that some members used to speak in accordance with the sides of their seats.

And I raised a resolution which is better than this resolution in July, 1999. The resolution was "the imposition of sales tax be relaxed for a moment till and until a law is formulated and passed for safeguarding the sons of the soil". If the resolution moving party had been supported, there may be great difference on this day. But my resolution was rejected by the mover of this resolution, at that time. That's why, I don't know how shall I treat this resolution.

Mr. Speaker Sir, we, the Congress (I) Members had never changed our ideas according to the sides of our seats. We have a stand till date. Mr. Speaker Sir, we had imposed sales tax when we were sitting in your right hand side but by the request of opposition members and all organisations in the State we did relax the sales tax which we were imposing.

S P E A K E R : Was not it because Assembly Election was at hand ?

P U Z A K H U H L Y C H H O : And it is said that it is fearful to impose sales tax without Trading Regulation. As such, we followed the suggestion. We, then, formulated the Trading Regula-

tion as good as we can and submitted it to the Government of India. The President of India too, assented the Trading Regulation on 12.2.1997 and an ordinance was also issued accordingly. And the Trading Regulation was laid on the Table of the House in August, 1997. But, Mr. Speaker Sir, your right hand side Members said that the Trading Regulation was not good enough and asked the House not to pass. We then withdraw it accordingly. We, at that time, might have passed it as we were the majority, but we did not like it. On the other hand, we decided to sent joint delegation to the Central Government with the opposition Members. But the term of Ministry came to an end before we implemented the Trading Regulation.

Mr. Speaker Sir, other thing I want to say is that the Treasury bench is running the Government for three years, why did not they make even a single sentence of the Trading Regulation? The next step is to make a few alteration. One week is enough for this alteration. The hon'ble Home Minister said that the Government would impose sales tax to the rich merchants only. But it is not true. The Government have now imposed sales tax from 150 items. That means sales tax is imposed to the poor people. That's why, the source of the resolution may not be right, but as we regarded the imposition of sales tax not to be good I will support the resolution.

Thank you.

PU LALHMINGTHANGA : Mr. Chairman, Sir, I feel that this resolution seemed to be very important, each of us try to be project ourselves to be innocent against the Trading Regulation. In fact, among the three party in this House, we, the MPC Party are the most clean hand from Government Record. Fortunately, I had held the post of Finance Minister for five years. Every year Prime Minister and Home Minister informed us to collect sales tax since U.T. But we never followed the instruction. Truly speaking, the Congress (I) Government is the one who makes the Central Government to be voracious government. It could not tolerate the Central Government and its imposition of sales tax. Not only that, the Trading Regulation is also being neglected for the last ten years.

As you know, we had formed a Ministry with the MNF Party for the time being. But all decision is generally done by vote. As such, we, MPC Party were meaningless in regard to the administration of the government. And the orders and Notifications were not known by MPC Legislature Party. I think you will know the situation from this House.

The importance of Trading Regulation is to prevent our state from being assimilated. Mr. Speaker Sir, the adjoining states like Tripura, Cachar, Garo, Khasi and Nagaland were assimilated. We are fortunately safeguarded by God. We should therefore, have rules and regulations to safeguard ourselves against economical assimilation. Trading Regulation is needed for our State. It is a thing which can be made possible. Article 19 of the Indian Constitution provides reasonable restrictions, under which we can make rules and regulations for safeguarding ourselves as we are minority communities.

And regarding the imposition of sales tax, I feel that there is two loopholes. Firstly, the sales tax act is made by the Congress (I) Government. Section 59 provides removal of difficulties. By means of this section the MNF Ministry tried to stop non-Mizo traders by means of ILP. But the spirit of Section 59 is not applied in its true sense. One may appeal to a Law Court, if so, we will not be favoured by the Court.

And sales tax is imposed from the sales of commodities of the traders;

if we have no good rules to protect ourselves assimilation is apprehensive as others had in our surrounding states. We, therefore, make proposal to formulate the rules to safeguard the interests of the people. Generally, we object to imposition of sales tax, but we desire to safeguard the interests of the people. But we feel that it is not good to impose sales tax to the poor people for earning money for the government. We also dislike to impose sales tax for stoppage of non - Mizo traders with flexible rules we knew it is now easy to have Trading Regulation. But we should have a good tool as the Central Government did. We, therefore, mean that let's make a request to the Central Government to exempt us from sales tax cooperating with the Treasury bench and opposition bench, Churches and other voluntary organisations. We hope that we would have a success if we make a consensus demand to the Central Government by relaxing the imposition of sales tax. In short, Mr. Speaker Sir, we mean that let us safeguard the interests of the Mizo people, if we cannot do so, we may be easily assimilated economically.

Thank you.

PU TAWNLUIA : Thank you Mr. Speaker Sir, for sparing me time to
MINISTER speak. I am very happy for we are discussing this
resolution earnestly.

Mr. Speaker Sir, the hon'ble Chief Minister is absent from the House today. I feel that it's good not to speak about him in such a way as said. What I want to speak is about Trading Regulation. All party desire to have Trading Regulation, we also want this Trading Regulation all the time. As said before, we want to request for Trading Regulation to the Central Government with a consensus of all political party, Church leaders and all voluntary organisations. For that purpose, the hon'ble Chief Minister, Commerce Minister and Taxation Minister called meeting many times. But it seemed that some Political party did want to attend the meeting seeking political advantage to the people. But now, as a result of our discussion, I expect that we will be supported in future. We still do support the Trading Regulation Bill, 1998 which the Government of India could not accept. Both the Central Government and State Government of Mizoram looked back its provisions till date. The social organisation of our state too give importance to it. As such, we do not forsake the Trading Regulation till date. I feel that we have a positive result to have this Trading Regulation from our discussion today.

Regarding sales tax, the Cabinet meeting of this Government decided to impose sales tax in September, 1999 to be effective from 1st November, 1999. I was absent on that day, hence I could think myself free of the blame if I want to. But, that is not the way to be, hence, the hon'ble members should not isolate themselves from the said decision.

In our discussion, we do generally accept the imposition of sales tax but we want to relax the imposition of sales tax before Trading Regulation is formulated for safeguarding the interests of the people. It seemed that we are afraid of assimilation economically. But the Government of Mizoram admitted that the interests of the people could be safeguarded by means of ILP under Bengal Eastern Frontier Regulation Act. And the Government of Mizoram issued a guideline for this purpose. But none wanted to speak out about it. The Government of Mizoram had a revision of the guidelines of ILP issued by the Government in 1995. Section 11, (a) and (b) are amended. Section 11 (a) is that "whoever comes to Mizoram to do business, ILP can be issued for a period of one year which is renewable yearly". Section 11 (b) is that "Inner Line passes with validity exceeding one year but not exceeding three years renewable by six months at a time may also be issued to persons who are in possession of permanent trade license or permanent resident certificate holder". In short, there are some persons who hold

permanent trade licence in Mizoram. They hold permanent trade licence from the period of District Council. They are still holding. They are not rejectable by law. Besides, permanent resident certificate was issued by the Government to its permanent citizens. After 1995, no permanent resident certificate is issued to any person.

That's why, it is our stand not to impose sales tax without having Regulations properly. But ILP for one year may be issued to a person to run business. If he is to be registered under sales tax registration he should have two years valid of ILP. There is a trap in that. Mr. Speaker Sir, let us know the fact in this regard. And three years valid of ILP means the person who are having permanent resident certificate or permanent trade licence. To protect them as a citizen is the responsibility of the Government.

That's why, there is nothing to be afraid of. We have given good instruction to the Deputy Commissioner or enforcing law. In this regard, we have self-confidence to protect the interests of the people. That's why, the imposition of sales tax is safe enough for our state. And the Trading Regulation Bill formulated by consensus will be submitted to the Government of India. We will take prompt action. Before the implementation of this Trading Bill, I want to inform the House that the imposition of sales tax is safe enough for the people.

Thank you.

S P E A K E R : Now, we will call upon Pu Lalchamliana to wind up this resolution.

PU LALCHAMLIANA : Thank you, Mr. Speaker Sir. I think that the resolution we are discussing is very very important, for three Members have contributed for the discussion. On this day, I feel that the imperfection of Parliamentary Democracy appears from this resolution. In Presidential form of Government each member has a wide liberty. But in Parliamentary Democracy, such liberty is not given to the Members. I also feel that the defectiveness of party politics appears from this resolution. In Democracy, Party plays a vital role in politics. It is indispensable part in Democracy. I feel so sorry for the defectiveness of party politics which we have experienced. When I studied closely about the resolution I feel that it has so many defects, as such I do not think it is fit for discussion in the House.

Firstly, what I want to say is that some Members seemed to think that the Government had taken step for Trading Regulation only a few minutes ago. We had taken all steps to this end. But, sanction by the Government of India is required as provided under article 304 (b) of the Constitution of India. The resolution could therefore be regarded as defective as it is out of the authority of State Government. I, therefore, feel that it may be best to withdraw it by the mover. On the other hand, some hon'ble Members want sales tax to be relaxed till Trading Regulation is formulated and implemented. In fact, sales tax is not imposed by means of Trading Regulation. Sales tax and Trading Regulation had no connection at all. If we were asked by Government of India whether we are imposing sales tax by means of Trading Regulation. How shall we reply then?

In fact, I feel that one will encourage the imposition of sales tax for those who are going to win the next Election and form a Government. I think that the former Finance Minister Pu J. Lalsangzuala will support the imposition of sales tax if he was the Leader of the opposition group. In this regard, no Member wants to oppose the imposition of sales tax. Regarding the rules, the former Government had already

formulated the regulations. But some of them are not practised by them. If it were applied, I think that this resolution would not be brought for discussion. We never had any Trading Regulation but we had only Trading by non - Tribal Regulation. This Regulation is formulated for non - tribal traders. The Mizoram Trading Regulation ordinance, 1995 was promulgated in 1997. But not in force till date. Mr. Speaker Sir, I feel that this is not fit for relaxation of the imposition of sales tax.

As the Opposition Leader said, section 59 of the Mizoram Sales Tax Act, 1989 will not save us in the law court. The Government of Mizoram also noted the defectiveness of this section 59 and make alteration of the provision of the Inner Line Regulation to safeguard the said section and provided there - in "where as it is necessary to make an addition to the revenues of the state of Mizoram and for that purpose, it is expedient to impose a tax on the sale of goods in Mizoram in so far as it does not meddle the provisions of the Bengal Eastern Frontiers Regulation 1873 under the Regulation enacted for the purpose of Trade in Mizoram". That's why, it is no more doubtful in this provision of section 59 of the Mizoram Sales Tax Act, 1989.

Now, Mr. Speaker Sir, our likes and dislikes in regards to sales tax and Trading Regulation are all the same. Each one like the best. The Government too, think deeply about it and decided the imposition of sales tax. We all regarded Inner Line Regulation to be the best rule for safeguarding the interests of the Mizo people as said by Pu R. Vanlawma, Padma Shree in his article. If we speak a lot about it in this House there may be a dark side which we did not like. As we know, all of us desire to impose sales tax. But some political party seek and play for political advantages. Pu Lal Thanhawla the former Chief Minister of Mizoram too said that thirty organisation out of thirty-one like to impose sales tax.

In short, Mr. Speaker Sir, all laws are generally good but it is important who apply or enforce the laws. That's why, I want to request the mover of this resolution to withdraw it although it is respectable.

Thank you.

PU AICHHINGA MINISTER : Mr. Speaker Sir, this resolution falls under the portfolio of two Ministers, for that reason, I will urge for Trading Regulation. I will also speaks about sales tax shortly. I want to give thanks to the speeches of the hon'ble Members for it gave me some informations.

After invalidity of Trading by non - Tribal Regulations, we have no Regulation for regulating trade for non - tribals. That's why, we do support to formulate Trading Regulation. The former MNF Ministry too, gave attention to this, but it brought forth no fruit. The Trading Regulation was formulated in 1991 which was assented by the Governor and was published in Mizoram Gazettee. But the Secretary, Trade and Commerce said that the Trading Regulation was impracticable as it contravenes article 304 of the Constitution of India prior to seeking sanction from the President of India. As such, ordinance is made to get prior sanction of the President of India in 1995 and the prior sanction of the President was taken in 1997. That is to be passed in the House within six months and as such the Bill was introduced in 1997. After discussion, the House withdraw it as the ordinance was not safe enough and requires alteration in some sections.

Therefore, the three major party MNF, Congress (I) and MPC drafted another again and have it readied in 1998. And the draft was submitted to the Government of India and was considered immediately. At that time, the term of Ministry came to an end and there was an interim period for this Trading Regulation.

But, we, the new Government followed the matter and submitted it to the Government of India. The hon'ble Chief Minister too, submitted application for implementation of the Trading Regulation to the Home Ministry on 19th September, 2000. After that the Chief Minister and Chief Secretary submitted application separately. But on 10th May, 2001 Home Minister informed us to submit again another draft as it has some minor defects. We, therefore, take different steps for this purpose expressing the situation and called meeting for discussion on 7th August, 2001 (Friday). But other political leaders regarded this as a failure of Trading Regulation and made immediate reaction. They said that they could not participate in the discussion if the imposition of sales tax is not withdrawn for the time being. We, therefore, could not make any decision. As requested by the students, meeting is called again on 23th August, 2001. Here, their stand is the same as before, we informed them that we could not discuss about sales tax, but only about Trading Regulation as sales tax is not the purview of our Department. That's why, the meeting was adjourned without making decision. But we resolved to summon another meeting by the hon'ble Chief Minister. Accordingly, we had a meeting on 10th September, 2001 inviting all parties, but Congress (I) and MZP were absent from the meeting. Then, the hon'ble Chief Minister said that "we are now to discuss about Trading Regulation but not the withdrawal of the imposition of sales tax". He further said that sales tax would be withdrawn if necessary, but our question is how shall we take steps regarding this Trading Regulation. At this time too, they did not like to discuss it if sales tax is not withdrawn. That's why, while we desire to have Trading Regulation, it seemed that we are intending to regulate the person concerned but not trading. It also appeared that we tried to regulate the traders but not trading. But we are to regulate the trading. Mr. Speaker Sir, under such circumstances I am afraid that we would not produce such Trading Regulation. Anyhow, we, the MNF party has already taken step towards this. It seemed that we cannot enter into the point, as we mix sales tax with that of Trading Regulation. In fact, ILP and sales tax have no relation nor Trading Regulation and sales tax has connection. I think their suggestion would be as follow "we should take a serious step in Trading Regulation as sales tax is imposed by the Government". I, therefore, feel that this resolution is unworthy to be passed and I also request the mover to withdraw his resolution and make a new resolution as a progressive step for formation of Trading Regulation.

Thank you.

S P E A K E R : We will now call upon Mr. H. Laltanpuia. We will give him five minutes without consulting the House.

P U H. L A L T A N P U I A : Mr. Speaker Sir, I am very grateful for 17 members of this House participated in the discussion of my resolution. What I want to say is that the speeches of the ruling Members are contrary to each other. Mr. Speaker Sir, I have a high expectation to pass this resolution as we used to do with the ruling party resolution. But, Mr. Speaker Sir, I am very sorry for some Members of the Ruling Party have such desperate thoughts. If such Members rule the State how shall we bear the burden of the people. In this regard, I want to inform the House that we are ready to bear the burden of the people. Mr. Speaker Sir, it is said that we may have Trading Regulation under article 19 of the Indian Constitution as it was formulated in 1977. Some hon'ble Members pointed out the proceedings of this House for which I feel very grateful. When we were discussing the resolution of Pu Zakhu Hlychho, the ruling party said that permanent trade licence could not be issued from ILP. But it seemed that permanent trade licence can be had by them by means of ILP. After seven days of that Session, that is 30th July, 1999, the Government issued a corrigendum. When we noticed it, we found that it is dangerous for our State. The cabinet decision is made by majority of

vote at the meeting. If so, there is no way to escape from being decision maker. The hon'ble Minister of Taxation and MLA of Kawnpui said that if all the provisions of ILP is quoted, it will weaken ILP which we have been using for protection.

If one paid for sale tax and has a receipt it is regared as trade licence. If he appeals to the court he will never be favoured in anyway. That's why, Mr. Speaker Sir, I request this august House to pass this resolution "sales tax imposed by the Government of Mizoram be relaxed till Trading Regulation, formulated for safeguarding the interests of the Mizos, is fully implemented", remembering the interests of the next generation, not only considering this five years term only.

Thank you.

S P E A K E R : Now, the hour of our discussion is over. We shall take vote on it. (The House voted the resolution and rejected).

Now, we finish our business. The next business will be resumed at 10 : 30 A.M. on Monday.

Sitting adjourned.