

FIFTH SITTING ON TUESDAY, THE 23RD 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, 15 Ministers, Deputy Speaker and 22 Members were present.

LIST OF BUSINESS

QUESTION

1. Questions entered in a separate list to be asked and oral answers given.

PRESENTATION OF REPORTS

2. PU H. RAMMAWI to present to the House the First Report of Committee of Privileges

Also

- (i) to move that the Report be taken into consideration
- (ii) to move that the Report be adopted.

LEGISLATIVE BUSINESS

3. PU F. MALSAWMA to move that the Mizoram (Pension of Members and of the Defunct Pawi - Lakher Regional Council) (Amendment) Bill, 2001 to be taken into consideration.

Also

to move that the Bill be passed.

4. PU C. LALRINSANGA to move that the Mizoram Co-operative Societies (Amendment) Bill, 2001 be taken into consideration.

Also

to move that the Bill be passed.

S P E A K E R : "It is better to take refuge in the Lord than to put confidence in man. It is better to take refuge in the Lord than to put confidence in prices."

Psalm 118 : 8 - 9

Now, we shall take questions, let us call upon Pu R. Lalziriana to ask starred question No. 81.

PU R. LALZIRLIANA : Mr. Speaker Sir, I ask starred question no. 81 to be answered by DP & AR Minister -

- (a) Does the government re - employ pensioners on contract basis for Advisor or consultant ?
- (b) If so, who were they ? For what purpose ?
- (c) What is the reason for re - employing such pensioners ?

PU TAWNLUIA : Mr. Speaker Sir, the answers for the above questions
MINISTER asked by our hon'ble Member are as follows :

- (a) Yes,
- (b) Their names and their posts are shown on Annexure - I,
- (c) The reasons for re - employment are their specialized character in the current project and impossibility to fill up the vacant posts.

ANNEXTURE - I

RE - EMPLOYMENT FOR ADVISER, CONSULTANT ON CONTRACT BASIS :

Sl.No.	NAME	POST	THEIR PREVIOUS POST
1.	Pu S. Das	OSD, Planning Deptt.	Senior Research Officer
2.	Pu A.K. Das	Adviser, P&E, Deptt.	Addl. C.E., PHE
3.	Pu Lalhupzauva	Adviser, Finance Deptt.	Jt. Secretary, Finance
4.	Pu B. Lalhawnthanga	OSD, CM's Sectt.	I.A.S.
5.	Pu Lalzawma Chuauhang	OSD, Civil Aviation	Wing Commander
6.	Pu K. Lalthansanga	Consultant Health (RCH)	Director, A & T
7.	Pu C. Chawngdinga	Consultant Health (RCH)	Jt. Director, Malaria
8.	Pu R. Laldawla	Accountant, State Leprosy Society	Auditor, A & T
9.	Pu V. Hmingliana	F.A.O. Mizoram State Aids Control Society	Dy. Director, A & T

Besides the above, we have Planning Adviser in Delhi, who is Mr. Jaile Singh a pensioner from Planning Commission. Those are re - employed persons for adviser or consultant that we have.

PU R. LALZIRLIANA : Mr. Speaker Sir, supplementary questions :

- (a) What are their monthly salary ? How many vehicles do they keep ?
- (b) Are there other staff to continue their works ? Now, our State is facing financial crisis, many M.R.'s are terminated. So, re - employment is not good. It also bar promotion for others.

PU H. LALTANPUIA : Mr. Speaker Sir, supplementary question, re - employ-
ment may be a necessity to some extent. I would like
to ask whether they are re - employed according to

Memorandum of Understanding which we have signed. Next, regarding Pu L.C. Thanga, our hon'ble Minister said his designation is as O.S.D., Chief Minister's Secretariat, but we often see his signature as Secretary, S.A.D., what is their difference?

PU SANGHMINTHANGA : Mr. Speaker Sir, supplementary question, what is the criteria for re-employment on contract basis. Besides, H. PAUTU how many posts are vacant under various department? Thirdly, what is the total number of government servants and what is the total sum of salary earned by all the government servants. Next, is there any proposal for recruitment of MPS and MCS.

PU ZAKHU HLYCHHO : Mr. Speaker Sir, supplementary questions -

- (a) What status do these re-employees enjoy? I ask this because we often see their name plates in their vehicles that they use to go to their farm.
- (b) I also want to know their salary, Is there any fixed amount for their salary?
- (c) Why this Ministry require so many advisers? What is the reason?

PU TAWNLUIA : Mr. Speaker Sir, when the service of government's MINISTER servants is extended it can bar promotion for others as it means continuation of service, but on the ground of re-employment or contract basis it cannot effect promotion for others. Regarding its criteria, as I have said, the government can re-employ its servant if his service is needed and there is also rules to employ any person whether government servant or not. If the government requires his service. Thus, re-employment is done on such cases.

And, Mr. Speaker Sir, now I am not keeping the list of their monthly salaries so, I request you to understand me. Next, we have conditions for re-employment on contract basis for consultants etc., they held important posts. So, their salaries are fixed by the government. They are usually re-employed at the scale of pay not lower than their previous basic pay because they are not given allowances. And, those who are re-employed held important posts so, we provide vehicles and they are entitled to stick name plate on their vehicles. If we see such vehicles near the farm house I think they visit such places on their way to travel.

And next, regarding Pu L.C. Thanga, it is right to see his signature as Secretary L.A.D. But now, there is government order that his present designation is OSD, Chief Minister Secretariat. Presently, we have 3330 vacant posts under various department. And, the total strength of government servant in Mizoram is 57,761, our net salary is rupees 42.01 crores, and our cash expenditure for salary for one month is rupees 47.28 crore.

Regarding the recruitment of MCS and MPS, this government try to conduct recruitment as early as possible through MPSC.

Lastly, I would like to express that this government try to re-employ government servants as least as possible but there has often been some inevitable circumstances. In such cases, we do not hesitate to re-employ experts to deal with special projects. And, re-employment is done not on the basis of Memorandum of Understanding.

PU NIRUPAM CHAKMA : Mr. Speaker Sir, only one supplementary question. It is said that 10% vacancy should be filled up when they signed Memorandum of Understanding. Now, we have more than three thousand vacancies. Does the government try to implement this?

PU TAWNLUIA MINISTER : Mr. Speaker Sir, there are more than 50000 government's servants and more than 3000 job vacancies in Mizoram. This does not concerned with Memorandum of Understanding, they are depending on the financial condition of our government. Appointment should be given according to the volume of work. If we are able to do our works, the government should not spend excess money, but if we require, the government should not hesitate to make new appointment. This principle is followed by our government.

SPEAKER : Now, let us call upon Pu N.K. Chakma to ask starred question No. 82.

PU NIRUPAM CHAKMA : Mr. Speaker Sir, my starred question no. 82, will the hon'ble Minister for L.A.D. be pleased to state -

- (a) The reasons for shifting of Sailen Sub - Village within the Jurisdiction of Zehtet Village Council ?
- (b) Did the Sailen Sub - Village has submitted the proposal for the inclusion within the jurisdiction of Zehtet Village Council ?

SPEAKER : Let us call upon Pu H. Vanlalauva to answer the question.

PU H. VANLALAUVA : Mr. Speaker Sir, this is the answer to question made by hon'ble Member from Tlabung constituency -

- (a) Sailen Sub - Village is shifted under the jurisdiction of Zehtet Village Council due to more conveniency,
- (b) The government has not received the said proposal.

PU NIRUPAM CHAKMA : The decision for shifting Sailen Sub - Village has been taken without the consultation of the concern V/C. Therefore, some tension and misunderstanding has risen as Zehtet consists of mostly Brus and Sailen Village consists of Mizos. Therefore, if the decision is not reconsidered there may be some clashes in the near future. Therefore, I want to know from the hon'ble Minister whether the government can reconsider its decision ?

PU H. VANLALAUVA MINISTER : Mr. Speaker Sir, Zehtet Village Council is not consulted in this regard. Let me try to clarify the situation. Sailen Sub - Village was under the jurisdiction of Ruallung in the previous time, Zehtet Village lies between these two places. Thus shifting of Sailen Sub - Village is requested by Ruallung V/C and leaders of political parties. Besides, shifting of Sailen Sub - Village under the

jurisdiction of Zehet is geographically convenient. For example, it is like Tuirial Sub - Village being under the jurisdiction of Thuampui or Zuangtui, not under Zemabawk. So, this decision is made by the government after having verification. Now, they started to submit proposal which is still under verification. They have little problem as the people of Zehet are mostly Bru and there are many Mizos in Sailen, but this problem is still being observed by the government.

S P E A K E R : Now, let us call upon Pu C. Thanghluna to ask starred question no. 83. He begs leave of the House, does he authorize anybody? If not, let us go to the next question. Let us call upon Col. Lalchungnunga Sailo to ask starred question no. 84.

COL. LALCHUNGNUNGA : Mr. Speaker Sir, starred question no. 84, will the hon'ble Minister of Trade & Commerce Department be pleased to state -

- (a) Had the government fixed the price of ginger stored in Government godown, Vairengte,
- (b) If so, what is the rate per kg.
- (c) How did the government take step to help ginger growers to sell their ginger?

PU AICHHINGA MINISTER : Mr. Speaker Sir, the answer to questions made by hon'ble Member from Aizawl W - I constituency are -

- (a) Ginger is not stored in government godown. It is kept in the contractor's godown. This government did not know whether the contractor had fixed the price or not.
- (b) Regarding the rate of ginger per kg. It is thought to be Rs. 11/- according to the existing agreement.
- (c) To search for Market for ginger, this government sent trade delegates to Bangladesh, they had returned with letter of intention and high hope. Another delegate group from Trade & Commerce and MAMCO Officers are also sent to Kolkata, proposal is still going on.

COL. LALCHUNGNUNGA : Mr. Speaker Sir, supplementary question, our hon'ble Minister said that ginger is not kept in government godown, but, the said godown is owned by the government. In our budget session it is said that Rs. 20,00,000.00 was deposited by the contractor. If the price of ginger has not been given to the growers, is it possible to give them from this security deposit? Nextly, we are told that this government tries its level best to sell gingers, what will be the expected rate per kg.?

PU LALRINZUALA : Mr. Speaker Sir, from the speech of our Minister, there may be some mistake, sometimes he said that godown is not owned by the government, but he further contrasted what he had said first that it is government godown. So, I would like to request him to clarify this.

Secondly, I would like to tell him that there are more than five

thousand quintals of ginger starting to be rotten, what shall he do for that? When I asked him in the budget session he answered me that better rate was still searching for. But today, he put the responsibility on the contractor. So, I would like to ask that whose responsibility is this?

Thirdly, is the money, Rs. 20 lakhs deposited by the contractor released? And lastly, Mr. Speaker Sir, what is the government's plan about this rotten ginger?

PU VANLALHLANA : Mr. Speaker Sir, my first question is - Does the government appoint more contractor for ginger? If so, what is the reason? And do they submit security deposit too?

Nextly, I am aware that some days ago, our government prohibited selling of ginger to outside Mizoram. What is the reason for this? And from the answer to question (b) given by our Minister, the rate should be Rs. 11/- per kg. according to agreement. But we are aware that it is sold for Rs. 7/- per kg. Which is witnessed by the government. Why did our Minister says it should be sold for Rs. 11?

PU H. LALTANPUIA : Mr. Speaker Sir, now, our hon'ble Minister said that he was not aware whether there was ginger in the godown or not. But in our last budget session on 26 March, he told us that there are 5000 quintals of ginger in the godown stocked by the contractor. So, Mr. Speaker Sir, he is aware of the presence of ginger sometimes and he is not aware of it sometimes. This is very bad for our state.

And, Mr. Speaker Sir, if I am not mistaken when the contractor Pu S.T. Khama did not know how to do, the contract was given to Remruata who agreed to buy it for Rs. 7.50 per kg. Is this right? How many ginger had Remruata bought? And, Mr. Speaker Sir, I also would like to ask that our hon'ble Minister expected the rate of ginger for Rs. 17 - 18 per kg. in the month of April, as he said in the Budget session, Is this right?

I also request him to keep in mind that now, it is time to harvest ginger, what is the policy of the government about this to relieve the burden of our farmers? Next, Ginger loan is given to more than ten thousand families, but this year there is poor harvest due to some crops disease. Horticulture Department distributed preventive medicines, but in my constituency, especially in Thanglailung Village, medicines distributed were already expired in 1998. So, I would like to ask the reason why they distributed such expired medicines?

PU R. LALZIRLIANA : Mr. Speaker Sir, our government advocated ginger business when the rate was 50 paise per kg. at Vairengte check gate. But now there is problem on ginger business and our Minister said that he does not see any ginger sold at the rate. Now, I would like to tell him that there are rupees 67 lakhs credited by the contractor. Will the government help the contractor to recover his money?

PU J. LAWMZUALA : Mr. Speaker Sir, regarding selling of ginger, will the government appoint ginger contractor like the previous year? Next, will the government arrange more pur-

chase points in the Central part of Mizoram in addition to Vairengte? And, according to the steps taken by Trade & Commerce Department, will the Karnaphuli water - ways be used? There are many gingers in southern part of Mizoram, will the government take steps to help the farmers from the interference of BSF and other problems to sell their ginger?

PU K.L. LIANCHIA : Mr. Speaker Sir, although there are many questions I would like to ask some questions. Now our government prohibited selling of ginger, will this government buy all the gingers in Mizoram at the rate of Rs. 11/- or Rs. 10/- per kg. Otherwise our people has great trouble. And, from the answer which I had already received, the rate of ginger rises in the month of April and May every year. So, I would like to ask whether his statement was right this year? My next question is, when the government appoints contractor, is there any agreement? If so, Does the contractor fulfill that agreement? Or if he fails, what action should be taken? Mr. Speaker Sir, I ask these questions because many people in rural areas had not received their money for the price of ginger.

PU LALHMINGTHANGA : Mr. Speaker Sir, I have something to say about this though questions are much. Being an opposition leader, Ginger Grower Association invited me to visit their rotten ginger stocked at Supply godown No. 1, 5 & 6 in Vairengte. So, I had Tour Programme and I had verification on the spot. I also gave you the copy. The value of rotten ginger is estimated to be Rs. 62,68,000/-.

Last year, our government appointed Pu S.T. Khama to be the contractor for ginger while he tried to carry ginger outside Mizoram, our government closed the gate to collect more ginger for its seed. As said by our Minister in the Budget session last year, the rate will be risen to Rs. 17 - 18 per kg. in the month of April to May. He said this as an assurance. But things happened unlike our dream, the rate of ginger cannot be risen, so, Pu S.T. Khama didnot know how to proceed, he asked the government to sell ginger at low price but he was not allowed. I said this as it affects many people. So, I ask our government? Is ther any special measure to relieve the victims?

I also ask whether Rs. 20 lakhs security deposited by the contract or could be used to solve the problem? Lastly, I would like to ask our government not to do again like this in future.

Thank you.

PU J. LALTHANGLIANA : Mr. Speaker Sir, there are more than five thousand quintals of ginger at Vairengte godown. The farmers are still worried about this. They have told opposition MLA's, Chief Minister and the government. But today, our Minister said that he know nothing about this, Is he trying to flee from his responsibility or he really does not know this?

PU AICHHINGA : Mr. Speaker Sir, I am happy for knowing that my fellow legislators are keenly interested in ginger. So, let us hope for better future. Mr. Speaker Sir, questions are much but I will try to answer them. Firstly, regarding the godown, it is owfled by Supply Department but used by the contractor as requested for him by Trade &

Commerce Department. So, I called the godown as contractor godown. But the gingers are really contractor's ginger, it is not government's ginger.

And regarding the price, some of our members said that it is the responsibility of the government. Anyway, the government tried its best to help the ginger grower. So, we appoint contractor. This year, Pu S.T. Khama is the contractor and he bid the contract work at the rate of Rs. 11/- per kg. He deposited security and we are aware that he tried his level best to gain as much as he could. We did not prohibit him to sell his ginger but he had his own problem. We rather request the growers not to sell their ginger as we required ginger seeds. Thus, regarding the rotten ginger in the godown, the government had not received any official report from the contractor or the growers. I also would like to state that the sellers as you called growers are not really growers, they are the middle men standing between the growers and the contractor. Anyway, we have not receive any report from such middle man too. So, we did not know whether the growers suffered or not.

We had released the security deposit as we had not received any problem from all sides. So, our government is not responsible for this. If we are informed, we will try to solve their problems, but we have not yet received any information till today.

And, the last question asked by Pu J. Lawmzuala, I would like to answer that we are searching possible way to sell ginger through Karnaphuli water-way. We try our best in this sphere although Border Trade have not properly functioned. This is the ideal way for Bangladesh too. Besides this, we also searched trade route to Sylhet via Karimganj but we have not made final decision to fix the rate. And, from this year onwards, our policy is not to appoint contractor again but rather to make flat/floor rate, so that ginger business can be carried on by anyone who likes. This is our new policy on ginger.

S P E A K E R : Now, question hour is over, but before we go to our next business let the Minister give answer to question on Security Deposit. Whether it was already released or not.

(Pu Aichhinga : Mr. Speaker Sir, Security Deposit was already released.)

Today, Pu C. Thanghluna applied for leave of absence due to the sickness of his father-in-law, do we agree? Yes. It is good.

And, today, I received two calling Attention Motions. The first one is from Pu K.L. Lianchia to have sincere enquiry on our former Chief Minister Pu Lalthanhawla as challenged by him. I investigated whether there is case or not and I also asked Chief Secretary. He supplied me with important documents. This is a registered case under PIL Case No. 453-454/96, the present state of the case is "In pursuance of the Supreme Court order dated 8.10.1999. Police investigation is going on against the case which has already been registered via Aizawl Police Station Case No. 631/96 dated 10th October, 1996 under Section 120 B IPC read with 7/12/13(1)(B)/13/(2) prevention of Corruption Act 1988". The investigator is Pu John Neihlaia MPS. Therefore, this House cannot discuss this as it is Court Case. So, I reject this Adjournment Motion initiated by Pu K.L. Lianchia.

Another Calling Attention Motion is from Pu J. Lalthangliana, when I examine this motion be base Rule 59 rather than Rule 54. This type of Motion should be based on Rule 54. So, I cannot accept this Motion.

PU J. LALTHANGLIANA : Mr. Speaker Sir, I asked the question that - How many people had died of Malaria in my Constituency, Phuldungsei? The answer which I received is that - No one died of Malaria. But from the record, 62 persons had died during this year. Another person, who is from Kanhmun Village had died last Sunday

SPEAKER : If you want to submit this type of Motion, you have to base Rule 54. So, let me express the reason why I object this Motion. Please listen to me. Rule 59, Calling Attention Motion should be relating to urgent Public Importance. Your motion is not specific, you only meant for this year. So, it is not definite. The main reason is that you did not base on Rule 54. So, I reject your motion. But I think it is important for our government to enquire this thoroughly.

Anyway, we shall go on to our Business. Now, let us call upon Pu H. Rammawi, Chairman, Privileges Committee, to present the First Report.

PU H. RAMMAWI : Mr. Speaker Sir, with your kind permission, I present the first Report of the Privilege Committee in this august House.

SPEAKER : Let the copy be distributed, there are some differences from other Committee's Report. It requires to be adopted by this House. So, let the Chairman beg leave of the House to adopt and also for discussion.

PU H. RAMMAWI : Mr. Speaker Sir, I now move this Bill to be discussed in this august House and also to adopt this Bill. According to our Rule 228 let me express a brief statement of this Bill. This Bill is seriously studied in the Privilege Committee. As we see in the guide line, it is written "where a regret is expressed or clarification is given the committee may recommend that no further action be taken by the House in the Matter. In such cases the recommendation is favourably accepted by the House. So, I hereby present this Bill in this House.

SPEAKER : As in the Parliamentary Practice, this is seriously considered by representatives of all parties with equal number of member. So, can we adopt this? Let us adopt it. Yes, the first Report of Committee presented by the Privilege Committee is now adopted.

Our next Business is that Pu F. Malsawma, Parliamentary Affairs Minister, had introduced his Bill, The Mizoram (Pension of Members and of the Defunct Pawi - Lakher Regional Council) (Amendment) Bill, 2001. Now, let him beg leave of the House for consideration.

PU F. MALSAWMA : Mr. Speaker Sir, with your permission and with the agreement of this House, I beg leave of the House to consider the Mizoram (Pension of Members and of the Defunct Pawi - Lakher Regional Council) (Amendment) Bill, 2001 in this august House.

SPEAKER : Do we agree to consider? Now, let us call upon Pu F. Malsawma to move his Bill.

PU F. MALSAWMA MINISTER : Mr. Speaker Sir, the former Ministry took care of our former leaders whom we called Members of Mizo District Council and Regional Council, they were the pioneers to initiate foot steps for today's Mizoram. So, they started to make pension benefits in 1994 for the defunct Council Members, which was reformed in 1996. Retrospective is also made to revise their pension money after every 5 years from 1972. The fixed amount of their pension was Rs. 1000/- per month and this Bill proposed to be Rs. 4000/- per month with an increment of Rs. 200/- annually upto a maximum amount of Rs. 6600/- per month.

And, the Family Pension is also proposed from Rs. 1000/- to Rs. 2500/-. Financial Memorandum is also written for our information, according to which the existing members who can enjoy this scheme is 30 only after one of them had died unfortunately. And, Family Pension for family of Ex - MDC/MRC will be 42. Mr. Speaker Sir, this Bill is prepared for the benefit of our former leaders though their number is going to be decreased. So, I hope my fellow members to agree with me on this Bill.

Thank you.

SPEAKER : Now the in-charge Minister had moved the Bill and we will have discussion, as is our normal practice, 8 minutes will be allotted for each member. Let us call upon Pu L.N. Tluanga.

PU L.N. TLUANGA : Mr. Speaker Sir, I appreciate this Bill, but there is some mistakes which needs to be correct. Regarding annual increment, it is written down here that Rs. 200/- per month. So, I think this is a mistake.

SPEAKER : Here, it says that it is annual increment. So, it should be per year instead of per month. Let me correct this mistake from Speaker power.

PU L.N. TLUANGA : Mr. Speaker Sir, regarding family pension, we fixed Rs. 2500/- per month. Should there be an increment for family pension?

PU C. SANGZUALA : Mr. Speaker Sir, when I look at this proposal, I appreciate this Bill, I also praise our leaders for preparing this Bill.

COL. LALCHUNGNUNGA : Mr. Speaker Sir, I appreciate this Bill and I congratulate our Ex - MDCs for they could receive pension. But, as there is financial involvement, I would like to say only one point, that is who are to be term 'the family'? In the pension rule of MLA, it is clear that

their children can receive pension upto they become 25 years or if they are daughters they cannot receive when they get married. Such guidelines are not there in this Bill. Let this point be clarified by the Minister.

And in the 3rd page, it is written that "Nothing in this Act shall effect the rights and any member who receive any pension from the Central Government or any State Government should be treated as a freedom fighter". We have only one type of freedom fighter in Mizoram, they are War Veteran. I would like to suggest that let the War Veterans be included in this sphere for the remembrance of their good work.

PU H. VANLALAUVA : Thank you, Mr. Speaker Sir, I think that this Bill
MINISTER shows our respect and honour to the former leaders and I also think that no members oppose the Bill. There may be something to be corrected in this Bill but we have not pointed out in time. So, I propose to pass this Bill as requested by the Minister.

PU H. LALTANPUIA : Mr. Speaker Sir, I would like to deliver short speech in this regard. As mentioned by our LAD Minister, I also appreciate this Bill. But, Mr. Speaker Sir, there is one thing that I cannot understand. Here, in the last point it is written that the family of a deceased member shall be entitled to receive a family pension (a) of Rs. 2500/-. I am not clear about the family member, should this be continuously received by the member of his family upto second or third generation or so on. Let this be clarified by the Minister who moved this Bill.

PU TAWNLUIA : Mr. Speaker Sir, I appreciate this Bill. As this is an amendment Bill, we are going to amend the existing law for the benefit of our pioneers. Being a legislative Member, it may not be nice to legislate laws for us by calling our former leaders our colleagues. On the other hand, we must not hesitate to do this if our state required it. So, today, we all have the copy and there may be some printing mistakes as said by our member from Tlungvel Constituency, but I think we are clear in its goal. So, I propose to pass this Bill in this august House.

Thank you.

PU VANLALHLANA : Mr. Speaker Sir, as said by our Members I also appreciate this Bill and I congratulate our former leaders. Two things that I would like to mention from my observation point in this regard are : (1) The pension of the defunct Mizo District Council is Rs. 4000/- per month while the pension of three Autonomous District Council in the south is Rs. 5000/- per month. (2) According to Section 3, although it is not written down, double pension is not allowed. Now, there are some members who got MLA pension of Rs. 5000/- some of them were Ex - MDC but they cannot get MDC pension of Rs. 4000/- they were prohibited by Section 3(a) and (b). Mr. Speaker Sir, I am sorry for this. We, MLA had Law, Article 15 sub section 4 of which said that, when someone ceased to be a member/MLA, he should get MLA pension in addition to other pension if available. So, I support our Ex - MDC to get other pensions if available.

And, our MP can receive MP pension and MLA pension, and before this Bill is effective MLA pension and MDC pension can be both received. But when

this law comes into force, two pensions cannot be received by a single person as we fixed the maximum ceiling of Rs. 6600/-. This is not good from my point of view, but those who were entitled this pension are too old and I think they are eagerly waiting for this. So, I support this Bill to show my pity to those who became members of Defunct District Council and Pawi - Lakher Regional Council.

PU R. LALZIRLIANA : Mr. Speaker Sir, I also agree with the speech of our Member from Lungpho constituency. I congratulate our former legislators to get their pension from Rs. 1000/- to Rs. 4000/-. But, I propose to delete Section III sub-section 3(a) and (b) of this Rule, because those who had become a member or MLA and MDC cannot receive MDC pension. Besides this, those who had become a member of MDC and an Ex - MP cannot receive their MDC Pension. I also think that those who can receive these two pensions are not much in number, they are about 4 or 5 persons only. So, I am not in favour of this particular section, because our former legislators are those who spent their youthful life for Mizoram.

The pensioners of Government Servants, whether State government or Central government can take two pensions. So, I do not know the use of this section. If this section III, sub - section 3(a) and (b) is deleted from this Rule, I think, everybody will appreciate this Rule. Otherwise I propose to delete this sentence written in Section III sub - section 3, that "whereas any person entitled to pension under Section I also receive any pension from". And, Mr. Speaker Sir, it is here written that 'The Central Government or any State Government or any corporation owned or controlled by the Central government or State government'. So, Mr. Speaker Sir, I think it will be better to do like this as it does not have much financial involvement. I want to make bar on double pension only for MDC, NDC, MRC and MCC from the same station.

Thank you.

PU K.L. LIANCHIA : Mr. Speaker Sir, let me express some points. Some Ex - MLA's who talked to me had expected our government to make Amendment on this Section III sub - section 3. But all their hopes are in vain today. If there is no such amendment this Rule is not perfect as they preferred MLA pension of Rs. 5000/- to Rs. 4000/- of MDC pension. So, Mr. Speaker Sir, I am sorry for not making amendment. For example, one can be a pensioner of Army, he again can be a pensioner of Police and then become MLA, he can take three pensions. But our former legislators are not like that, we made 'bar' for them. There is no amendment made as I expected.

Next, here we see that 'this shall come into force at once' it looks like a real favour for them. But this type of pension rules is initiated from last year in South Mizoram. So, I wish to make the effective date from such initiating date.

And the other thing that I would like to point out is that, we are MLA's we made Rules in favour of ourselves, we do not differentiate State MLA from UT MLA or MLA's under Assam government. We enjoy the same status. But here, we called it Defunct for MDC in Pawih and Lakher Region while we do not say about the Defunct UT. And I am sorry for we do not think about the pension for MDC other than Pawi - Lakher Region. When I asked about their pension, it is difficult to get the fact. So, I think it is Rs. 5000/- per month for MDC in Chhimtuipui District. It is not good to fix the pension of MDC for Mizo District Council lower than that of Chhimtuipui District. I express this because I cannot appreciate different pensions for the same status, as we made no difference between UT MLA's and State MLA's. I also demand same family pension of Rs. 2500/- for Defunct MDC and the new MDC

Though we are too late to move for amendment I request our Minister to clarify the effective date and family pension of South Mizoram MDC. Anyway, I congratulate our former leaders for they can receive some benefits.

Thank you.

PU ZAKHU HLYCHHO : Mr. Speaker Sir, I would like to express my heartfelt thanks to our government for caring about our former leaders. But, I am sorry for there is no any amendment as I expect in sub-section 3 (a) and (b) of our discussing Bill. Some of those former leaders told me till this morning through telephone to point out this.

Mr. Speaker Sir, if we look at Government order of 1976 and 1978, there is a provision to become an MLA while holding the post of EM or Chairman or MDC. I also filed nomination for election of MLA in 1982 but I withdrew it. There is standing order like that and in the last Ministry I also received pay for MDC in addition to my salary as an MLA. But this status cannot be applied to MLA and MP. Therefore, I wish to allow pensions of MLA and MDC for those who had become a member of these two posts. If I am not mistaken there are only two three persons of such kind. And I wish our Government to have second thought in this regard. Let the amendment Bill be introduced again in the next session.

As said earlier, MP pension is without bar. I want to make MLA pension and MDC pension also like this if we think about benefits for our former leaders. As told me by the prisoners, it is appropriate to join Section III "when any person entitles pension under sub-section I also receives any pension from the" with "any local authority including autonomous District Council under any law or otherwise". Therefore, I request our government to pay attention to this issue.

Thank you.

PU J. LALTHANGLIANA : Mr. Speaker Sir, we are discussing about pension benefits of our former leaders. I would like to state that we have law for MLA Pensioners to receive pension fund other than MLA pension. So, I propose to follow this from MLA side to get the pension of Defunct MDC if two pensions cannot be received from Defunct MDC. Besides this, in the financial memorandum I preferred retrospective effect to prospective effect. As they have sacrificed all their ability for Mizoram, I want to make retrospective effect at least from the date of Statehood. Mr. Speaker Sir, I want to say that their pension fund is too little, if MDC after UT would get Rs. 5000, Rs. 4000 is too meagre for MLA pension. And regarding family pension of Rs. 2500 which is equal with that of MLA, Family pension I appreciate what is more. So, if we are going to pass this Bill as it is I will give my vote without full support.

DR. LALZAMA : Mr. Speaker Sir, I appreciate this Bill proposed by our Minister for the benefit of our former legislators as MDC. I also hope all of us will agree to its passing.

But, regarding family pension, there may be controversial matter for the period after their wife expire. Anyway, what I would like to point out is that the annual requirement will be Rs. 27,18,000/- in the financial memorandum. This amount of money is very important as it is for the benefit of those former members. There may be some points of controversial matters on double benefit. But this is not a case for

delaying this Bill. It can be amended further, so, I propose to pass this Bill today, it will be a benefit for our former leaders as it has high financial involvement. So, I support this Bill to pass.

Thank you.

PU NIRUPAM CHAKMA : Mr. Speaker Sir, I would like to express only two points to be clarified by the Minister in his wind up speech.

- (1) How many personers are there in the Chakma District Council ?
- (2) As said by our Members, do they really get Rs. 5000? If so, why do we fix at Rs. 4000? And regarding double pension, I would like to request our government to consider again.

PU H. RAMMAWI : Mr. Speaker Sir, I appreciate this Bill as it favours our former leaders. So, I would like to say my thanks to our government for introducing this Bill. But, as said by our Members, if we look at Page 3, Section 3, sub - section 3 and 4, the door is opened in one sphere and there is restriction in other sphere. But, let us hope that it will be reformed by our leaders soon. (Speaker : This Bill has been introduced since some days ago and we had distributed the copy. We all have enough time if we care about this). Yes, Mr. Speaker Sir, anyway, this Bill brought about progress for our former leaders. So, I agree to pass it now as it is. It can be amended further if required.

PU LALHMINGTHANGA : Mr. Speaker Sir, it is pleasing that this Bill has been introduced by our Government. Those who get benefits from this Bill are about 70 persons. I also think we all welcome this Bill as it provides good benefits for those who had become our former legislators and their families to suit the varying standard of life. Our legislature party eagerly accepted to pass this Bill, we have not yet submitted amendment as said earlier. But this Rule will be ours, we can amend any part of it if required.

When we have discussed this Bill in our Legislature party meeting, we have four points to be considered.

(1) The enhance rate of pension for defunct MDC is Rs. 4000/- while the existing Autonomous District Council is Chhimtuipui District is Rs. 5000/- which is effective from 1st September, 1999. Therefore, it is needed to make same pension for the same status. I request our Minister to note down this.

(2) We also want in restropective from 1st September, 1999 for effective date.

(3) As mentioned by our members, there may be some contrast in pension Rules for an MLA and MDC. From the pension Rules of MLA, Salaries and Allowances Act, Section 15, No. 4 it stated that any person who entitled pension under sub - section I is also entitled to get any other pension, such person shall be entitled to receive the pension under sub - section I in addition to such pension. This did not bar those who can get MLA pension as well as MDC pension. But this Bill makes ceiling for either defunct MDC as Regional Council. It allows from Rs. 5000/- to 6600/- only. As we cannot amend this part now, Is it possible to delete this? Let this point be noted down by our government.

(4) Regarding the family pension, though it may be cleared in the main Act, it is written that the family of a deceased member shall be entitled to receive a family pension at the rate of Rs. 2500/- per month with effect from the commencement of the amendment of Act of 2001 and subject to the provision contains therein. This is not good enough as it can cause quarrel between the children of a deceased member. We want to amend this part as we have done in the case of MLA Pension Rules to make nomination for that purpose.

We have not submitted proposals for amendment in time because those pensioners said that they expected our government to make necessary amendments from their discussion with the hon'ble Chief Minister and Parliamentary Affairs Minister. Let this point be noted down by our Minister and our government.

PU ZORAMTHANGA : Mr. Speaker Sir, there may be some controversial points in this Bill as it is examined by some of our Members. But it is very great to increase the amount of pension fund from Rs. 1000/- to Rs. 4000/- and from Rs. 2000/- to Rs. 2500. Anyway, it is very difficult to make perfect Rules at once, I rather wish those pensioners to get their pension as early as possible. It can be said that all of us want to make benefits for our former leaders. So, let us pass this Bill as it is today and we will search for the betterment of this later on. Therefore, I wish to pass this Bill today.

S P E A K E R : Now, we shall call upon Minister - in - charge to give explanations for some controversial points and let him beg leave of the House to pass his Bill.

PU F. MALSAWMA : Mr. Speaker Sir, my thanks go to all our members for their participation in the discussion. There are some important points to clarify. As they said, some of our members think that pension for the existing District Council is Rs. 5000/- but this Act has not been in effective. It is still considered by the government (Speaker: If so, how much do they get?) It is Rs. 1000/-. And regarding family pension, the Principle Act of 1994 was amended in 1996 in which section 3(a) is inserted and according to which if family pension is inherited by a son he can receive till he becomes 25 yrs. old, and in case of a daughter till she got married or if she does not marry. So, there are clear provisions in this regard. There is nothing to be confused.

And, regarding our main issue (let's say), Section 3 of sub - section (3), our government had thought about this, anyway, it is very difficult to make perfect Act at once, we also discussed it with the Association, but this will concern only few people and we had already submitted this Bill. So, we are afraid that it will delay this Bill. Many pensioners eagerly wait for this Bill and they even gave us 'Thank you Card' when we passed in the Cabinet Meeting. Therefore, we go on as it is today. This can be reconsidered in future with a view to legal aspect and possibly implication as said by our House leader. Necessary actions can be taken and let us hope to discuss it again later on. This point is inserted as there was no such provision in the Principle Act of 1994. So, Mr. Speaker Sir, I beg leave of the House to pass my Bill, The Mizoram (Pension for Membes and of the Defunct Mizo District Council and of the Defunct Pawi-Lakher Regional Council) (Amendment) Bill, 2001.

Thank you.

S P E A K E R : Now, our Minister beg leave of the House to pass his Bill. Those who agree to pass this Bill say 'Agree' and those who do not agree say 'Disagree.

Yes, now, I declare that this august House passed the Mizoram Pension of Members of the Defunct Mizo District Council and of the Defunct Pawi - Lakher Regional Council (Amendment) Bill, 2001.

PU C. LALRINSANGA : Mr. Speaker Sir, with your permission and the approval of the House, I beg leave of the House to move my Bill, 'The Mizoram Cooperative Societies (Amendment) Bill, 2001.

S P E A K E R : As the House agreed to move the Bill, the Minister may be called to do so.

PU C. LALRINSANGA : Thank you, Mr. Speaker Sir. Today, I am glad that we have the opportunity to discuss my Bill. The Cooperative Act came into effect w.e.f. 14.11.1991.

This Act was adopted from the State of Assam and its sub - rules and provisions was also adopted. In 1996, a separate Rules was created for Mizoram. Meanwhile the Act itself is very unsatisfactory in terms of the printing, section and sub - sections, and there are even typing errors in the Act. The provisions of the Act are also considered to be out of date. Therefore, the need to make amendments has arisen. Since, there are no financial memorandum and financial implications, it does not seem to be difficult. Moreover, the part that requires amendment is mainly from section 32. As seen in the statement of object and reasons, in order to avoid confusion and to give reasonable time to chalk out various plans and to implement them, the tenure of the Board of Directors of all societies is necessary to be amended.

In the case of Apex Bank society, the tenure for the Board of Directors is fixed at one year only. Due to the short duration, there is difficulty in the case of Bank loan and rapid steps cannot be taken accordingly. Not only from the Board of Directors, other Federations also press for amendment. Therefore, for expediency, a proposal for the amendment of the Mizoram Cooperative Societies Act, 1991 in the form of an ordinance had been moved and the State Law Department vetted the draft amendment. The Cabinet duly approved the amendment and His Excellency, the Governor assented to the Ordinance on 10.8.2001. Today, this amendment Bill has been put up in the House for the consideration and passing of the legislators. I shall read out the proposed amendment to the Members. 'Provided further that the election of the Board of Directors and the Managing Committee of the State Level Societies shall be conducted biennially every two years and the terms of office of the Board of Directors, Managing Committee of the State Level Societies shall be two years only'.

Thank you.

S P E A K E R : We shall have a recess till 2 : 00 P.M.

2 : 00 P.M.

PU LALRINZUALA : Thank you, Mr. Speaker. If we look into the statement of object on reasons, it reads that, 'however there is no specific provision in these Acts prescribing one year

tenure for such Board of Directors' and in the second para, 'however Legislative Assembly was not to be held in the next five months or so'. Here, I do not understand why the above statement is included in the objects and reasons for the amendment of the Act. Again in the statement of objects and reasons, it states that there was no specific provision in these Acts prescribing one year tenure for the Board of Directors. I think there is a mistake here. There is indeed a specific provision on section 32 of the Mizoram Cooperative Societies Act, 1991 and on section 31, there is provision describing the general meeting to be held every year for the purpose of electing the governing bodies. So, starting from the objects and reasons, there is error.

This Act came into effect since 14.11.01, that is for ten long years it has been enforced without obstacles, for there is specific provision. In the Statement of objects and reasons of the Amendment Bill, it says that the objects and reasons for the amendment of this Act is the absence of specific provision. But, we have read and perused the Act and learn that there is specific provision in the Acts. If so, why have we been disregarded in this way ?

If we look into the By - Law, Rules and the main Acts, the Board of Directors of various Societies are due for reconstitution every year. In case, the reconstitution cannot be conducted at the prescribed time, there is provision for relaxation in the main Acts. Section 32(b) of the main Act provides fixation of time for the election of Board of Directors/Managing Committee of State Level Societies. However, the RCS (Registrar of Co-operative Societies) Department had misused this proviso for the prevention of the election of Managing Board on 1.5.2001. Whereas section 32(b) provides the proviso to compel societies to conduct election which are due. The RCS has misused the same proviso for the prevention of each election on 1.5.2001. According to the order of the RCS, State Level Cooperative Society Federation are not to hold election for new Managing bodies for the year 2001 - 2002 till further order. It appears that the above order is connected with the emergence of today's Amendment. This Amendment has been proposed in the House intentionally. My. Deputy Speaker Sir, the government has been manipulating the Cooperative Societies. This Amendment has been proposed in the form of an Ordinance as it was claimed to be necessary to come into effective urgently. If it is so urgent, why was it not being proposed in the Budget Session. Within the Cooperative Societies, there arose misuse of power that results in the appointment of Chairman, MIZOFED who possesses qualification which By - Law has not accepted.

Therefore, Mr. Speaker, as the intention of this Bill is to cover the fault or defect of certain personnel, I cannot agree to pass it. Instead, the Bill should be reviewed from its source.

Thank you.

COL. LALCHUNGNUNGA : Thank you, Mr. Speaker Sir, though the Bill under consideration appears to be simple, there seems to be inappropriate matter behind it. In the main Act, there is specific provision prescribing one year tenure for various managing bodies under cooperative societies. That means the Boards are to be constituted annually. As we understood, the terms starts from 1st April to 31st March. As stated by the members who stood before me, if there is an amendment needed to be made, it should have been done in the budget session. But, the election has been delayed till date so that the existing Board of Directors could retain their posts. This amendments has been made just for the adjustment of the matter. It is disgraceful that the House is deceived through this Amendment. The framers of the main Act had foreseen the possibility of manipulation from the Board of Directors, therefore made specific provision in the Act prescribing one year tenure only. If a person is found to be worthy of re-election, he

would no doubt, be re-elected. But, today, the existing one year term has been proposed to be extended to two. There seems to be a reason behind this and that is the motive to promote the favourites. Therefore, Mr. Speaker, this Amendment Bill does not deserve to be supported.

PU TAWNLUIA MINISTER : Mr. Deputy Speaker Sir, the Bill under consideration is not a complicated one. It is only a proposal for the fixation of the tenure of the Board of Directors and Managing Committees of State Level Societies for two year. In the Act, there is no specific provision describing the tenure for such Board of Directors but provides that the Boards be constituted annually. Therefore, this amendment is just a proposition to fix the term for the Board of Directors.

So, Mr. Speaker Sir, I would like to request my fellow members to pass this amendment bill unanimously.

Thank you.

PU C. SANGZUALA : Thank you, Mr. Speaker Sir. Members from the opposition bench have put forward various points of criticisms on this amendment bill. It is also alleged that there is something inappropriate in the manner of the proposition of this Bill. From my side, the statement of objects and reasons furnished by the hon'ble Minister is quite acceptable. The main Act has been in effective for the past ten years and during those times the best and most suitable provision had been examined. And finally now, the most reasonable proviso is proposed in the House for approval. Therefore, this amendment bill is reasonable and suitable. Prolong discussions will not get us anywhere. So, let us all put our confidence together and pass this amendment Bill.

PU H. VANLALAUVA : Thank you, Mr. Speaker. At the outset, let me say that I have supported this amendment bill and the Minister in charge also deserves praise. Personally, I had been serving as the Chairman of the Board of Directors for four consecutive terms. For this reason, I have come to understand the obstacles faced by the Board of Directors. The government have also been informed of the obstacles and difficulties. In spite of this, the government is very careful in changing the existing pattern. So, it has been going on for the past ten years. And now, after carefully measuring the pros and cons of amending the existing pattern comes to a decision. Therefore, I wish that this amendment bill will be utilized by the societies as well as the government.

Moreover, the cooperative movement can be utilised widely for development of the State. Unfortunately, the significance of cooperative movement has not been aware of among the people as well as the members of this House. I believe that the proposal brought forward by experienced persons would be reliable. Therefore, I suggest that this Amendment Bill be passed by the House.

Thank you.

PU Z.H. ROPUIA : Thank you, Mr. Speaker. It is a matter of satisfaction that the hon'ble Minister has moved the Cooperative Societies (Amendment) Bill, 2001. Cooperative Movement is very important for a developing State like Mizoram. As for the tenure of the Board of Directors, the existing term of one year is too short to chalk out various plans and to implement them. Therefore, the term of one year needs to be extended to two

years or more. On the other hand, it can also result in the bankruptcy of cooperative banks. Due to the shortness of the term of the Board, various societies have come to unfavourable competitions. Therefore, Mr. Speaker, this amendment bill is a must for the promotion of cooperative movement and it is our obligation to pass the same.

Thank you.

PU AICHHINGA MINISTER : Mr. Speaker Sir, today's amendment bill is very short and there is not much to discuss about. It is no doubt that one year tenure for the Board is short. During one year, the Board has no time to implement the plans. Even two years is rather inadequate. There is no other provisions to amend today, only the term is brought up for amendment. Therefore, I find nothing to discuss or debated about. Hence, I would like to suggest that the Bill be passed by the House without further delay.

PU NIRUPAM CHAKMA : Thank you, Mr. Deputy Speaker Sir, I think the amendment bill proposed by the Minister is rather bias as it concerns only the state level society. Does the government consider the case of the Primary society and the district level society as well. If the government have no concern for primary and district level societies, the intention of this amendment bill can be guessed. I regretted that this amendment bill is proposed with intentional bias policy. If we are really concern about the welfare of the cooperative societies, the provision should be designed so that all the societies could be benefited from it. Primary societies and district level societies also held election every year. Why are we neglecting the smaller societies.

Secondly, if the government is really concern about the problem of cooperative societies, this amendment Bill should have been proposed at a convenient time. It is hard to understand why this bill has been proposed in the form of an ordinance. I am not against the extension of the term of the Board. But, the manner in which the Bill has been brought up is unfavourable. It is also regretting that the bill has been moved in the form of an ordinance. For the future, it would be favourable if a bill could be scrutinised before being presented in the House.

PU R. TLANGHMINGTHANGA MINISTER : Thank you, Mr. Speaker Sir. The bill under discussion has a great significance for the whole of Mizoram. During the former MNF Ministry, Cooperation Department was in my charge and I had come across various experiences regarding cooperative societies. However, there was no time to make improvement due to the abrupt fall of the Ministry. Cooperative societies can be benefitted to a great extent for the Mizos. However, it appears that we are not fully aware of the significance of the societies that most of them ended immaturely. As such, it is important to impart to the people the importance of cooperative societies. To strengthen cooperative societies, it is necessary to review and amend the rules and regulations.

Coming to different levels of cooperative societies, State level society can not be compared with Primary level societies. The amendment bill under discussion has affected only the State level societies as it covers the entire state of Mizoram. It has been practically experienced that for a state level societies one year term is too short to chalk out plans and to implement them. Therefore, extension of the tenure of the Board of Directors in the State level societies is imperative. Extension of the tenure has

been demanded to the government for some time. And now, with the efforts rendered by the concerned Minister, the matter is taken up in the House. I would like to conclude by stating that I have supported this amendment proposal.

Thank you.

PU SANGHMINGTHANGA : Thank you, Mr. Speaker Sir. Looking into the bill, H. PAUTU the intention is quite obvious. It is merely an addition of proviso on section 32(1). The proviso to be added is that election of Board of Directors/Managing Committee of State Level Societies shall be conducted biennially and the term of office of Board of Directors/Managing Committee of State Level Societies shall be two years.

As already stated by the member before me, State level and primary level societies cannot be treated in the same manner as there is a wide difference between the two. An amendment is usually made from the light of the proposal made by the affected people. As for this case, we all know that this amendment has come as the concerned department has practically experienced the inadequacy and impropriety of the existing rules. As there seems to be no opposition from the members, I would like to invite the members to pass this bill.

Thank you.

Er. K. THANGZUALA : Thank you, Mr. Speaker Sir. First on the 'object and reasons', we have seen two points of reason for the proposal of this amendment bill. The first one is that as there is no specific provision prescribing the one year tenure or more for the Board of Directors, there can be a confusion. The second reason furnished is to give reasonable time to chalk out various plans and to implement them, fixation of 2 years tenure is found to be reasonable and adequate. I agree with this as one year is too short for any organisation whether voluntary or government. Within one year, there is no time to make plans and implementation. As this is the case, it is difficult to possess sense of responsibility. Therefore, at least two years is a must for the term of the Board of Directors. So, Mr. Speaker Sir, I support this amendment bill and suggest that it may surely be passed.

Thank you.

PU L.N. TLUANGA : Mr. Speaker Sir, the hon'ble Minister had mentioned the urgency of this amendment bill in his introductory speech. Before the Governor has given his assent to the Ordinance, the RCS had already exercised this Bill violating the existing rules. This is the reason for the urgency of this amendment bill. Under the cooperative society, there are various institutions and the most popular ones must be the Mizoram Urban Cooperative Bank. This amendment Bill has also come out of the incident in the Cooperative Apex Bank. Apex Bank has been set up by the societies. 55.55 percent is contributed by the government and more than 700 different societies in Mizoram have contributed the rest. Actually, the ownership goes to the societies. However, since its establishment, the Managing Director is appointed by the government and the societies have no share in the post of the Managing Director. When the Apex Bank societies held an annual meeting in 2000, they held an election for the post of Managing Director. And the post of the Managing Director was in the hands of the societies and since then they have control over the Managing Board. When the societies formed Managing Board and occupied office, they had found that the condition of the Apex Bank was

deteriorating. Even exemption from NABARD was proposed to be sought. The newly formed Board elected by the societies then began to take necessary measures so as to improve the deteriorating condition of the bank. However, rapid improvement could not be made. Meanwhile, the new Managing Board convened a joint meeting with the RCS and the Committee resolved not to seek exemption from NABARD. Contrary to their resolution, the RCS approached the higher authority and proposed exemption. The result was the dissolution of the elected Board. Much to the dismay of the society members, government officials were appointed as executive committee in place of the elected Board. Not a single member from the societies was appointed in the executive committee. Though societies have bigger share in the Apex Bank the RCS has controlled the management that led to the outcy of the societies. As already mentioned by the member before, whereas the Mizoram Cooperative Societies Act, 1991 provides for the election of the Board of Directors to be held every year, the existing administrative council known as the Board of Directors has failed to hold the election in due time and still occupied office even after a lapse of their tenure. In order to adapt and settle the matter, the proposal of 2 year term has emanated. We are not simply arguing with the case of one year or two year terms. We just wanted to show how the RCS has misguided the government. Is the government aware of this? I agree that the extension of one year to two year term is reasonable. But, the idea behind this amendment bill is irreverent and improper. This is an act of violation of the democratic principle. The people have been mis-guided in the administration and management of Apex Bank and MUCO Bank. Mr. Speaker Sir, I am particularly against this amendment bill, but I just want to inform the House of its background.

Thank you.

PU H. RAMMAWI : Mr. Speaker Sir, I would like to say a few points in connection with the matter stated by the member from Tlungvel Constituency. Cooperative Societies have a Bye-law and in case of an incident violating that bye-law, it can be appealed in a law court. If the court finds the government of violating that bye-law it is in the authority of the same to condemn. Likewise, the cooperative society is also free to appeal to a law court if it is not satisfied with the action of the government.

The Apex Bank has earned a lot of controversies. One member had said that this amendment has been proposed intentionally. Even during his time as a Cooperation Minister, he had made a controversial appointment of the Board Chairman of the Apex Bank that created an uproar in the House.

What I would like to emphasize is that whenever the government takes undue interest in the cooperative society, the latter always suffers. Every Cooperative societies has its own bye-law and the power of the government is usually provided in the main Act. The main Act and the bye-law never contradicted each other. As for the bill, it has come in the form of an Ordinance and the proviso has already been in used even before passing. I have also understood that no members are against this provision. Therefore, Mr. Speaker Sir, I have supported for the passing of this amendment bill.

Thank you.

PU K.L. LIANCHIA : Thank you, Mr. Speaker Sir. As already stated by some of the members earlier, I, too, am not against this amendment bill. However, it becomes difficult to approve the idea behind this bill and its origination. Actually, the extension of the term of the Board of Directors from one year to two is found to be reasonable and appropriate. But, the reasons for the proposal of this Bill and in the form of an

Ordinance is hard to accept. This proposal seems to originate as a result of the wrong done by the government. Therefore, Mr. Speaker Sir, I cannot agree to pass this amendment bill.

Thank you.

PU LALHMINGTHANGA : Thank you, Mr. Speaker Sir. This amendment is very brief and simple. But, we, the legislature sitting on the left cannot concentrate only on considerations of the bill alone, but rather on the ground for moving it. Cooperative movement is beneficial and useful in the whole world and should be utilized meaningfully. This movement has been widespread in India as well. However, to become successful, cooperative movement is to be taken up in a clean manner. It should be free of any involvement of partial government. The representatives of the societies and its members should be free of the government's authority. Also, the members should enjoy mutual trust amongst them. Only then will cooperative movement be successful.

Recently, there seems to be an unfavourable political involvement in the cooperative societies. There was political intervention in the election of the Board of Directors. The RCS had misused his power based on section 32 of the Act and that led to the postponement of the election for the Board of Directors. As per the main Act, there is provision for the election of the Board of Directors to be held every year and if it was not held within the specific time, there is relaxation for another 60 days. There is no specific provision for the power of the RCS to make executive appointment. Disregarding the existing rules, the RCS had dissolved the existing Board members. Since the Board members were dissolved, the RCS has made fresh appointment choosing officials as its members and shareholders and cooperative members were excluded. Even after the Board was dissolved, the Board of Directors remained for some time. However, when there is a possibility of complaint coming from the societies, the government has moved an Ordinance to justify what was done regarding Board of Director. As this Ordinance has paved the way for unlawful practice in the functioning of societies in future, I suggest for rejection of this Bill for the time being. And in respect of the shareholders and cooperative members, fresh election according to the rules may be organised. Only after then that this amendment bill could be considered and passed by the House. Therefore, Mr. Speaker Sir, I would like to request the minister to withdraw his bill and for once let us have the courage to vote down the Ordinance as it will be for the welfare of cooperative movement in Mizoram. We, the legislature party usually support the activities as far as possible. As for today's bill, I would like to request the hon'ble minister to withdraw his bill.

Thank you.

S P E A K E R : We shall call upon the House Leader and then, the Minister may wind up the discussion.

PU ZORAMTHANGA : Thank you, Mr. Speaker Sir. Today, the Minister has moved the proposal for the amendment bill of cooperative societies. In spite of all the opposition and criticisms from the members sitting on the left side, I opine that this amendment bill is necessary for the promotion of cooperative societies in Mizoram. There may be inadequacy or unsatisfactory matter in the proposal itself, but we should not be deterred from passing it.

Therefore, I would like to conclude my speech by emphasizing that this amendment bill is a must and should be passed by the House.

Thank you.

PU C. LALRINSANGA : At the outset, let me express my gratitude to the
MINISTER House for being able to pass a number of new laws
during this short period of session.

I feel happy to note that the members have given their interest in the bill and particularly, the opposition members have brought up various constructive criticism.

Emphasizing on the point mentioned by the member from Buarpui Constituency, regarding the statement of objects and reasons, there is no specific mention of the term. It merely states that the annual assembly should be held every year in which an election is to be held as well. There is no specific mention of the tenure of the Board of Directors.

As for the point mentioned by Pu NP Chakma, it may be true that this bill does not concern the Primary and district level. However, Primary societies have not complaint regarding their terms.

Contrary to the allegation made by the member from Tlungvel constituency, I would like to express that this bill is not emanated from the Apex Bank. The proviso to be added on section 32(a) of the Cooperative Society Act has no relation with the Apex Bank. By mentioning the Apex Bank I would further like to add that the society's liabilities alone has come to around 194 lakhs out of which only 7 percent was repaid. And of the total amount of deposits in the bank, only 1 percent is contributed by the societies. This has indicated that there are efforts to be made by the society.

Coming to the tenure of the Board of Directors, some members have suggested even three years. But, the proposal for 2-year term has come from the state level societies, it is decided that the term should be fixed accordingly.

There are various measures due to be taken by the cooperation department towards the cooperation movement. As stated by the Opposition leader, society movement has uplifted the economic status in the developed countries. In the same manner, cooperative movement is an incentive measure for a poor state like Mizoram and can be utilized for the upliftment of our economy. Cooperative movement has various significance for the progress of a country, but, there is no time to mention each. Therefore, I beg the House to pass my amendment bill.

Thank you.

SPEAKER : We shall take vote on the Resolution. Those who agree to pass may say 'Agree' and those who do not agree may say 'No'. Well, as the majority members have agreed, I now pronounce that The Mizoram Co-operative Society Amendment Bill, 2001 is passed by the House.

The 4th Mizoram Legislative Assembly, 10th Session commenced on the 17.10.01 and lasted till today. The general business during the five day session are as follows - The House observed a two minutes silence on the demise of Mr. Vanlalngbaka, an ex-Member of the august House. An obituary was also held on the same. Out of the 163 starred questions received, 4 were rejected and 159 were admitted. There were 49 unstarred questions, 100 questions were finished in the list of business and 21 were replied. 53 unstarred questions were received, 52 were admitted. Several questions were not replied by the concerned department. It would be appreciated if the Minister could step up their respective departments so that all the questions could be replied in time.

PU K. SANGTHUAMA : Mr. Speaker Sir, I have received the copy of the
MINISTER replies of the question concerning my department.

PU H. VANLALAUVA : Mr. Speaker Sir, I also received the copy of the
MINISTER replies concerning my department.

PU LALCHAMLIANA : Mr. Speaker Sir, there must be a communication gap
MINISTER between the Secretariat.

S P E A K E R : There is a possibility of mistakes among the staff of
the Assembly Secretariat. If so, I would like to apologise.

Various Committee Reports were presented in the House. 5 Bills were presented and passed by the House.

42 Private Member resolutions were received, 5 were rejected and only one was discussed in the House. After having a discussion on the Resolution it was rejected. An official resolution moved by Pu F. Malsawma was discussed and passed by the House. An adjournment motion moved by Pu K.L. Lianchia and calling attention moved by Pu J. Lalthangliana were rejected after having careful scrutiny.

It is a matter of satisfaction that the session had been going on smoothly.

The House is adjourned at 3 : 55 P.M. Sine die.

T. SAIKUNGA
Secretary.
