

FOURTH SITTING ON MONDAY, THE 22ND 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.

S P E A K E R : For the nation and Kingdom that will not serve you shall perish; those nations shall be utterly laid waste.

Now, we shall take up questions. Starred question, No. 61 to be ask by Pu R. Lalzirliana.

PU R. LALZIRLIANA : Mr. Speaker Sir, starred question, No. 61 to be answered by Home department. My questions are -

- (a) Has telescope been purchased for Police department? If so, what is the cost and how many numbers?
- (b) Is there any inferior quality of uniforms supplied by the Police uniform supplier?

S P E A K E R : Now we will call upon Pu Tawnluia Home Minister, to answer the questions.

PU TAWNLUIA MINISTER : Mr. Speaker Sir, the following are the answers -

- (a) Telescope has not been purchased for Police Department,
- (b) There is no supply of inferior quality of uniforms by Police uniform supplier.

PU R. LALZIRLIANA : Mr. Speaker Sir, supplementary question - from the information I received from police personnel, the quality of uniform is so inferior that it is imposible to starch their uniforms. The supplier is supplying uniforms which is not similar to the sample piece produced at the time of quotation. I would like to ask the Minister, if this is true?

PU TAWNLUIA MINISTER : Mr. Speaker Sir, what the hon'ble member had just said is correct. There are times when the sample piece does not match with the actual uniforms supplied. The colour, quality seems to be different. Therefore, we thought of ordering the materials straight from the manufacturer. However, I would like to assure the hon'ble member that step shall be taken to control the quality.

S P E A K E R : Now, we shall call upon Pu Lalhmingthanga, to ask starred question No. 62.

PU LALHMINGTHANGA : Mr. Speaker Sir, starred question No. 62 -

According to jail wise, what is the total amount of bill pending for the supply of food and fire wood etc?

PU B. LALTHLENGLIANA : Mr. Speaker Sir, the answer to the questions are -
MINISTER

1.	Central Jail Aizawl		
(a)	Dry ration	:	Rs. 12,20,291.00
(b)	Fresh ration	:	Rs. 16,06,838.00
(c)	Fire wood	:	Rs. 8,37,650.00
	Total	:	Rs. 36,65,454.00
2.	District Jail, Aizawl		
(a)	Dry ration	:	Rs. 29,993.00
(b)	Fresh ration	:	Rs. 18,072.00
(c)	Fire wood	:	Rs. 20,000.00
	Total	:	Rs. 2,30,654.00
3.	District Jail, Kolasib		
(a)	Dry ration	:	Rs. 2,13,229.00
(b)	Fresh ration	:	Rs. 2,23,334.00
(c)	Fire wood	:	Rs. 74,761.00
	Total	:	Rs. 5,11,324.00
4.	District Jail, Champhai		
(a)	Dry ration	:	Rs. 13,53,029.00
(b)	Fire wood	:	Rs. 1,00,000.00
	Total	:	Rs. 16,53,419.00
5.	District Jail, Lunglei		
(a)	Dry ration	:	Rs. 8,78,529.00
(b)	Fresh ration	:	Rs. 7,10,367.00
(c)	Fire wood	:	Rs. 64,523.00
	Total	:	Rs. 16,53,419.00
6.	District Jail, Saiha		
(a)	Dry ration	:	Rs. 2,93,389.00
(b)	Fresh ration	:	Rs. 1,46,757.00
(c)	Fire wood	:	Rs. 99,870.00
	Total	:	Rs. 5,40,016.00
	Gross Total	:	Rs. 78,90,677.00

PU LALHMINGTHANGA : Mr. Speaker Sir, we have heard that the suppliers had formed an association. They are facing great problem. I would like to know when the Government is planning to release their bills?

PU LALRINZUALA : Mr. Speaker Sir, supplementary question - I would like to request the hon'ble Minister to let the House know why such a big amount of bill is pending?

PU LALZIRLIANA : Mr. Speaker Sir, around 80 lakhs of supplier,s bills are kept pending. While on the other hand, false MR bills are being released by the government. The hon'ble Minister may not be able to answer the question right now since it,s not relevant. I would request the hon'ble Minister if he could kindly look into the matter.

PU ZAKHU HLYCHHO : Mr. Speaker Sir, we have heard that the government have 80 lakhs debt what I want to know is - If the debt is kept in the budget provision, then, what is the total budget figure for IG Prison? Thirdly, from what year does the debt begins?

S P E A K E R : Now, we shall call the Minister-in-charge to answer the questions.

PU B. LALTHLENGLIANA : Mr. Speaker Sir, the answer to the various questions
MINISTER may be clear this way - When the Mizoram Government imposed Total Prohibition Act in 1995, 20th February, the number of jailers increased tremendously in the year 1996, the average jailers per day was 655. Then, in the year 1997, it went up to 1370, thereby the amount needed for the maintenance of jail went up to Rs. 148,81,305 in the year 1997 - 1998. In the budget provision, we have Rs. 77 lakhs and additional Rs. 72 lakhs was given for R.E. The total amount was 149 lakhs. This year without much problem we were able to go through. Then, in the year 1998 - 99 average jailer was 1200. Then, the amount needed for the maintenance, also went down to Rs. 128,57,200/- but the budget provision was Rs. 9,60,000/-. Then, additional Rs. 21 lakhs was given for R.E. Then, the total amount came to Rs. 117,000/-. Therefore, the same year there was Rs. 11,68,2000/- deficit.

In the year 1999 - 2000, the amount needed was Rs. 147,66,620/- whereas the budget provision was 94.30 and additional Rs. 26.20 was given for R.E. The total amount is Rs. 120,00,000. Then the deficit was Rs. 26,96,620 that year. Then, in the year 2000 - 2001, the amount was Rs. 165,67,448 whereas the budget provision was Rs. 60,00,000 and additional Rs. 36,00,000 for R.E. was given. The total amount was Rs. 96,67,448 and the deficit that year was Rs. 69,67,448. This year the amount needed is Rs. 122,40,000 whereas the budget provision was only Rs. 53 lakhs. Then for district and sub - jail we have 7 lakhs, total 60 lakhs. We will be expecting Rs. 30 lakhs from plan budget. Then from non plan budget we have a balance fo 14 lakhs, adding together, we will be expecting 44 lakhs.

However, there is four/five months to go, therefore, I cannot give the exact amount yet.

Hon'ble member from Saitual Constituency spoke about M.R. I would like the hon'ble member to know that action had been taken. Show cause notice had been given to the nine people involved, necessary action shall be taken.

S P E A K E R : Now, we will call Pu L.N. Tluanga to ask starred question No. 63.

PU L.N. TLUANGA : Mr. Speaker Sir, thank you. Starred question No. 63, Co-operation, Minister to answer.

- (a) Is Mizoram Co-operative Apex Bank being rescued from Section 11(1) of Banking Regulation Act 1949?
- (b) What improvement had been made regarding the difference between the maintenances by the elected Board of Directors and the Government?

PU C. LALRINSANGA : Mr. Speaker Sir, the answer to the questions are -

- (a) The Apex Bank of Mizoram had not been rescued from Section 11(1) of Banking Regulation Act, 1949.
- (b) The improvement seen between the difference of maintenance by the elected Board of Directors and Government are -
 - (1) Regarding Loan sanction, the Branch Manager had been given responsibility. Accountability clause had been made with this, Bank Employees are made responsible in the management.
 - (2) Loan rules is made and the Government had approved the rules.
 - (3) Loan screening committee had been introduced in the Head Office.
 - (4) Co-operative Apex Bank is now computerised in order to make Bank Accounting easier for the people.
 - (5) Reserve Bank of India had instructed the Co-operative Bank to apply the 'Prudential Norms' like commercial banks, hence, the bank is unable to make profit. However, after sincere effort, Annual operating profit is being made.
 - (6) Co-operative Bank of Mizoram has now made tie-up arrangement with ICICI Bank for the convenient of customers. Then, statutory liquidity ratio which is made compulsory by RBI is also deposited which is 250% in the Government of India security and statutory liquidity ratio.

Lastly, assets recovery branch had been set up for loan recovery. The Mizoram Public Demand Recovery Bill 2001, which had just been passed will help us tremendously. Lastly under voluntary retirement scheme, Rs. 3 crore had been sanctioned.

PU VANLALHLANA : Mr. Speaker Sir, supplementary questions. The performance of Bank can be judged from the profit and deposit made by the bank. Therefore, my question is, what is the difference of profit and deposit made by the bank when it was taken up by the Board of Directors and when it is taken up by the Government?

My next question is, the bank had given loans to people from National Minority Development and Financial Corporation. What is the loan amount? Then from the information I received, the officers and their families are given such loans as the interest rate is very low, while it is meant for the poor people. Is the Government aware of this?

PU K.T. ROKHAW : Mr. Speaker Sir, do Apex Bank have plot of land for Main Office? If so when are they planning to build? The position of Apex Bank in the reserve and capital is not very satisfactory, therefore, is the government planning to recommend for soft loan under NABARD?

PU C. THANGHLUNA : Mr. Speaker Sir, supplementary question. Is Co-operative Apex Bank able to deal government transaction? If not, is there any plan in making a way for government transaction to take place in Apex Bank?

PU LALRINZUALA : Mr. Speaker Sir, supplementary question. The Apex Bank Executive Committee held a meeting in October, on that meeting Rs. 8,935,000 loan was sanctioned, is this correct? If so, what is the amount sanctioned District wise?

SPEAKER : Let us call Pu Lalrinsanga, Minister to answer the question.

PU C. LALRINSANGA : Mr. Speaker Sir, the performance of bank is measured by reserved fund and capital. The Apex Bank is unable to meet the norms, thereby the bank is booked under section 11(1) of Banking regulation Act, 1949. Due to these reasons, the government is looking after the Bank through executive committee. In order to rescue the bank, Recovery cell had been set up and 1 crore had been recovered so far. Then in one time compromise settlement, around 80 lakhs is expected. (60 lakhs is already received in cash) Then there is erosion of assets. In erosion of assets 1477.8 lakhs is there. However, after the government had taken up the bank it has gone down to minus 754.32. This is a great achievement.

The prudential norms is practised since 1996 - 1997. In this prudential norms, there are three distinctions - Assets clarification norm, income recognition norms and provisions norms. It is from these norms that the profit or loss of a bank is measured. This norm help the bank to improve and we are also gaining public confidence. The public deposit had gone up to 83 crore.

Mr. Speaker Sir, there is no partiality in giving loans. Now loans for people in MNDFC is open widely. Then regarding the main office, right now I cannot give information and also about loan sanctioned by executive committee, I cannot give information right now.

PU H. LALTANPUIA : Mr. Speaker Sir, supplementary question. The hon'ble Minister mentioned that co - operative Bank had been computerised. If it is so, my question is, has the manual workers being reduced? What is the total amount of interest deposited in the central? The minister had just mentioned that, right now public loan is closed. However, Mr. Speaker Sir, the Executive Committee had sanctioned Rs. 89,3,500 lakhs in October, I would like to ask the Minister if this was true.

PU L.N. TLUANGA : Mr. Speaker Sir, we have seen the banks' balance sheet during the years 1999 - 2000 when the bank was governed by elected body, the profit was Rs. 69,16,135 lakhs. Then after the bank was taken up by the government, the profit made by the bank during the year 2000 - 2001 is Rs. 3,11,000 lakhs. Therefore, Mr. Speaker Sir, there is Rs. 66 lakhs of difference in profit. My question is what development does the bank have under the government?

PU C. LALRINSANGA : Mr. Speaker Sir, I'll start answering from the MINISTER
last question. It is sure that the bank made a profit of Rs. 67,00,00 in the year 1999 - 2000. However, the profit reduced the next year because the pay of the Board of Directors was raised from the profit. Mr. Speaker Sir, regarding computer, the NABARD Inspection team recommended the bank for computerisation for easy and better bank transaction.

Then, regarding SLR through RB, we have kept 36 crore in the government.

PU C. THANGHLUNA : Mr. Speaker Sir, my question, is does co - operative Apex Bank handle Government transaction? If not, is the bank planning to handle Government transaction.

S P E A K E R : If the Minister can answer the question, let the Minister answer the question, then, we shall move on to the next question.

PU C. LALRINSANGA : Mr. Speaker Sir, the bank does not handle Government transaction.

S P E A K E R : Starred question 64 - Now we will call Pu L.N. Tluanga to ask the question.

PU L.N. TLUANGA : Mr. Speaker Sir, starred question No. 64. In spite of the Mizoram Co - operative Act 1991, clearly mentioning that election should be held every year. Why is the Government restrict state level co - operative society and federation Board of Directors from election?

S P E A K E R : Now, we will call upon pu C. Lalrinsanga, Minister to answer the question.

PU C. LALRINSANGA : Mr. Speaker Sir, the answer to starred question No. MINISTER
64 is - The Board of Directors requested the government to extend their term as it is difficult to take up development programme just within one year. So, the government agreed. Therefore, the government decided not to hold election this year.

PU L.N. TLUANGA : Mr. Speaker Sir, Co - operative Soccity Registrar does not have any power to cancel election. Clause 1 to 6, stated that election should be held every year. If, there is any kind of crisis then the election can be delayed for 3 months. Therefore, the Registrar does not have any power. Will the Government take action against the officer for misguiding the government?

S P E A K E R : We will call upon Pu Lalrinsanga to answer the question.

PU C. LALRINSANGA : Mr. Speaker Sir, Section 32 indicated that Annual Meeting & General Assembly of Society should be held every year. However, as section 32(6) empower the government, election for this year is cancelled as the government holds supreme power.

PU J. LALTHANGLIANA : Mr. Speaker Sir, starred question No. 65 to be answered by Power & Electricity department. My question is -

- (a) How much debt does Mizoram have in corporation and other state in power ?
- (b) How much does the government pay per unit ?
- (c) How much does the government sell to consumers per unit ?

PU ZORAMTHANGA : Mr. Speaker Sir, the answer to the questions are -
CHIEF MINISTER

- (a) The government has Rs. 41,8458 crores debt in other state and corporation.
- (b) The government pays Rs. 1.83p per unit.
- (c) The government sells power to consumer at the rate of Rs. 1.58p per unit.

PU J. LALTHANGLIANA : Mr. Speaker Sir, in my constituency the power bill is Rs. 25 per house, but they receive power only three days a month. In what basis is the bill calculated ? Secondly, the hon'ble Chief Minister had inaugurated Teirei Mini Hydel Project which was suppose to generate 3 mega watt. I would like to know if this Hydel Project really generates 3 mega watt.

PU VANLALHLANA : Mr. Speaker Sir, supplementary question. What is the total amount of power or how much mega watt of power is required in the State ? Then, from the total amount needed, how much mega watt does the State Hydel projects produce and how much mega watt is brought in from other state.

PU C. THANGHLUNA : Mr. Speaker Sir, Power supply is very irregular in my constituency. However, the electric tarrif remains the same, what is the reason for its irregularities.

What is the total amount of electric tarrif collected by the department during 2001 - 2002 October.

PU LALRINZUALA : Mr. Speaker Sir, from the answer given by the hon'ble Minister the total debt was Rs. 4,18,458 lakhs why is there so much debt when there is much difference in the price pay by the Government per unit and the price sale to consumers.

PU K.T. ROKHAW : Mr. Speaker Sir, my first question is, when is

Tuipang Lui Hydel Project going to be commissioned? My second question is, when is the required parts reaching Tuipang from Mumbai?

- PU R. LALZIRLIANA : Mr. Speaker Sir, what is the cost of Tuirial Hydel project? Also, how much mega watt does this government generates from Serlui B Hydro Project?
- PU C. SANGZUALA : Mr. Speaker Sir, the government bought power for Rs. 1.83p per unit. Will it be possible for the government to give the consumer at the same price/rate?
- PU SANGHMINGTHANGA : Mr. Speaker Sir, how much mega watt will Bairabi Thermal Project generate?
- PU J. LAWMZUALA : Mr. Speaker Sir, what is the situation of Bairabi Hydel Project?
- PU H. LALTANPUIA : Mr. Speaker Sir, what step had been taken for the completion of Tuivai Hydel project?
- PU NIRUPAM CHAKMA : Mr. Speaker Sir, there is Engineer - in - Chief in PWD. Is there any proposal to have Engineer - in - Chief in Power Department.
- PU ZORAMTHANGA : Mr. Speaker Sir, let me start from hon'ble Member
CHIEF MINISTER Pu J. Lalthangliana's question. The hon'ble member mentioned that in Kanghmun, the people received only 3 nights of power supply and yet they paid Rs. 25 per month. This is true Mr. Speaker, since there is no meter, it is arranged in flat rate.

As for Teirei Hydel project, it generates 3 mega watt during rainy season.

Then, the total amount of power needed in the State is 93 mega watts during peak hour. The State generates around 22 mega watt and around 25 to 44 mega watt is purchased from other State.

As for Pu C. Lalthangliana's request, I cannot furnish the electricity tariff for 2001 - 2002 right now. But I shall try and produce at the end of the year. Then, regarding Bairabi Thermal Plant, it is expected to generate 22.97 mega watt and it will cost Rs. 85.95 lakhs that is Rs. 2.87 per unit.

Lastly, there is no intention to create the post of Engineer - in - Chief in Power.

Thank you.

- SPEAKER : Question hour is over now, so, we will proceed to our next business. Hon'ble member Pu R. Lalzirliana re-

quested to avail zero hour but unfortunately, the application was rejected due to technical reasons.

PU R. LALZIRLIANA : It is regarding Relief and Rehabilitation, materials supplied for earthquake relief. (Speaker : Please stop, as I have mentioned, it is not admitted). The Minister without calling quotation ..

SPEAKER : Please stop, let us now move on, please sit down. I have an announcement to make. We have requested Health Department to give vaccination for Hepatitis B to hon'ble members, do we all agree to this ?

LALHMINGTHANGA : From what I know Hepatitis B vaccination is a course.

SPEAKER : We shall request the hon'ble Health Minister to arrange for the vaccination. We will now move on to our next business i.e. Laying of Papers. We will now call upon Er. K. Thangzualla Minister to lay a copy of Annual Report of the Mizoram Industrial Corporation Ltd. for the year 1998 - 1999.

PU K. THANGZUALLA : Mr. Speaker Sir, with your permission Sir, I lay the Annual Report of Mizoram Industrial Corporation Ltd. 1998 - 1999 on the table of this august House.

SPEAKER : Please distribute the copy. Now, we will call upon Pu F. Malsawma to lay a copy of the Mizoram Sarvashiksha Abhujan Rajya Mission Rules, 2001.

PU F. MALSAWMA : With your permission Sir, I lay a copy of The Mizoram Sarvashiksha Abhujan Rajya Mission rules, 2001 in this august House.

SPEAKER : Distribute the copies. We will now call Pu F. Malsawma to lay a copy of the Mizoram Consumer Protection Rules, 2000.

PU F. MALSAWMA : With your permission Sir, I lay a copy of the Mizoram Consumer Protection Rules, 2000 in this august House.

SPEAKER : Now distribute the copies. Now we shall call upon Pu Tawnluia to lay a copy of the Annual Report of Mizoram Public Service Commission for the year 2000 - 2001.

PU TAWNLUIA : Mr. Speaker Sir, with your permission Sir, I lay the copy of Annual Report of Mizoram Public Service Commission for the year 2000 - 2001 in this august House.

SPEAKER : Distribute the copies. Now we will call upon Pu K.L. Lianchia to present the 22nd & 23rd Reports of Public Accounts Committee.

PU K.L. LIANCHIA : With your permission Sir, I present, the 22nd & 23rd reports of Public Accounts Committee in this august House.

SPEAKER : Distribute the copies. Now we shall call upon Pu C. Sangzuala to present the 2nd & 3rd reports of Committee on Public Undertakings.

PU C. SANGZUALA : With your permission Sir, I present the 2nd & 3rd reports of the Committee on Public Undertakings in this august House.

SPEAKER : Distribute the copies. Now we shall call upon Pu Z.H. Ropuia to present 3rd reports of the Committee on Government Assurances.

PU Z.H. ROPUIA : With your permission Sir, I present, the 3rd report of the Committee on Government Assurances in this august House.

SPEAKER : Distribute the copies. Now we shall call upon Pu F. Malsawma Minister, Parliamentary Affairs, to move the official Resolution.

PU F. MALSAWMA : Mr. Speaker Sir, thank you. 91st Amendment Bill, 2000 which is already passed by the Parliament is send to all the states for ratification. The Parliament have passed the constitution (ninety-first Amendment) Bill, 2000 which limits the minimum number of members in the Legislative Assembly static at 60, therefore, this House resolves that the constitution bill 2000, when enacted shall not pose a bar for the Mizoram Legislative Assembly to have the minimum strength not exceeding 60 in place of 40 and the Central government be moved accordingly to have the number of members of State Legislature not exceeding 60 in the case of small state like Mizoram.

Therefore, I request the opposition Leader and group leader to help in passing this resolution.

SPEAKER : Is there any one who would like to say few things regarding the resolution?

PU K.L. LIANCHIA : Mr. Speaker Sir, thank you. The hon'ble minister had just moved a very important resolution.

In the year 1988, MPC Party MLA had spoke about the resolution. However, since there was only 3 members, the ruling party paid no heed.

Our neighbouring States like Meghalaya, Nagaland and Arunachal Pradesh have 60 seats, therefore, it is time that we also exceed 40 seats. We should not just pass the resolution, but the government should take up the matter positively and try to obtain permission for 60 seats in the Legislative Assembly.

Thank you.

Dr. LALZAMA : Mr. Speaker Sir, I think the resolution should better be passed without wasting our precious time.

PU LALRINZUALA : Mr. Speaker Sir, at the outset, I would like to assert that we, the opposition members will provide constructive opposition. Typically, the opposition members are expected to give counter attacks. On th contrary, we do not hesitate to give appreciation if deserved.

It has always been the opinion of the members sitting on your left side to increase the number of the legislative members to the minimum number of 60 as provided by our Constitution. Today, I am very pleased that this resolution has been moved in the House. However, I am afraid that it would not come to materialise after passing. It is still time to increase the strength of the House members. As we can see, the seat arrangement inside the House is also be designed to accomodate 60 members. Therefore, I would like to express my gratitude for moving this resolution as we do not find many to thank for regarding government bill moved in the House.

Thank you.

PU ZAKHU HLYCHHO : Mr. Speaker Sir, let me express my concept regarding this resolution. As already stated by the hon'ble Minister, it is not satisfactory to have only 40 legislative members while we can have 60 seats. At the same time, it has come to my mind if this is the proper time to have such a number of seats. When we attained statehood we were satisfied with 40 members, but, after a lapse of 10 years with the increase in population we have adopted the idea of increasing the strength of the legislative members. However, there can be an objection in this matter. The peace accord has fixed the number of legislative members at 40 without expunging the provision of this Accord the number cannot be increased. Even if we decided to pass this resolution, we cannot make our claim in contrary to the provision of the peace accord in future.

Another point I would like to say is we, the opposition members have supported this resolution. Nevertheless, when the case is being processed to the Central Government, all party or Joint Parliamentary delegation should be sent. If this Resolution is pass today, I suggest that members from the opposition party should participate to tackle this case. In any case, whether we succeed or not, I find no harm in experimenting it. As I have stated before, if joint delegation is not sent to press the Central government, I am afraid that this would not get materialised. So, Mr. Speaker, along with my support, I have brought up this suggestion.

Thank you.

PU TAWNLUIA : Mr. Speaker Sir, I am very happy to learn that members from both sides are interested in today's resolution, when the Peace Accord was signed, as stated by the member before me, we agreed to the provision for the strength of the members in the Legislative Assembly which is fixed at 40. On the other hand, our constitution has provided that the minimum number of members of the Legislative Assembly of each State is to be 60 under Article 170(1). The parliament has passed that the present system should be carried on till 2026 considering the status of India. Now, State governments are instructed to make ratification. Whether the government of Mizoram has ratified or not we have the idea of examining this matter which results in the rise of this resolution.

It is important to bear in mind that even if we pass this resolution today, it does not indicate that the central government will give its approval. Whereas the Constitution fixed the minimum number of members at 60, on the other hand, this provision is relaxed according to the circumstances. In the case of Mizoram, prior to the signing of the Peace Accord, there was no objection from any political party or from any representatives on the number of the assembly seats. Considering the population at that time, 40 seats was regarded as satisfactory. In fact, 40 assembly seats was enough at that time. Therefore, no party is to blame in the case of the fixation of assembly seats. As for the MNF party, it was initially proposed that the Commission be negotiated to increase the assembly seats from 40 to 50. But, today this Bill has been moved in the House which advocates for the increase of the assembly seats at 60. According to the resolution, the Central government should be moved to achieve the number of members of state legislative not exceeding 60 in the case of Mizoram. However, in this case, each member has to contemplate on financial involvement.

Some members had mentioned fixation of Mizoram Assembly seats at the time peace accord was signed. When we attained statehood, the Central government tried to convince our leaders to accept the existing number of member of the Assembly seats. But, with the efforts rendered by our former leader Pu Laldenga and other political leaders, we could have 40 assembly seats. Though we are entitled to have 60 seats, it cannot be materialised considering our population and the financial involvement. Hence, Mr. Speaker Sir, I support this resolution and it may be moved at the Central by the House.

Thank you.

PU LALHMINGTHANGA : At the outset I would like to express my gratitude to the ruling party for moving this resolution. It is evident that all the members would unanimously accept on the proposed number of seats. When 40 assembly seats for Mizoram was written in the accord some of us were not satisfied. Even the Deputy Leader of this Ministry was the then Revenue Minister. He, too, advocated for 60 assembly seats and was not satisfied with only 40 seats. Contrary to what the hon'ble minister had said, the People's Conference party has always supported for 60 assembly seats. Even the state of Nagaland have 60 assembly seats as provisioned in the Constitution. I do most regret to say that to accept only 40 assembly seats in the peace accord is a serious mistake committed by the MNF brothers.

The Deputy Leader has picked out the population factor. To mention the state of Nagaland, it had only 7 lakhs people against the Assembly seats of 60. Therefore, it is not appropriate to have population for criteria. We should have based on the provision of the constitution, so that Mizoram would be included in the free state list along with Meghalaya and Arunachal States.

If we pass the resolution and pursue the matter further, we should aim for minimum number of 60. It is also important to have confidence to make our demands known. The members of this House are ready to pass this resolution. At the same time, if the ruling party is satisfied with only 50 seats, it would also be welcome.

Therefore, as permitted under Article 170(1) of the Indian Constitution we should target the minimum number of sixty. Further, I would like to make a request to the ruling members to target for sixty seats. As for the wording, "Not exceeding 60" is used in the last para and not as the wording, "Not less than 60". I hope the use of the wording "Not exceeding 60" will be fruitful.

Thank you.

PU LALRINCHHANA : Thank you, Mr. Speaker Sir. When Mizoram was MINISTER
MINISTER upgraded to the status of statehood we had 30 assembly seats. After going through severe objections from the Central government, we could have 40 seats. At that time, the total population of Mizoram was around 5 lakhs and despite the provision in the constitution, a condition was made not to increase the number of seats in the State Legislature till 2000, but, the existing 30 seats was increased to 40. There was also this sentiment that by the year 2000, the said provision would be relaxed. We are awaiting for this opportunity to seek for more seats. However, Parliament has made this amendment unexpectedly. The unexpected action of the Parliament has resulted in moving of this resolution. Therefore, it is best to pass this resolution unanimously.

Thank you.

COL. LALCHUNGNUNGA : Mr. Speaker Sir, I would like to suggest that the wording "Not exceeding" may be corrected as "Not less than" so that it would become a constitutional language.

S P E A K E R : The Minister incharge may be asked to stand.

PU F. MALSAWMA : Mr. Speaker Sir, the wordings "Not exceeding" is MINISTER
MINISTER used as it would indicate that we have no intention of pressing for more than 60 assembly seats. Whereas the suggestion brought forward by the hon'ble member is very enlightening the words "Not exceeding" is found to be more appropriate. So, I would like to request the members to acknowledge the wordings of my resolution as it is. Besides, to make alteration on the wordings, it will require another one clear day. Therefore, it will be appreciated if the members could understand the situation. (Speaker: Instead of the word 'Pass' 'approve' may be used.)

Today, I am very pleased that the members have been very enthusiastic in my resolution and various constructive ideas are contributed.

As for the case of the state of Andhra Pradesh, it has 30 assembly seats in 1982 and it was increased to 60 seats at present. It is quite clear that there is precedence to make an increase. The government will chalk out the best possible means. And once again, let me express my gratitude to the members for their interest and valuable contributions in this matter.

Therefore, Mr. Speaker, my official resolution - 'whereas the minimum

number of members of the Legislative Assembly of each state is 60 under article 170 (1) of the Constitution of India :

'whereas under Article 371 (b) in the case of Mizoram State, the number of members in the Legislative Assembly is fixed at 40 as per provision of the Mizoram Accord, 1986';

'And whereas the Parliament have passed the Constitution (91st Amendment) Bill 2000 which limits the minimum number of members in the Legislative Assembly State at 60':

'Now, therefore, this House resolves that the Constitution (91st Amendment), Bill, 2000 when enacted, shall not pose a bar for the Mizoram Assembly to have the minimum strength not exceeding 60 in place of 40, and the Central government be moved accordingly to achieve the number of members of State Legislature not exceeding 60 in the case of small state like Mizoram' - I request this august House to give approval to my resolution.

Thank you.

S P E A K E R : As requested by Pu F. Malsawma, we shall take vote on the resolution. Any member who approve may say 'yes'. Well, the resolution is approved by the members unanimously.

We shall go on to our next business. Pu Lalrinchhana, Revenue Minister had already introduced his Bill, 'The Mizoram (Prevention of Government Land Encroachment) Bill, 2001. He may now be asked to beg leave of the House for consideration.

PU LALRINCHHANA MINISTER : Mr. Speaker Sir, with your permission, I beg leave of the House to consider my Bill.

S P E A K E R : As the members agreed to his request, Pu Lalrinchhana may be asked to move his Bill.

PU LALRINCHHANA MINISTER : Thank you, Mr. Speaker Sir. The reasons for the rise of the Bill have already been mentioned in the "Reasons & Objects" of the copy of the Bill. With the rising of population, in Mizoram, there is non-availability of land as well. Land encroachment between private and non private is also very common these days. Land disputes have become one of the major tasks of the Revenue Department. As this is the case, it appears that regulations for prevention of encroachment of government land is required for Mizoram. Hence, after thorough consideration, this Bill is proposed. In Mizoram, we need law for the preservation of government land. To have such Rules/Law, we have to legislate an act for the same. Further, this Bill is necessary for safeguarding government land in a more efficient way.

There may be questions on the legal definition of government land. The legal definitions of the terms encroachment, government land and land itself are found in the Bill. Having based on the Act, land could be safeguarded properly. The main object of this Bill is to prevail legal punishment against person or persons who forcefully occupy or continue to occupy land or sites belonging to the government or an

individual. In regard to the limits of punishment, there can be complications. Therefore, in order to avoid the possibility of complications, the Revenue department has been conducting land survey and land recording.

Coming to the Bill itself, it was designed so that it cannot be challenged in a Civil Court. The reason behind this is that any court case in connection with this Bill will have to be based on the Bill itself. And the design of the Bill is an appeal court in itself. In case of any dispute, if an individual have to make an appeal to the District Revenue Officer, and if the decision of the latter is found unsatisfactory, appeal could again be made at the State level and so on. Appeal cannot be directly made to the Civil Court. One of the main aims and objects of this Bill is to legalise this appeal court.

Therefore, there is nothing to disapprove in this Bill. At the same time, there may be typing error or slight mistake in the script. Otherwise, it was drafted in consultation with the Law department and introduced in the House after it was approved by the Cabinet Committee. So, Mr. Speaker Sir, I request the members of this august House to pass the said Bill.

Thank you.

S P E A K E R : The House is adjourned till 2 : 00 P.M.

2 : 00 P.M.

S P E A K E R : We shall resume our business. We shall have a discussion on the Bill moved by the Minister, Pu Lalrinchhana. Each member will be allotted 8 minutes each. Pu K.L. Lianchia.

P U K . L . L I A N C H I A : Thank you, Mr. Speaker Sir. At the outset, I would like to say that the Mizoram Prevention of Land Encroachment Bill, 2001 will be beneficial for us. I would also like to commend the persons who initiate this Bill.

However, there are certain points which required clarification. The clarification of the term 'Government land' is not specified enough. In the copy of the Bill, Government land is defined as '..... so far as it relates to the provision of this Act, it shall mean any land owned, occupied or possessed by the State government'. If this is the definition, the scope of governments' land is too narrow. In my opinion, all lands that are not privately owned should also be included in the 'government land'. In this case, question may arise if those lands which are not belonging to an individual or party can be termed as 'government land'.

Secondly, on page 2 no. 6, we have seen that the decision as to the rate or amount of rent and the penalty under section 6 shall be recorded in writing and shall not be called in question in any civil court. Here the term section 6 may be corrected as section 4 and 5 because in section 6, there is no rent to be recorded but only in section 4 and 5. The main purpose of section 6 seems to be about the penalty to be challenged in a Civil court.

Another point that requires explanation is section 10. In this section,

we see the rules for the recovery of penal rent as a public demand under the enforcement of The Bengal Public Demand Recovery Act, 1913. In contrast to this reference, section 49 of The Mizoram Public Demand Recovery Bill has stated that with the commencement of this Bill, The Bengal Public Demand Recovery Act, 1913, (the Bill we have referred) shall stand repeal. Does this mean that this amendment has been cancelled as it has again been referred in the Bill under consideration. Further, I want to ask if we have the authority to repeal 'The Bengal Public Demand Recovery Act, 1913' or do we repeal the enforcement of the said Act for Mizoram alone. If that is so, why does this Bill under consideration has referred the repealed Act? I would like to request the hon'ble Minister to explain the points I have mentioned.

To conclude my speech, I find this Bill an obligatory for Mizoram and I want to state that I have supported it.

Thank you.

PU VANLALHLANA : Mr. Speaker Sir, let me express a few of my ideas on this Bill. At the outset, I want to express that this bill is essential for a state like Mizoram. In these days of selfishness, there are certain persons who do not hesitate to acquire government land without authorisation. This Bill is meant for prevention and penalty for the encroachment of those lands. However, it is necessary to be clear with the definition of the term 'government land'. According to the definition of the Bill, 'government land' means any land owned, occupied or possessed by the State Government. The definition may seem to be clear. But, I become confused with the definition. So, I raised question to the hon'ble Minister on the 18.10.2001 to which it was replied that 'government land' comprise of all those lands that are not owned or possessed by an individual or private parties. In that case, there can be no vacant or free land as all those lands which are not owned or possessed by an individual or parties belong to the government. Even if a particular land is not occupied by the government it belongs to it. Here, we need public education on the definition of 'government land'.

Next, on the third part, we have seen that no person shall encroach or occupy any government land without the permission of the Government. In this last Budget Session, the House has legislated 'Land Holding and Settlement Act' that authorises the village council to make allotment of land to an individual or parties. In the Bill itself, such authorisation of the Village Council is not revealed. Even if it is considered as understood, the authority of the Village Council may be included to make the Bill more complete.

I would like to emphasize one point that is not there in the Bill, but relevant to it. We have understood that all lands that are not owned or possessed by an individual or parties are Government land. From the government or let us say that the government itself has often breached the law. Sometimes land/lands owned by a department is allotted to an individual or private parties. Here, department's land is encroached by the government itself that makes the final decision. In this case, I would like to emphasize that I am against this kind of action. In the case of the Assam Rifles, the government has been pressing them to vacate their occupied land. Being a government land, it may be recommended that when the Assam Rifles vacate their occupied lands, the areas should be preserved for public utilities. There may be an individual or parties who are eyeing for a plot. So, I would like to urge the government to prevent this.

As this Bill is necessary for Mizoram, I have given my support and the concern Minister deserves special comment.

Thank you.

PU RUALCHHINA : Mr. Speaker Sir, today it is great to be able to discuss
MINISTER Land Encroachment Bill for Mizoram which is a sign
of great progress for us. Being a group of legislators,
we must make new laws whenever necessity arose. In the case of this Bill, it may not
be complete in form, but it can be amended from time to time as necessary. This is
only an initial part and if any part of the Act is found to be in need of amendment,
it can be done so in future.

The hon'ble Member who stood before me had mentioned the absence
of the authority of the Village Council in the Bill. However, an Act is not a Rule and
as a custom, all the detailed norms are not mentioned in the Act. All the necessary
guidelines could be found from the Rules. When the Rule is completed so all the
possible confusion would be solved. Mr. Speaker Sir, I support this Bill and may be
passed by the House.

Thank you.

PU LALTHANZUALA : Thank you, Mr. Speaker Sir. Generally, I find this
Bill deserved support. But, I am not fully clear with
the definition of the term 'government land'. Govern-
ment land has been defined as any lands that are owned, occupied or possessed by the
government. This definition concerns the mass population living in villages through the
department of Forest. When Forest department was created in Mizoram, some arable
lands in rural areas were occupied by the department with the consent of the village
authorities. Expecting financial feed back from the department, lands were sometimes
alloted to the department. This has created problem for the people in rural areas.
Therefore, to be acquainted with the area of government land, there should be a map
or clear sign to indicate the areas of government land. A large part of agriculture or
arable lands are being occupied by the Forest department due to the ignorance of the
village people, and they are beginning to suffer as a result of this. To avoid confusion,
Land Settlement certificate issued by the Revenue Department should be made wherever
necessary. I would as well like to suggest that to solve the problems of the farmers,
all the wasteland, though owned by the government may be based to them. In this case,
the hon'ble Minister is requested to make an explanation.

Thank you.

PU J. LALTHANGLIANA : Mr. Speaker Sir, let us presume that we are going to
have a new and proper Act for Mizoram. I think we
really need this kind of Act.

I would like to start with the penalty for unauthorised occupation of
government land. It reads that any person who has wilfully encroached upon the
government land shall be penalised. Here, the word 'unwilfully' may be added because
land can be encroached unknowingly. And in the case of any one being accused of
encroaching land, he may claim that he did it without knowledge, or unwilfully. In that
case, he cannot be penalised. Thus, the word 'unwilfully' may better be inserted.

In connection with the point raised by the member before me, there is
no demarcation of the reservation of Forest department. In my constituency alone, due
to the absence of proper demarcation of area of Dampa Wildlife Sanctuary, the people
are facing difficulty for the past two or three years. The people have been clearing the
area for cultivation thinking that it was a free land. But, they are often apprehended by
the Forest guards. All these have happened due to lack of proper demarcation of Forest
reservation. There should be a clear mark to indicate the area of government land so
as to prevent the people from encroaching.

In the case of eviction of an un-authorised occupant of any land which is the property of government, the period of time to evict the occupied land is not included in the Bill. Let us assume that it will be introduced in the Rules. Suggestion may as well be brought forward that time for eviction may be fixed according to the condition of the person to be evicted.

As stated earlier by other members, being newly introduced, this Bill is incomplete. Therefore, the Rules should be formed to suit our societies.

Thank you.

PU AICHHINGA : Thank you, Mr. Speaker Sir, for allotting me time.
MINISTER First of all, I would like to say that I have supported this Bill, introduced by the hon'ble Revenue Minister. In Article 371(c) of the Indian Constitution, it says that, 'Notwithstanding anything in this constitution, no land shall apply to the State of Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution, so decide'. The Constitution provided the State of Mizoram ownership of land if passed by the Legislators. Article 371(c) has not been referred to this context in the Bill. So, I have made a reference to it to support the Bill. I have been considering about the authority that is applied to the government of Mizoram by the constitution, but has not yet been materialised into an Act. Therefore, it is a matter of satisfaction that this Bill has been introduced in the House today. Let us assume that there may be incompleteness and points to explain within the Bill. However, we must bear in mind that the main aims and objective of the Bill is to clarify the ownership of the State government and preservation of the land of Mizoram.

As I have stated before, it may be incomplete but to make it complete, only the Act itself can make it complete. This is only an Act and rules will be formed afterwards. Various suggestions brought forward by the members are also to be included in the Rules. Therefore, Mr. Speaker, I suggest that this Bill may be passed by the House without extending further.

Thank you.

PU ZAKHU HLYCHHO : Thank you, Mr. Speaker Sir. Bill introduced today by the hon'ble Minister may appear to be appropriate in forms, but the definitions from the first to the last is improper. The definition on short title, extent and commencement are unsatisfactory. On sub - para II of the title 'Short title, extent and commencement' it is stated that the Act shall extend to the whole of Mizoram excepting the areas of the Autonomous District Councils under the Sixth Schedule to the Constitution of India. Why does this Bill excluded the District Council areas? The government has owned land in the Council areas also. The people from Lunglei and Aizawl districts are binded by this Act, whereas the people from District Council areas will have to be regarded as encroachers as of now. Hence, modification should be made in this regard.

Secondly, the Revenue officer is authorised to take up the case of eviction or a case of un - authorised occupants of Government's lands. Here, can eviction be done without magisterial power? If the Revenue officers are not empowered with magisterial power there is a possibility of facing a legal court in case the evicted person challenges in a legal court? Thus, the summary of eviction also requires reconsideration.

Another point I would like to mention is the reference of Bengal Public Demands Recovery Act, 1913 which is already repealed by this House. This Act is

already repealed by this House and if so, how can it be applicable for us. Hence, I find this Bill inappropriate as there are points to modify like the area of operation, eviction and the recovery of penal rent as a public demand. Therefore, I suggest that the Minister re-examines the draft as it does not seem difficult, so that we could have a more complete Act.

Thank you.

COL. LALCHUNGNUNGA : Thank you, Mr. Speaker Sir. I will come straight to the point. On the 6th para, it is stated that the assessment of rent and penalty shall not be challenged in any civil court. This para says the violation of our Fundamental Rights'. Hence, this point may be studied again.

Secondly, in para 2 of no. 6, it is stated that the District Revenue Officer may, in suitable cases, either reduce or remit the amount payable in the form of penal rent and penalty under section 5 and 7. Here also, no. 7 may better be deleted as section 7 does not really contain about fines.

What I consider important is whether para 6 has affected our Fundamental Rights. This Bill had been drafted in consultation with the Law Department. I would like to learn the opinion of the Law Department in this regard. It is also my opinion that the three District Councils should be included in the Act.

Thank you.

PU NIRUPAM CHAKMA : Mr. Deputy Speaker, although I find this Bill to be quite good but something is amiss as certain provisions are depended on the Rules which are not yet formed. Whenever there is an important provision to be laid in the House, it has to go through the Secretary of the Assembly. Mr. Speaker, it seems that the concern department had no serious consideration of the procedure of the House.

As for the contents of the Act, it says that an offender or offenders shall have to pay penal rent, but the amount of fine or the kind of penalty to be imposed are not clearly defined. The details of fines and penalty should be shown in the main Act.

Emphasizing on the jurisdiction of court, the District Revenue Officer is provided with the authority in regard to penalty and assessment of rent and the decision of the officer shall not be questioned in any civil court. In my opinion, to give sole authority to the Revenue Officer is rather improper. If one is not satisfied in the decision of the Officer, he should have a right to challenge in any law court. Do we have the right to stop a person from making a question in a Court? As for the case of the Revenue Officer, there may be discrimination in the penalty meted out as he has the last authority. I think this point is an important one and this provision requires modification. As already suggested by the group leader, further scrutiny may be made on this provision.

Thank you.

PU LALHMINGTHANGA : Thank you, Mr. Deputy Speaker. The Bill introduced by the hon'ble Member today may have certain incompleteness and flaws. The members have also mentioned various points of inadequacy of the Bill. However, this Act is necessary for Mizoram and it is a pleasing matter that the hon'ble Minister has introduced our specific

need. Members who initiated this provision have also furnished the vital points to be noted while it is being processed. Hence, I will not make a repetition. And so, on behalf of my Legislature party, I would like to say that this Bill is supported and we like it to be enacted.

Thank you.

DEPUTY SPEAKER : If there is no one to stand, let us call upon the Minister to wind up.

PU LALRINCHHANA MINISTER : Thank you, Mr. Speaker Sir. I am very glad that the members are in favour of my Bill. Meanwhile, there are mistakes such as the reference made on section 6, number 6 written on section 6 should be corrected as no. 5, and the last line on Chapter II, '..... decision a merits' should be corrected as '..... decision on merits'. These are purely typing mistakes and I request the members to make a correction.

Secondly, by stating the term 'Government land', the ownership of land provided to the Government of Mizoram by the Constitution of India is based on our opinion. Therefore, the term 'Government land' has been defined in the most suitable and appropriate manner. As we have already knew, the government land within Mizoram belongs to the State government. However, this land which belongs to the state government is classified into two groups. The first one being the autonomous district council area which belongs to the Revenue department of the Council. As this is the case, when the state department is going to purchase land within the Council area, it cannot be done without the allotment or assessment made by the Revenue department of the area. Hence, the Autonomous District Council area has been excluded in the extension of this Bill. Moreover, on condition that the Council agrees to adopt this Act, it will automatically be applicable to the area. In the case of encroachment upon the government land within the District Council Area, the penalty will be executed by the Revenue Officer of the concerned area.

Regarding land lease to a department, as long as the department abides by the conditions of the settlement, the land belongs to the department. On the contrary, if the department fails to comply with the terms of the settlement, the land should be handed over to the Revenue department. Any government land which are occupied on the basis of land lease system should not be passed over to another party directly.

PU LALRINZUALA : Mr. Deputy Speaker, I would like to ask whether the department of Forest has the authority to declare a particular land as Wildlife Sanctuary? To state one example, Thorang Wildlife Sanctuary was recently declared as such by the department that results in the outcry of the people around the area.

PU LALRINCHHANA : Mr. Deputy Speaker, according to the rules and procedure, the Forest Department will survey the area and after the approval of the Cabinet Committee it will be notified in the government gazette. The Revenue department will then verify the area and the government approved area could be issued as the land leased to the Forest Department. It cannot be notified without the approval of the Cabinet.

There are certain cases which are notified without the approval of the Cabinet. But, the Revenue department has rejected the notification.

As for the definition of government land itself, it extends to all those areas except the underground minerals.

Another point I would like to express is the case of the penalty that shall not be called in - question in any civil court. Here, it says a civil court and not a criminal court. Under this Act, any suit or proceeding shall be brought according to the process of the Revenue Court. As mentioned earlier, provided that if in a dispute between parties or if there is a suit, the procedure of the Act demands that the case be brought according to the procedure under this Act.

Coming to the controversial point of the reference of Bengal Public Demand Recovery Act, 1913, I would like to inform the House that as soon as the Mizoram Public Demand Recovery Act is in force, this particular clause shall be amended.

Coming to the summary of eviction, the Revenue Officer shall take up the execution. However, the offender or offenders shall be given an opportunity of being heard before executing the penalty by the Revenue Officer. In case a person is not satisfied with the decision or order made under this Act by the Revenue Officer he is liable to make an appeal to the District Revenue Officer or the Director as the case may be. The execution of the decision or order appealed against or sought to be revised may be stayed according to the findings of the District Officer or the Director.

Regarding the rate or amount of penalty, it is not very appropriate to show it on the Act. When the Rules is made, the details of the provisions will be clearly shown.

As for the wordings used in the provision of this Act, the Law experts have found it as the most suitable. The wordings used on section 4 "any person who has wilfully encroached upon the Government land..." that is the word, 'wilfully' has been found the most appropriate by the law expert as it is 'legal language. Mr. Speaker Sir, I think I have explained the important points. And so, I beg this august House to pass my Bill.

Thank you.

S P E A K E R : We shall now take vote on the Bill. Anyone who agree to pass clause 3 to 15 of the Bill may say 'yes'. Those who do not agree may say 'No'. Those who agree to include the Definition, Short title, extends and commencement, preamble and enacting formula to the Act may say 'yes'. Well, as the members of this House have agreed, 'The Mizoram Prevention of Government Land and Encroachment Bill, 2001' is passed by the House unanimously.

The sitting for today has been adjourned and it will be resumed tommorrow at 10:30 A.M.

Meeting adjourned at 3 : 10 P.M.