

S P E A K E R : If you will remain in this land, then I will build you up and not pull you down ; I will plant you, and not pluck you up ; for I repent of the evil which I did to you.

Jeremiah 42 : 10.

We shall take up starred Question and I call upon Pu K.L. Lianchia to ask Starred Question No. 41.

PU K.L. LIANCHIA : Mr. Speaker Sir, Starred Question No. 41 is - Will the hon'ble Minister for Health & Family Welfare Department be pleased to state -

Is there Health Worker in all Health Sub-Centres within Khawhai Constituency.

S P E A K E R : Now I call upon Pu F. Malsawma, Health & Family Welfare Minister to answer.

**PU F. MALSAWMA
MINISTER** : Mr. Speaker Sir, answer for Starred Question No. 41 is -

According to the report of Health & Family Welfare Department there is Health Worker in every Health Sub - Centre within Khawhai Constituency

PU K.L. LIANCHIA : Mr. Speaker Sir. Supplementary question. As male Health Workers of Rianglei Village are transferred there is no Health Worker at the said village, at Lungtan there is only a female Health Worker and at Tlangpui also there is female Health Worker who can not stay there as there is no quarter. I would like to know is the Government aware of these cases and post Health Worker in these villages.

PU LALRINZUALA : Mr. Speaker Sir, in my constituent village at Laisawral a Health Sub-Centre had been built since two years back, but no Health Worker had been posted. I would like to know can Health Worker be posted at the said village ? There used to be a Health Worker at Kawlhawk but he has not joined his service this year. I had reported the matter to Lunglei DCM & HIO yet he had not joined it till today. Is there a way to take action against those who do not do their duty.

PU VANLALHLANA : Mr. Speaker Sir, all Health Sub Centres are supposed to have a male and female Health Workers. I would like to know the number of Health Sub Centre where there is no the required Health Workers. As the Health Sub-Centre at Rullam was a bit far from the village, Government shifted it to a nearby place by building a new one where there is a good Health Worker's quarter which was dismantled by the Contractor who built a new Health Sub-Centre. I would like to know is there an intention to build a quarter for Health Worker.

PU SANGHMINGTHANGA H. PAUTU : Mr. Speaker Sir, supplementary question in India there is a norm that there should be a male and female Health Worker in every Health Sub Centre which is being practiced even in our state. In our society it is not necessary to have a male and female Health Workers in a Health Sub Centre while there are many centres which do not have even a single Health Worker. I would like to suggest to post one Worker either male or female in each centre so that those centres who do not have worker can have as it is not possible to follow all norms.

I also would like to request the hon'ble Minister to build Health Worker's quarter both at Nisapui and Zanlawn villages as the existing quarters there are no longer suitable to live as they are too old.

PU C. SANGZUALA : Mr. Speaker Sir, I would like to know why there are Health Sub Centres which do not have Health Worker/Supervisor. In my constituent area of Salem we have a new building for the Centre which has not function properly I would like to request the hon'ble Minister to take step so that this Centre can function property. In the meantime, for S. Hlimen Centre we asked for daily clinic but weekly clinic was permitted. I would like to know when can we have daily clinic at S. Hlimen Centre.

PU F. MALSAWMA : Mr. Speaker Sir, in regard to
MINISTER Rianglei Health Worker, he was transferred to a near by village Biate within the same Constituency as he had dispute with the Villagers in the enforcement of prohibition of animals. He was even threatened for his life. As this is a serious matter I think it will be good to discuss the matter with the hon'ble member from this Constituency.

In the case of Lungtan Centre, according to our record, Lalmuanpuii posted on 14th October, 1999 and Vanlalrova posted on 20.3.2000 are the two Health Worker. However, this matter will be looked into if there is such unjust means.

In regard to the questions about posting a male and female Health Workers in every Centre, we have a problem in post creation because of our financial problem. However, we had discussed this matter together with our hon'ble Chief Minister, Planning, finance and DP & AR and the matter is being processed now. Meanwhile, as some villages are small it may not be necessary to post a male and female workers. However, if there is

any particular problem would like to request the hon'ble members to report the matter so that the Department will take necessary steps.

Regarding the question asked by the hon'ble member from Suangpuilawn Constituency about Khawlek Health Worker. As Khawlek is not a big village, a male health worker was attached at Suangpuilawn main centre to train himself there as Health Supervisor is nearing his promotion. Besides health workers, Doctors and nurses are instructed to visit regularly their respective areas which is being followed by doctors and nurses.

As it is not possible to get information/confirmation from Lunglei CMO about the absence of Health Workers at Laisawral and Kawlhawk Sub Centres I have nothing to say now. There is an intention to employ Health Workers on contract basis and post them where there is no Health Workers. We give priority to Malaria prone areas.

Regarding quarters for Health Workers mentioned by the hon'ble members from Lungpho and Kawnpui Constituencies the matter had been discussed but I do not know their exact decision. Quarters are being repaired according to the availability of fund and there is an intention to rebuild the suitable ones. Besides, we intend to concentrate in building quarters in RCH programme Phase II which had been approved by Central Government.

The matter to run daily clinic at S. Hlimen Centre and the case of Salem Centre are under consideration and great efforts are being taken.

S P E A K E R : Now I shall call upon Pu R. Lalzirliana to ask Starred Question No.42.

PU R. LALZIRLIANA : Mr. Speaker Sir, Starred Question No. 42.

Will the hon'ble Minister for Home Department be pleased to State -

- (a) Had Travelling Allowance for Police personnels under Security cell in Police Department posted at Lengpui Airport been billed without their knowledge.
- (b) The amount spent by the Government for Travelling allowance for police personnel at Lengpui airport since 2000 till date and the amount of traveling allowance, spent for Police security personnel within these 3 years.

PU TAWNLUIA MINISTER : Mr. Speaker Sir, answer for Starred Question No. 42 -

- (a) Though the Government does not know about this an Inquiry Committee was formed as a complaint was submitted by Lengpui Airport Staff. On the basis of the report of the Inquiry Committee, Departmental proceedings is being processed against 4 officers of the security cell of this Department.

- (b) Though the question is about the TA, both the TA/DA are combined in the account I shall read according to it. The amount spent for TA/DA for Police personnel at Lengpui Airport from 2000 to October 2000 is as follows - In 2000-Rs.2,06,868/- in ? 2001 - Rs.2,48,320/- and in 2002 till October - Rs.2,14,455/- Total Rs.6,69,642/-

PU LALHMINGTHANGA : Mr. Speaker Sir, I think my question is relevant. It is heard that there was bribery and unfair means in the procedure of promoting constables to ASI. Is the Government aware of this and if yes, is there any intention to revise the promotion.

PU ZAKHU HLYCHHO : Mr. Speaker Sir, I think what I am going to ask is relevant. On 9.11.2002 Pi Saikhumi 35 years of age was shot dead by pistol at the locality of Dinthar, W. Phaileng. According to local papers, the pistol seems to be a prohibited one belonging to one of the Youth leaders in MNF Headquarters. Some papers further claimed that the owner of the gun is a CID for Home Minister, what surprised me is that nothing has come out of the investigation till now perhaps because the deceased was an ordinary person. What I want to know is who gives the License for possession of this pistol and is there an intention to conceal the fact from the public. This is a serious case.

PU J. LALTHANGLIANA : Mr. Speaker Sir, on 10th November around 10 AM, 3 police personnels from 1st Bn. MAP entered to Pu Biaknunga's house and tortured him at Phuldungsei and left him unconscious. He was x-rayed at the hospital. I would like to know is the Government aware of this and what action will be taken against these three police personnels.

PU VANLALHLANA : Mr. Speaker Sir, 78 police personnels From Lengpui Airport claimed DA. which was passed by SP security and even the Treasury. It is known that around 8 lakh rupees had been drawn for this but those who claimed their DA have not receive it till today and I would like to know the reason for this. Besides, the figure of the bill submitted by Security had been altered/changed by Police office. Security personnels have to go to Lengpui thrice in a week for Security duty. Which means they have to go 12/13 days in a month, which had been changed in the office as 130 days and as a result the amount of bill had increased greatly. In this way, Governments money is being tampered. Those who claimed their DA proved this matter. I would like to know what steps will be taken in this matter.

Thirdly, I would like to know what steps will the hon'ble minister take to improve the quality of our police so that they can become trustworthy ?

PU R. LALZIRLIANA : Mr. Speaker Sir, though some of the questions I am going to ask had been answered by the hon'ble Minister I shall ask them again. It is known that TA/DA for security personnels at Lengpui Airport

had been billed and drawn. But the security personnels who claimed their TA/DA have not received till today. I would like to urge the hon'ble Minister to find the truth in this matter.

Secondly, the total amount of TA/DA billed for the security personnels was Rs.6,69,543/-. Can the hon'ble tell me the amount of TA/DA for each security personnel.

Thirdly, some said that the incident which took place at W. Phaileng on the night of 9th November was done by a group of insurgent. I would like to request the hon'ble Minister to explain this matter.

PU K.T. ROKHAW : Mr. Speaker Sir, we have the most Commendable police personnels in India. I would like to know had the ration money and rifle allowance for the police been raised as promised by the hon'ble Home Minister.

PU SANGHMINGTHANGA H. PAUTU : Mr. Speaker Sir, as mentioned by the hon'ble member from Lungpho Constituency it seems a sum of 78 lakh rupees had been claimed for TA/DA of security personnels at Lengpui Airport out of which a sum of Rs.8,44,549/- had been passed/drawn. It will be pleasing if the hon'ble Minister could explain why the police/Security personnels did not receive till today. I think my other point will also relevant. My PSO Muanpuia was suspended in the past and his suspend allowance was drawn by one person from 1st Bn MAP Even when he complaint about this he is not given till today. So I would like to ask the hon'ble Home Minister to enquire about this.

S P E A K E R : Now I shall call upon the Minister to answer. Some questions are very important which are worth to be raised either in short duration discussion or Zero Hour. I think it may be difficult for the Minister to answer irrelevant questions. Anyway, he will answer first questions about Lengpui airport and it will be good even if he can not answer.

PU TAWNLUIA MINISTER : Thank you, Mr. Speaker Sir. The matter about unfair means in the drawal of TA/DA for Security personnels at Lengpui airport had been discussed with the hon'ble member who asked this question. Even in our June Sessions three questions relating to this subject had been answered. Today I shall try to explain as much as I can. The strength of security for Lengpui airport is to be 70-81 which Airport Authority of India asked Government of Mizoram to deploy. The matter had been referred to the Cabinet and the Cabinet approved it as it involved post creation. As new recruitment for the required strength can not be done at once, we deployed from the existing police personnels. In the meantime, as we have to recruit constable for the new IR Battalion and fill up some vacant posts, recruitment for the post of airport security personnels were done together. As we have to provide security right from the beginning of air service at Lengpui Airport. It was agreed by Airport Authority of India to re-imburse Mizoram Government the expenditure incurred

for the pay/Salaries of security personnels. Accordingly, security has been strictly maintained at Lengpui airport. As Lengpui Police post/Security post is a permanent post, the security personnels are expected to be there permanently. But as there is no proper accommodation we can not station them all so some have to go from Aizawl everyday. At present, there are 20 quarters to accommodate Lengpui Airport Security Personnels. However, as there is no flight everyday, some used to go for duty from Aizawl. Police headquarter is arranging Security Cell Bus to transport security personnels. As that is the case, Security SP issued an order regarding TA/DA. According to which they can bill for Transfer TA/DA at the initial stage which they billed, but since the Government declared Lengpui as a regular post they are not supposed to have/claim daily allowances as ordered by Security SP.

In this conjecture, let me try to explain how today's question arises, finance Department allotted 16 lakh rupees for TE when 2001-2002 financial year was going to end in last week of March. At that time pending Bill of TA/DA upto November was 21 lakhs rupees out of which 75% was cleared by the amount we got from finance. After this, some persons from the office made a bill in the names of Airport Security personnels who had taken their TA/DA, the matter had been investigated and it was found that the bill had been drawn. It was the security personnels who reported the matter because they knew that the bill was in their names. They themselves thought they could bill but as Security SP issued an order it is not possible for them to draw DA in particular hence their bill was torn. But some took advantage of those supposed torn bills, and submitted and drew the bill. As there was a report about this, the matter had been investigated from Treasury by forming an Inquiry Committee from Home Department where Pu K. Thanzama, Dy. Secretary, Home and Pu Ramchuana, SDO, PHQ were members. According to the Inquiry Committee Report, the amount they had drawn was Rs.3,12,366/-

PU VANLALHLANA : Mr. Speaker Sir, the hon'ble Minister Said that the SP issued an order to prohibit drawing of DA and at the same time he said that the total amount drawn by Lengpui Security for the years 2000, 2001, 2002 was 6 lakh rupees can the explain this as his speeches are contradicting.

PU TAWNLUIA MINISTER : Mr. Speaker Sir, it is good to listen carefully so as not to confuse. In the year 2000 the amount spent for TA/DA was Rs.2,06,868/-; in 2001 it was Rs.2,48,320/- and in 2002 up to October is Rs.2,14,455/-. It is not possible to calculate TA separately. This can be seen at the office of SP (Security).

The SP Security issued an order on 7th November 2001 according to which Lengpui Airport Security Staff are no longer allowed to bill TA. However, the security staff had drawn their bills which they claimed before the order was issued and I want the hon'ble member to know that the said bill is the on going bill. In this connection, Departmental Proceeding is being done against 4 staff of this office. The case of one person had stopped as he had repaid the amount he had drawn amounting Rs.16,340/- but the cases for the other there is still going. To make things clear I shall mention these four persons - The one whose case stopped is ASI Lalropuia Fanai, a ministerial staff. The other three are Inspector Ministerial K. Lalhmingliana whose case 10 is Pu Kapchhunga

Addl. SP ; S.I. Ministerial Chawngmingliani and S.I. Ministerial Pi Lalthangpui whose case IO is Pu Laldingliana Sailo Addl. S.P. In this way, Government is taking action against the responsible persons according to the report of the Enquiry Committee. I think I made myself clear regarding TA/DA of Lengpui Airport Security Staff.

In regard to the question asked by the hon'ble Opposition Leader, Government is not aware of the fact that there is bribery in the promotion of ASI to SI. Notification/Order for the promotion of ASI & SI was issued yesterday only and promotion of ASI & SI is done by DPC of PHQ as it does not require Government's approval. However, as it is mentioned today, the matter will be enquired.

In the case of the incident which took place at West Phaileng, it is regretting that even my name has also sprang up in connection with the incident. This is I think just a fabricated imagination.

It is unfortunate for the deceased family as well but they themselves came to me and clearly explained what had happened and how it happened. One of our MNF Youth Leaders on tour to this place stayed with the deceased family and while he was in bath room his pistol allotted to him legally was taken out from his pocket by the deceased. Unfortunately, the pistol exploded and the person died. Hence the said pistol is not a prohibited one. It is just that it happened to be in the wrong hand at that moment which resulted in the death of the unfortunate today. This is all the explanation I can give.

Government does not accept that people do not have faith on our police personnels. The people of Mizoram and the Government have faith on our police and we are very proud of them for their hard works.

PU K.L. LIANCHIA : Mr. Speaker Sir, Starred Question No. 43. Will the hon'ble Minister for Rural Development Department be pleased to State. Is there an intention to open additional Rural Development Block during 2002 - 2003.

Dr. R. LALTHANGLIANA MINISTER : Mr. Speaker Sir, answer for Starred Question no 43 is -

There is an intention to open Bilkhawthlir Block during 2002 - 2003 and the matter is being processed. Mr. Speaker Sir, what I would like to say more is that during this Ministry new DRDA had been established in the new 5 District. There are 5 Blocks at Aizawl District, 2 at Serchhip, 2 at Lawngtlai, 2 at Saiha, 3 at Mamit and Champhai, 4 at Lunglei and just 1 at Kolasib DRDA. According to the norms of Central Court, it is not appropriate to have only one block under the DRDA, and we committed to open additional block, thus the matter is being processed.

PU K.L. LIANCHIA : Mr. Speaker Sir supplementary question. Since 1999 there had been a proposal to open 10 additional blocks in which Lungpho and Khawhai constituencies were included. I would like to point out that only Lungpho and Khawhai constituencies are the only constituencies in Mizoram

which do not have either Civil Sub-Division or Rural Development block. Other constituencies have Block or Sub-Division, even some have both. I, therefore, would like to request the hon'ble Minister to open Rural Development block at Khawhai and Lungpho.

PU LALRINZUALA : Mr. Speaker Sir, there had been a Proposal to open Rural Development Block at Buarpui during the previous Ministry. But now Buarpui is not included and I would like to know the reason for this. Is this because we are the opposition and is there a way to include it again?

PU VANLALHLANA : Mr. Speaker Sir, my constituent people are eagerly waiting to have Rural Development block and I would like to request the hon'ble Minister to give priority. I would like to know the criteria to have/establish a new block? Is there any guidelines?

PU C. SANGZUALA : Mr. Speaker Sir, while we are ambitious in Rural Development the area of Rural Development has become smaller and the area of urbana has become bigger affecting our fund allocation. Can the hon'ble Minister explain this matter.

S P E A K E R : Now I call upon Dr.R.Lalthangliana Minister to answer.

**Dr. R. LALTHANGLIANA
MINISTER** : Mr. Speaker Sir, I do support what had been said by the hon'ble members that since 1999 the matter to open new blocks had been considered. The then Government had an idea to open 8-10 blocks. But to open 8 blocks about 4 crore rupees will be needed. We had considered what had been mentioned by the hon'ble members including Civil SDO, but we can not do it due to our financial problem. If our financial position improved this matter will be taken up.

In regard to the criteria to open a new block asked by the hon'ble member Pu Vanlalhlana population is not considered as the main criteria. In the meantime it is a must to open additional block at Bilkhawthlir as it is against the norms of Centre to have only one block in one DRDA since we want to have additional DRDA we had a commitment to open a new block under Kolasib which has only one block. I would like to point out that no post creation will be made in the new block which we are going to have, we shall pool staff from Rural Development. At the same time it is not necessary to construct a new building as there had already been Government's building for the purpose. Hence, there will be no additional expenditure to open additional Rural Development Block at Bilkhawthlir.

The case about rural/urban areas asked by the hon'ble member Pu Sangzuala is trouble some to some extent as there were some villages who did not want to be in rural areas, they rather preferred to be declared as sub-towns as there are some benefits and more casier to have LSC, get loans for Sub-towns. Hence, many villages were

declared as sub towns in Government notification. As such the population of rural areas in Mizoram decreased heavily in 1991 census which create a great problem for the Government. However, as we want to implement Rural Development Schemes we said these are village in nature. As such where population is used as a criteria we are asking fund on the basis of Panchayat population and we expect Centre will approve. Even some remote parts of Aizawl are very rural in nature but they included as urban areas which create problem for the Government. State Government had even considered this matter but it can not be settled by the State Government alone. This matter had to be discussed with Central Government.

S P E A K E R : Now I call upon Col. Lalchungnunga to ask Starred Question No. 44.

COL. LALCHUNGNUNGA SAILO : Mr. Speaker Sir, Starred Question No is - Will the hon'ble Minister for Agriculture Department be pleased to State -

- (a) Has financial aids or subsidy be given to coffee growers.
- (b) The number of such beneficiaries.
- (c) The amount given to each beneficiaries.
- (d) From where fund had the financial aids/subsidy were given ?

S P E A K E R : Question hour is going to over. But The Minister will answer the present question.

Though Pu Vanlahlana wanted to asked supplementary Unstarred question there is no time. In unstarred question, it will be good to ask the wrong answer given by the Minister.

Now I call upon Pu Aichhinga as we do not have time for other business (interruption) you can say whatever you like. You have to submit application. Even Pu Zira Submitted an application and I allowed according to our Rules no. 39 (2). I do not allow just to point out what is not your opinion.

PU AICHHINGA MINISTER : Mr. Speaker Sir, answer for Starred Question No 44 is -

- (a) Coffee growers are given financial aid/Subsidy according to the availability of fund.
- (b) Financial aid/subsidy had been given to 690 families in 1999-2000 and to 400 families in 2001-2002.
- (b) In 1999-2000 each families were given Rs.3672/- and in 2001-2002 we are planning to give Rs.15,000/- to each families. But as the Government bore all the expenditures for contour alignment terrace and transportation, they were not given Rs.15,000/-

- (c) Financial aids/subsidy will be given according to the availability of fund .. from the Government.

I would like to clarify/explain Unstarred Question asked by the hon'ble member Pu Zira yesterday. Agriculture Department has some fund for training from State Plan fund and there is more than 26 lakhs from Central Sponsor Scheme. Training does not include only farmers training, there is 7 Sub-heads under this head like visual age, trainers age and training for the staff. As said yesterday for farmers training alone as he asked.

PU R. LALZIRLIANA : Mr. Speaker Sir, by repeating the same we will not find the truth. My point is true because it was said that Rs.4000/- each was given to 389 families in MIP but it was Rs.1500/-, Rs.2000/-. I, therefore, kindly request you to let ACB to take up this case.

S P E A K E R : You can verify from the office about this.

PU LALHMINGTHANGA : Mr. Speaker Sir, can the hon'ble Minister give us fixation paper of price support for ginger.

S P E A K E R : Now we shall take up our Legislative Business i.e Consideration & Passing of Bill of the Mizoram fisheries Bill, 2002- and Introduction, consideration & Passing of the Taxation Laws (Mizoram Amendment Bill, 2002. There is typing mistake in The Mizoram Fishery Bill, 2002 and the Minister asked for amendment which I allowed him to do so according to our Rules no 84 (1) but the amendment was signed by Secretary. So I returned the Bill to the Minister and now it's been prepared to be given to Minister for his signature. As that is the case, do members agree to take up Taxation Law Bill first which is included in our programme.

**PU F. MALSAWMA
MINISTER** : Mr. Speaker Sir, I think Fisheries Bill will be readied soon. As Taxation Bill is also in our business, I think all hon'ble members will agree to take up Taxation Law first as you had suggested.

PU K.L. LIANCHIA : Mr. Speaker Sir, the Minister has not yet signed the Amendment and we do not know how the amendment has been made. At the same time, it is said that the wordings were also not smooth. Hence, it seems that 'its' not time to pass fisheries Bill, so is it better to leave it for the next meeting.

S P E A K E R : We have to consider it today as we have to amend it in another session. As the power conferred upon the Speaker by our Rules I permitted to correct the slight mistake and the copy to be distributed to the members were signed by the Secretary while I can not accept without Minister signature.

PU K.L. LIANCHIA : Mr. Speaker Sir, even your permission has not been fulfilled as yet.

S P E A K E R : It's not that we are not going to consider it, we have to consider it with the slight connection and pass it. So, it will be good if you agree to take it later. I am glad that members agreed my suggestion, with great understanding. Now let me call upon Pu Lalchamliana to introduce 'The Taxation Law, Mizoram Amendment Bill, 2002 in the House.

PU LALCHAMLIANA : Mr. Speaker Sir, with your permission and with the permission of the House. I beg leave of the House to introduce 'The Taxation Law, Mizoram Amendment Bill, 2002' in the House.

S P E A K E R : Do we allow him to introduce the Bill. Now I shall call upon Pu Lalchamliana To introduce in the House The Taxation Law, Mizoram Amendment, Bill 2002.

PU LALCHAMLIANA MINISTER : Mr. Speaker Sir, with your permission and with the permission of the House, I introduce the Taxation Laws Mizoram Amendment Bill, 2002.

S P E A K E R : The Minister had introduced the Bill. Now I shall call upon him to move it to be considered in the House. As we all seen, this Amendment Bill is just one sentence and I do hope this August House will pass it. I would like to explain why this Bill is introduced. Mizoram had taken Entertainment Tax since 1st April 1996 as per 7th Schedule list 2 entry 60 of the Constitution as other states from which Government is earning an amount of revenues

Tax is presently levied on the followings - firstly, organizations, Associations or groups of Sports, Music and Drama registered under Society registration Act 1860 are taxed. Usually, 12 % from their total revenue collected is taken as entertainment tax. The amount levied differed according to their income. And since 1st April 1995, 20 % from a connection fee is taken from Cable TV operators. Entertainment tax is collected on the basis of The Assam Amusement and Betting Act 1939 which is adopted by Mizoram in

1987. The main reason why this Bill is moved is that Cable TV Operators felt that to give 20 % as entertainment tax is too heavy for them and asked the Government to reduce the tax. When the Government studied how other States take tax it is found that the flat rate is between Rs.6/- and Rs.10/- per connection. Thus even the Government agreed to reconsider it so that the monthly fee to be paid by consumers can be less and also that Government will receive tax regularly from the operators. But as the rate is fixed by the Act, Government can not reduce or increase as it wish. So in order to give provision to the Government we propose to amend the principle Act by inserting section 3(d) after Sec (c) in Part 3 of the principle Act. According to which Government can alter the rate of tax as it wish/desire. Thus Section 3 of The Assam Amusement and Betting Tax Act, 1939, adopted in Mizoram in 1987 by adding one clause will be read as follows - 3 (d) 'The State Government may by notification in the Official Gazette reduced or enhance the rate or rates of tax leviable under Section 3, 3 (a) 3 (b) or 3(c) and there upon such rate or rates shall be deem to have been amended accordingly' and I request this August House to pass this Bill.

S P E A K E R : The Minister Pu Lalchamliana had moved 'Taxation Law (Mizoram Amendment) Bill 2002'. We shall now have discussion on this Bill.

PU K.L. LIANCHIA : Mr. Speaker Sir, it is written that 'A bill further to amend the Assam Amusement and Betting Tax Act, 1939 here in after refer to as a principal Act adopted in Mizoram'. It seems we are going to amend the principal Act of The Assam Amusement and Betting Tax Act, 1939. In the short title of the Act and Commencement, it is written that this act may be called Taxation Law Mizoram Amendment Act, 2002. I think, we have to amend Taxation Law and this confused me, as this seems to suggest to amend the principal act.

S P E A K E R : It is true that this matter can be confused. Let me try to explain in this way for instance, Mizoram is using Central PWD code and some years back we used Assam code. We amended those points which we feel are not suitable for our state. Now also as we had adopted it, it is like ours. As some points are not suitable for us we have to make amendment.

PU K.L. LIANCHIA : Mr. Speaker Sir, we are going to make further amendment which signified that we already have had Taxation Laws. It can be opined that can we amend Assam's Tax. When it is said we are going to amend the principle act.

Though I have nothing much to say what I would like to say is we are young state and we have to pay various taxes. We should even aware public to pay tax and in the meantime there may be a need to enhance tax rates. In this connection, to have a provision that 'the State Government may by notification.....reduced or enhance the rate or rates of taxes' in my opinion is a mean to enhance rate of tax as the main objective of the Bill is entertainment provided with the eight of antenna or cable

television. Here the main target is Cable TV operators for instance when Government levies 25 % entertainment tax to Cable TV operators, the operators enhance the monthly fee by Rs.20/-. Thus the main sufferers are the poor consumers, as most of the owners of Cable TV Network are the rich and influential persons. If they urge the Government I am sure Government will accept their decision. Therefore, I think this is meant just to fulfill the MOU. Hence, in my opinion it is good to go as we are going now. Has something been hidden behind this Bill ? Though I do not object the bill itself as I had mentioned earlier, as the provision is to enable the Government to reduce or enhance the rate or rates of tax as it desire I am afraid the rate of tax will be enhanced. It will be pleasing if all these complications can be explained.

Thank you.

PU J. LAWMZUALA

: Thank you Mr. Speaker Sir, Since the present bill is moved from Taxation, it can be thought that we do not

educate/aware public about Entertainment tax. Both the public and Cable TV Operators may not know that entertainment tax is an indirect tax. As it is an indirect tax it does not create problem for the Operators. It is also written that as monthly fee is fluctuating excessively, it is difficult to determine/realize tax but I feel fluctuation of monthly fee does not effect determination of tax. As entertainment tax is an indirect tax, it should be given by the consumers, the operators are only the intermediary agent. As that is the case while this bill is worth to be moved/considered it seems we are not clear the main objective and reason of the bill. If the Bill is moved in favour of the poor consumers and the operators it is well and good. It will be pleasing if the hon'ble Minister could explain about this.

As pointed out by the hon'ble member Pu K.L. Lianchia, if this Bill is meant to enable the Government to reduce or enhance the rate of tax as it desires, I am afraid Government will enhance tax rates as much as it desire to fulfill MOU, and just to favour the Cable Operators it is not good. On the other hand I would like to mention that if it is meant to alleviate the burden of the public it will be very pleasing.

Thank you.

PU ZAKHU HLYCHHO

: Mr. Speaker Sir, today we are discussing on lone sentence bill. Last year the same Minister introduced

one sentence bill regarding Lubricant Oil which effected the public enormously till today. Today we are discussing a bill which can have a huge impact.

Mr. Speaker Sir, the hon'ble Minister mentioned that 20 % tax is collected from cable operators. If the Government is looking towards the welfare of these cable operators why is the bill towards the upgradation of tax revenue of cable operator ? The Minister further mentioned that regarding vehicle tax, the Central Government has urged the Mizoram Government to impose tax per uniform floor rate of 12 % but today the Government is collecting 20 % and still insist on enhancing the rate which is very absurd. I therefore, do not trust this Bill, because once we pass the bill, instead of reducing the tax rate, it is clear that Government will enhance tax rate as this bill is not for the welfare of the public. The House Leader have mentioned ample of times that there is enough fund but why is the Government imposing tax on the people while there is enough fund ? This Government is really using hardship to the people. Recently, electric tariff has been increased. Those who use to pay Rs.20 per month have to spend Rs.150.

The people are asking themselves what will be the main reason for this immediate increase of electric tariff various questions has been raised in regard to this matter but no appropriate answer is given. As for this, I am afraid this bill too may cause burden for the people.

If this bill is submitted out of the Minister's concerns for the welfare of the people I would like to suggest to put the wording as 'The State Government may by notification in the official Gazette reduce' but not of enhancement as it will be burdensome to enhance even after payment of 20 %. The wading has to be prepared spontaneously otherwise one wrong move may cause long term problems for our state. I, therefore opine that passing of this bill with existing wordings is very bill harmful for the people and should be dropped. If we insist to do it so, it may be amended. We all seem to be aware of the fact that once rate of petroleum is raised it will never be receded and so in other commodities. As for this, if the Minister genuinely concerns for the welfare of the people, he should have rather submitted Bill for reduction of the said commodity.

Thank you.

PU LALHMINGTHANGA

: Mr. Speaker Sir, in order to familiar with the importance of Bill we have now been discussed, it may be necessary to look back our past experiences when tax of petrol and other lubricants was determined and I supposed it could be studied from the previous Proceedings. There are different types of taxes; some of which should be placed under main Act where as the others which may be revised without having discussed in the House necessarily. Accordingly, The Government of India too categorises Commodities which may effect our day to day life under the principal Act so that its concern taxes should not be altered by any Department at its own will. This safeguards our Right. It is to be noted that commodity which falls under the Principal Act are meant to be discussed only by parliament or the State Legislative Assembly.

When Act of 1996 has been discussed I was one of the members and even expressed my opinion in that concern. It was then decided to put this commodity under the principal Act along with items concerning information & Technology which may be amended only by State Legislative Assembly if necessary.

Concerning enhancement of power to the Government relating to the matter that effects day to day life usually are much debated issue even in Parliament discussion. In the case, it is important for us all to give clear thought in regard to this matter. In my opinion, no appropriate limitation for rate-fixation could be maintained if this bill for enhancement of power to the government is passed. It is therefore, unnecessary to pass this Bill in a haste. Yet, items concerning Information & Technology it may be wise to put for alteration by the House as necessary since these items are classified, not only by the Government of India but globally as of essential commodities.

Mr. Speaker Sir, I therefore earnestly request the concern Minister to reconsider his bill as we already have an instance in the previous year.

Thank you.

PU L.N. TLUANGA

: Thank you Mr. Speaker Sir. If we determine the tendency of increase of

various taxes under the Government of Mizoram it is regretted that items which concerns the general people is rapidly increased. It is much desirable if our government too apply what they have learned from practice of other states.

For instance, our government is imposing Road Tax from private vehicle which happened to be one of the most resourceful revenue incomes. If so, it might so well be of much a good idea to impose the same on government vehicles as being practiced in other States. I have made a question in this concern a couple of time here in the House but the answer is that the government is not having any intention since we are being debarred to apply the same by the Act, 1996 passed by the government itself. In the same way, the government is not having plan for imposition if tax on buildings owned by the government itself which I feel is much necessary. It is, therefore obvious that this government is trying to collect any available sources of income from the people although there is possibility to ease the burden.

Mr. Speaker Sir, it is the duty of the government to resolve the problem in such away to cost people minimum expenditure on taxes. I, therefore opine not to pass this bill in such a hurry.

Thank you.

PU C. THANGHLUNA

: Mr. Speaker Sir, this government may deserve appreciation for having passed a member of bills within this term

but it seems not to pay attention to unfavourable consequences which may effect general people. What is important for us all is to determine the matter seriously before passing off otherwise the people will lose confidence in this government. It seems that we are having to options, reduction or enhancement of taxes. If so, it may be wise for the government to consider which one is best for the people but not of advantage for the government only. I therefore, request the concern Minister to withdraw his Bill if he really concern welfare of the people. I don't think imposition of this tax would help the problem of the government. It is too much for the ordinary people to pay this tax on addition to existing items such as electric bill, water bill and Cable TV etc. and it is the duty of the government to ease the problem.

Thank you.

PU LALRINZUALA

: Mr. Speaker Sir, as already pointed out certain members, we are having a good instance in deterring the bill

which concerns tax on petroleum products. The ruling party have pointed out that the government is not intend to raise tax on petroleum products without reason yet it has been submitted due to conveniency. Mr. Speaker Sir, our people are too poor to cast another burdens of tax. The government should determine how to ease the existing problems. I opine the ruling party should not insist on to pass this bill if it really concern problems of the people.

PU K.T. ROKHAW

: Mr. Speaker Sir, I would like to request members from Treasury Bench. Not to insist on passing of

the Taxation Laws (Mizoram Amendment) Bill, 2002 as the burden of taxes on the people will be too heavy.

Thank you.

PU TAWNLUI MINISTER : Mr. Speaker Sir, although this bill is causing a heated debate among us, I don't think it is necessary as it is clear enough from the statement. We are only adding one point (d) to 3 (a), (b), (c) of the Principal Act which concerns the authority to reduce or enhance tax on petroleum products. It does not mean that this should be put into effect right away. If the government deems enhance or reduce to be necessary it should only be notified in the Gazette. It may also be reduced if necessary. It is only a suggestion to amend and as for this, it is not fair to threaten our people in this manner.

Members from the opposition bench too would understand the whole process if they examine the statement of objection and reasons. I therefore, express my desire to pass this important bill submitted by the hon'ble Minister in charge Taxation Department for the betterment of our government and the people.

Dr. LALZAMA MINISTER : Mr. Speaker Sir, I opine it is important to understand for us all that the governing is determining this bill for concerns of the people. Meanwhile, I would like to mention that it is absolutely wrong to state that corrected taxes as being tampered. We should rather give awareness to the people that the government determines what is best for the people themselves. It is important for the people also to have conviction of this matter as a must owing to the progress of our state.

Mr. Speaker Sir, it is to be noted that this matter does not have any connection with MOU as being speculated by certain members. It is better for every one of us to accept it as one duty as a citizen of India. I therefore strongly support passing of this bill.

Thank you.

PU SANGHMINGTHANGA PAUTU : Mr. Speaker Sir, I first of all have to mention that there is nothing to be afraid of enhancement as stated by this bill. In this regard it may be important to determine that only 10 % is taken in other states where as in Mizoram 20 % which came into force during the congress Ministry. This Bill is therefore submitted so as to provide consumers protection and I personally find no reason to be afraid of this bill.

Various members has given taxation on petroleum product as an example. In this concerns it is known to us all that whether this particular tax is increased or reduced. It is not the responsibility of the state government but of the Central in according with International Market for the market. It is therefore totally wrong to speak against this Bill as a means for increase of tax on petroleum products.

On the other hand, I would like to mention on the people's part that we have to accept that tax is essential for every citizen and we should start to learn to live with it. It is important for the government too to step forward for the progress of our state. I therefore strongly support this bill for favour of passing by the member unanimously.

PU J. LALTHANGLIANA : Mr. Speaker Sir, in determining various speeches from the opposition members, their main stands point is to delete the word 'enhance' from the sentence because of suspicion of raising of tax to certain commodities on the contrary, it is obvious that members from the ruling party are in support of increase of tax on amusement items. As we have seen here in the Amusement Act section III a, b, c, one new point (d) has to be added to the Principal Act as the sentence 'We State Government may by notification in the Official Gazette reduce or enhance the rate or rates of the leviable under section 3 (a) (b) (c) and there upon such the rate or rates shall be deemed to have been amended accordingly.

Thank you.

S P E A K E R : The time now is 1 : 00 PM. We shall now have a tea break. The meeting shall be resumed at 2 : 00 Pu C. Sangzuala.

PU C. SANGZUALA : Mr. Speaker Sir, I first of all would like to Address the need to direct our speech so as not to investigate wrong idea to the people. On the other hand it will be important to give awareness to the people of the importance of giving tax. In regard to this Bill too I do not think it will cost much hardship to the people as no financial involvement is found. I, therefore support passing of this Bill.

Thank you.

**PU ZORAMTHANGA
CHIEF MINISTER** : Thank you Mr. Speaker Sir, It is the normal practice of the House to determine this matter wit the changing of the cost of certain commodities and value of exchange. Since the present bill concern with Information and Technology it is intended to process as the situation demands.

Within this Ministry, it is grateful that over state is recurring enormous blessings in every way. The Budget of the Government too is increasing every year. Particularly for the programme of urban development the Central Ministry is planning to make provision of 20 crore Rupees which is of outside State Budget. In the previous year also enormous provision had already been received from the Central Ministry such as 50 crore for urban development. Not only this, we have also received 300 crore Rupees from world Bank for Rural connectivity.

Speaking of our main topic. The Taxation Laws (Mizoram Amendment) Bill, 2002, we are having some complications since the matter is Information and Technology connected. For instance, the House passed to collect 20 % from Cable Television Connection back in 1996. Although the amount is felt exorbitantly fixed it is not possible to amend unless by the House and we have to wait until the next Session is called. On the other hand, due to level of competition amongst Cable TV operators some of them arecompelled to acquire certain newly developed instruments which necessitated to raise their monthly collection from consumers. It is therefore necessary for the government to possess authority to amend the same rules as the situation Demands. For this reason, I

have to express my desire for passing of this bill so that adjustment be made by the government as Demands by the situation.

Thank you.

S P E A K E R : I now call upon Pu Lalchamliaana the concern Minister to wind up the programme.

PU LALCHAMLIANA MINISTER : Thank you Mr. Speaker Sir, To begin my speech, I have to express my appreciation to 14 members who are actively participates in the discussion of this Taxation Law Amendment Bill, 2002. But I am afraid that our fellow members from the opposition bench might have manipulated this issue as a Political ball for the coming election since most of the speeches indicates their suspicion of the steps being taken by the government.

Our fellow member of Khawhai Constituency opined that it is not wise to amend this rule since it is adopted of the Assam Act, I could not make any comment for that as I am not legal expert. Yet, as far as my knowledge is concern, this Assam Act is adopted by the Government of Mizoram in 1987, since it is not convenient to Amend this Assam Act in Mizoram Legislative Assembly, it was decided to put the amendment title as Taxation Law Amendment which was done in consultation with Law Department. In fact, the bill is started with the sentence "Further to amend the Assam Amusement Act and betting Act 1939". The same process has also been used in the amendment of certain Rules in the previous Ministry.

Regarding the Principal Act, there are certain ideas to make amendment in the Assembly as the Principal Acts includes rates of certain ideas which is agreeable to a certain extends, yet the government feels convenience to be done by notification to the government. Relating to various criticisms from the opposition members, it is to be noted that the MNF Party is not responsible for excessive fixation of tax on Television's Cable subscribers during the previous Ministry yet, the motive of this bill is to enhance power to the government so that meaningful fixation is prevailed in every items.

Thank you.

S P E A K E R : If you are intending to achieve during your minister ship, you should have said it so. In such away, a belief members from the opposition too could support passing of this bill without much ado.

PU LALCHAMLIANA MINISTER : Mr. Speaker Sir, In regard to fixation of rate on cable Television subscription the Department opines to fix at Rs.20/- where as the concern operators at Rs.10/- which is yet to be finalised (Pu LALHMINGTHANGA :- If the concern Minister could give this assurance for reduction, we agree to pass this bill right away). The matter will be discussed and it is intended to reduce it to less than 20 %.

In regard to the possible effect on rates on petroleum products, both Leader of the Opposition Group and the Opposition Group Leader express their opinion that this rate has been increased 3 times under this Ministry due to adoption of uniform floor rate for which I have to make clarification. The truth is Mr. Speaker Sir, it is not the motive of this but to increase the rate deliberately but uniform Floor rate is being adopted as per instruction of the Central Government and in case our government fails to do so 25 % of the state Budget be cut off. Fortunately just after the adoption of uniform Floor Rate, cost price for petroleum and diesel has been reduced all over the country. Because of this the state government is able to maintain the uniform Floor Rate.

PU ZAKHU HLYCHHO : Mr. Speaker Sir, point we have Mentioned previously concern only for Cable T.V. subscription. Whether the concern Minister could give his assurance to reduce tax on amusement, Games, Sports and cinematography in addition to Cable T.V?

PU LALCHAMLIANA MINISTER : Mr. Speaker Sir, presently, the government have no determination to process tax on items mentioned by Pu Zakhu Hlychho yet, it is intended to prevail on Cable T.V. as the situation demands Regarding increase of the cost of petroleum products, it is totally depends on the decision of Petroleum Ministry. Regarding the suggestion made by a member of Thingsul Constituency, it is to be noted that there are two Types of tax such as Tax Revenue and Non-tax Revenue and Taxation Department concern only of the first one and points raised by him falls under the second one.

Regarding point raised by Pu C. Thanghluna, a member of Lawngtlai Constituency I will not make a comment as it is not relevant to our main topic. Relating to the speeches of the sources of taxes as being excessive. It is agreeable to a certain extends but it is to be noted that in other states like Karnataka, 65 % of the state Budget is covered by sale tax where as only 6 % is covered by our state Budget. As for this, it is necessary for every members to give awareness to the people the necessity of tax instead of making some criticisms. It is the policy of this Government to lighten the burden of the public. The Member from Tuipang has charged the government for eliminating IRDP. But this is the people if the Central Government and the State Government have no responsibility in this regard. It is the duty of the Members to impart the truth to the people.

As stated by the Opposition Leader, the Government has no intention of increasing the tax from consumer but the defective is to lighten the burden of the consumer. Therefore, I request this August House to pass this Bill.

S P E A K E R : We shall take voice vote. Those who agree to pass may say 'yes' and anyone who disagree may say 'no' (Member agree).

The House passed The Taxation Laws (Amendment) Bill, 2002. unanimously.

Let us now call upon the Minister Pu H. Vanlalauva to move The Mizoram Fisheries Bill, 2002 with its Amendments. The copy may be distributed.

**PU H. VANLALAUVA
MINISTER**

: Thank you, Mr. Speaker Sir, With your permission and approval of the House, I move The Mizoram Fisheries Bill, 2002. I agree that the wording of Bill may be unsatisfactory. But, I request the members to put forward the aims and objective of the Bill. Being a small Department, various steps are being taken to become self-sufficient in fisheries. It is also the objective of the Department to be able to export fish outside the State. But, the Department has faced various problems. With the Cooperation of various NGOs and Village Council awareness campaign was also organized in different areas. It was found out that we have no Act for the regulation of the protection and conservation of riverine fish, we also have no law to punish a person for poisoning riverine fish. With the feeling of the necessity to protect, conserve and develop over fisheries the present Bill is prepared. But, I am not denying the fact that the Bill may not be perfect enough. But, when the Rules come out, it will be more perfect.

As we have seen, Chapter 3 contains only 3 sections. The first page contains short title and definitions. Chapter II contains protection and development of fisheries. The appointment of Fishery Warden, closed seasons, fish sanctuary, the trial and offences etc. are mentioned on chapter 3. The Bill also mention that if this Bill is passed The Lushai Hills District Fisheries Act, 1953 shall stand repeated.

Mr. Speaker, I deeply request this August House to tolerate and excuse all the points of which are found to be unsatisfactory and pass this Bill unanimously.

Thank you.

S P E A K E R

: The Minister for Fisheries Department has moved his Bill. We shall have a discussion now. Pu L.N. Tluanga.

PU L.N. TLUANGA

: Mr. Speaker Sir, the people of Mizoram have begin to aware the importance of preservation of fish. Hence, this Bill is most welcome. But, there are some provisions that needs clarification on Chapter I it states that 'It shall extend to the whole of the State of Mizoram except the area falling under the Autonomous District Councils set up under the Sixth Schedule the Constitution'. I do not understand why autonomous District Council area is excluded by this Bill. The provision found on Page 3, no. 5 (2) also does not seems to be practicable for Mizoram.

Page 3 (no. 6) provides for the punishment for the defaulter. But, I think the punishment is rather light as it is also one year imprisonment. This gives me the idea that the mover is not really against poisoning of reverine fish.

PU H. LALTANPUIA

: Thank you, Mr. Speaker. At the outset, I would like to say that I

have supported this Bill. If this Bill is passed the steps being taken by YMA and Forest Department for the preservation of riverine fish could be more effective. I am glad that the Government has started to have awareness for the protection of riverine fish. But, we also have to consider that this Bill would deeply affect the Mizo tradition and customs because the rural people have been engaged in fishing for a long time. But, some of the fishing pattern have to become illegal through this Bill. Their way of life have become fishing. If this Act has to be enforce as it is the rural people would greatly suffer. At the same time, it also gives me the view that the Act would not be strongly enforced.

On Chapter II no. 4, there is provision for appointment of warden of fishery. But, there is no mention of how the warden should be appointed. In order to keep a strict vigil on the whole riverine of Mizoram the Department will need large number of warden. Let us assume that local people will be appointed for warden. There is mention of the remuneration for warden I would like to know the amount of remuneration proposed to be given to the warden. In this connection, I would like to raise a suggestion that 50 % of the punishment fine be allotted to the warden as remuneration. If this could be done, we can have effective results and it will be a motivation for them.

On Chapter 5, there is provision for the declare of closed season for certain variety of fishes. But, there is no specification of the fish variety. I would like to know the idea behind this.

On Chapter 6 there is provision for prohibition to detraction of fishes by various means. Here, most of the method of fishing practiced by the Mizos are prohibited. If this Bill is passed how can we catch fish ? What method shall we apply. It will be appreciated if the Minister can furnish clear definition in this matter. Mr. Speaker Sir, the season we feel that it is necessary to protect conserve and develop our fisheries is to bring about economic development of our state, that is to be self-sufficient in fish. But, the Bill does not give provision for the legal means of fishing. I have raised the above points to be noted down by the Minister.

Thank you.

PU C. THANGHLUNA

: Mr. Speaker Sir, as already stated by the member who stood before me the Bill is not perfect enough. It is

true that we should protect and conserve our fisheries. The purpose is to be self sufficiency in fisheries. But, the Bill has no provision in this manner. It is only a Bill to protect fishing and the fishing period are also declared as closed season. Therefore, we should consider whether we can manage with this Bill.

As for appointment of fishery Warden, Chapter 4, no. 3 states that no police Officer below the rank 51 or the Fishery Extention Officer shall be appointed to be a Fishery Warden. These Fishery Wardens shall be appointed to discharge duties and exercise powers against the violators. It this is the case, the door of corruption will be open for the Fishery Warden. Even Bribery will surely prevailed. Therefore, we need to consider if this provision is safe enough.

The memorandum of Delegated Legislation states that Clause 15 of the Mizoram Fisheries Bill, 2001 proposed to delicate power to make rules to the Executive Department of the State Government for the purpose of carrying out provisions of the Act, if passed by the Legislative Assembly. Here, the Bill moved today is referred as The Mizoram Fisheries Bill, 2001. Therefore, this point also need clarification.

COL. LALCHUNGNUNGA SAILO : Thank you, Mr. Speaker Sir, The hon'ble Minister has mentioned the reason behind the moving of the Bill. I agree with his view. However, I would like to extend one point on the Financial Memorandum. The Financial Memorandum states that there will be no additional financial demand on the implementation of the Act, if passed by the Legislative Assembly. If there will be no financial implementation how can we operate this Act ?

Mr. Speaker, the wording of the Bill itself is not satisfactory and many points of defects and mistakes are to be found. This is not the fault of the Minister. But, Law Department is also partly responsible. How can all these mistakes could be ignored in the first place? Incorrect usage of English is also to be found. The word 'taking' is also used in section 7(a) whereas the word 'catching' is to be used.

Besides these, there are some points to amend in regards to the uses of appropriate words, definitions of water both Government and Private waters and explanations of Government water bodies. There may be much to amend in such ways. Of which, what I want to say is that it is necessary to make amendment. Anyhow, it must be amended with an eyes to keep the dignity of the House. I feel that this bill should not be passed simply without having any amendment.

And regarding the financial implication, I feel that "nil" is not enough but to be provided in figure.

PU LALCHAMLIANA MINISTER : Thank you, hon'ble Speaker Sir. As I am the concerned Minister I feel that I am to speak about this Bill. I am very happy for this Bill is moved by the hon'ble Minister personally. From time immemorial, we did not know how to preserve wild life and any living being in water some of them were annihilated, now. In 1992, Forests Department in cooperating with young Mizo Association observed "Year of Preserving wildlife". This brought forth a good result to the people to preserve wildlife till date. But some of us still want to annihilate the wildlife by any means. If it were not to annihilate, the rivers of Mizoram are fit for professional. That's why, it is to make means of prohibition with its punishments. On the other hand, I feel that its wording is not much to be complained.

Mr. Speaker Sir, I have to point out only two points. One is that Rules 6 (1) (a) (b) (c) stated that the materials not to be used for trapping of fishes and the like clearly. Secondly, Rule 15 stated the materials or tools that could be used for catching of fishes. That's why, Mr. Speaker, it may not be an ideal, but it's good enough for application. I therefore, support this bill to be passed on this day.

Thank you.

PU ZAKHU HLYCHHO : Thank you, hon'ble Speaker Sir. This Bill is very important for our State. But it is required to be amended. I feel that it should not be passed without any correction because the title is Mizoram Fishery Bill but some clause indicated as 'this Act'. That's why, correction should be made. Secondly, in the portion of definition, explanation is written without definition.

And I could not understand no. 8. There is no stop. But I feel that it should be two sentences. And section 6 stated that means of punishment. But if we see the schedule all violation of these rules are compoundable. I feel that this is not good. That's why, my happiness in this bill is not complete. In fact, any person who poisonous substance for catching of fishes etc. should be punish with a capital punishment. Such punishment should not be compoundable. That's why, Mr. Speaker Sir, we want to pass this bill but it is better to be referred to the select Committee for necessary correction.

Thank you.

PU R. LALZIRLIANA

: Mr. Speaker Sir, The Mizoram fishery Bill is moved by Pu Auva, Minister. It is very appreciable his earnestness.

But it appears that the officer did not support in regards to correction of typing mistake and arrangement of words. I feel that it is require to review once again. We are now, have no Rules for catching fish. If so, it will be very difficult for the owners of fishery farms. That's why, we should have the rules for fishing.

Secondly, Financial Memorandum stated that no addition financial Demand shall be made, while Sub-Section 1 of Section 4 stated that fishery warden is require to be appointed? We know post creation is banned in this Government. If so, from where we shall have the fishery warden. I therefore, want to know about it.

Thank you.

PU K.L. LIANCHIA

: Mr. Speaker Sir, Last year, Sport Council Bill was passed due to strong pressure from sport lovers.

Now, we have Mizoram Fisheries Bill, 2001 to consider I feel that the bill should not be passed as we did pass The Sports Council Bill. Some wordings may be required to amend. And we also need to consider as to why a bill needs to be passed while there seems to exist an Act for this because it was written in the Financial Demand. Hence, I think the proposed bill is too confusing and unclear to have it passed just because we have understanding of the situation. Before we have it passed, let us make it more clear of its articles and clauses.

But I feel that the spirit is very good to check the problem faced by all. If it were pass, it will be very shameful for the Members. Consequently, it's better to be referred to the select Committee for further examination by the learned men. And if the violation is committed in good faith the isolation may be regarded as compoundable. If one said that he has done committing in good it is to grant pardon. So, liberty is too high for the wrong doer..

And I could not understand the 'burden of proof' provided under section 7. I therefore, request it for clarification. In short, I request you to refer to Select Committee without any complaint.

Thank you.

S P E A K E R

: I am also confuse about this bill. As the rules of procedure it is very easy if the Minister withdraw the

bill for further correction. If we were to refer to the Select Committee it should be done as per the Rules of Procedure and conduct of Business. That's why, further reference to Select Committee is not proposal formally. I think that he himself may make correction as a result of the discussion. The concerned Department may study it more carefully than before.

**PU H. RAMMAWI
MINISTER** : Mr. Speaker Sir, if the House agreed to be referred to select committee with your permission, is not it better to refer to the Select Committee without withdrawal. The Select Committee too may consult the concerned department too.

PU LALHMINGTHANGA : Mr. Speaker Sir, we are all agreed and satisfied with the spirit of this bill. But we feel that it is better to make some corrections. It is also good to refer to the Select Committee. I feel that it is require to be moved as the Ruling.

S P E A K E R S : Anyhow, it is require to go as per the rules, we will call upon House Leader to deliver his idea for ruling in this regard.

**PU ZORAMTHANGA
CHIEF MINISTER** : Mr. Speaker Sir, as said before all Members desire to pass as the spirit is good and have desire to apply it as early as possible. But all of us feel necessary to make correction in its wording and typing mistake I feel that it may be better to refer to the Select Committee for all of us may contribute each of our ideas.

**Dr. LALZAMA
MINISTER** : Mr. Speaker Sir, I proposed to refer to the Select Committee without withdrawal of the Bill for correction.

**Dr. R. LALTHANGLIANA
MINISTER** : Mr. Speaker Sir, such incidents occurred one or two times in the former Ministry. The Speaker invited Members from various political groups. I think that it will not take more than two sitting to complete correction.

S P E A K E R : No, you don't catch my point. No Member brought any motion to refer to the Select Committee. We are not go and base on House Ruling, but we should base the Rules property. If we did not follow the Rules of procedure and Conduct of Business when we will return to the Rules.

Please see Rule 80 of the Rules of Procedure and Conduct of Business. It is require to be moved a motion to refer to the Select Committee. None of you moves the motion. That's why, withdrawal of the bill is easiest for correction of the bill.

PU H. LALTANPUIA : Mr. Speaker Sir, I feel that the opposition Leader(Interruption).

Mr. Speaker Sir, very important bill what we needed is brought into this House. I think that Law Department will voted such important bill. But it seemed that they did not vet the Bill because there is much to be corrected. That's why, I feel that it is to be enquired whether law Department has voted the Bill.

PU R. LALZIRLIANA : Mr. Speaker Sir, if the provisions of the Bill is not good enough it is usually withdrawn. That's why, the withdrawal of Bill is the must.

**PU LALRINCHHANA
MINISTER** : Mr. Speaker Sir, in the former Ministry too, if some bills need correction we used to have House Ruling to make necessary correction especially to the Select Committee. Then the Speaker appoints Members of Select Committee and makes terms of reference and proceeded accordingly.

PU ZAKHU HLYCHHO : Mr. Speaker Sir, we used to speak and discuss various bill in the House. As a result of discussion the bill is used to refer to the Select Committee. Mr. Speaker Sir, as it degrading to withdraw the Bill for the Ruling let's refer it to the Select Committee.

**PU F. MALSAWMA
MINISTER** : Mr. Speaker Sir, as it was usually practiced in the House, kindly adjourn the House for ten minutes for group discussion about the matter. Select Committee. Then the speaker appoints Members of Select Committee and makes terms of references and proceeded accordingly.

PU ZAKHU HLYCHHO : Mr. Speaker Sir, we used to speak and discuss various bill in the House. As a result of discussion the bill is used to refer to the Select Committee. Mr. Speaker Sir, as it degrading to withdraw the Bill for the Ruling let's refer it to the Select Committee.

**PU F. MALSAWMA
MINISTER** : Mr. Speaker Sir, as it was usually practiced in the House, kindly adjourn the House for ten minutes for group discussion about the matter.

PU LALHMINGTHANGA : Mr. Speaker Sir, all of us feel that this Bill is good in its spirit. We want to pass it but want to make some corrections. I feel that it is not shameful for the concern Minister as many bills have been treated in this way. I therefore request the House to follow proposal made by the hon'ble Speaker.

PU NIRUPAM CHAKMA : Mr. Speaker Sir, the Bill after move in the House, it is all up to him. He could make decision of his own. He may withdraw or move to the Select Committee.

S P E A K E R : Anyhow, we need time for tea break let us adjourn the meeting for 20 Minutes to resume the Meeting at 4 : 20. PM. Which may resulted good things.

**PU H. VANLALAUVA
MINISTER** : Mr. Speaker Sir, I have to apologize to the House as I said in the beginning. I beg your understanding to pass this Bill. Eight Members said that the Bill is wanted by the State Government in principle. I am very happy to know that we are eager to apply this Bill in the State. On the other hand, some mistakes spoken by the hon'ble Members is true as some bills. It is desirable to have further examination of the Bill in the Select Committee but the law does not fully permitted. I, therefore, request you to pass it now and after that necessary corrections to be made with the learned groups of the Department.

PU LALHMINGTHANGA : Mr. Speaker Sir, if we pass it once, alteration can be made in it.

S P E A K E R : No, alteration can be made in accordance with passing the Bill. He had apologized in regards to correction of the typing mistake and wording with changing the purpose.

**PU H. RAMMAWI
MINISTER** : Mr. Speaker Sir, the spirit of the Bill in the sight of all Member is good (interruption). All of us support it for passing.

And all Bill passed in State Legislative Assembly are not an ideal. If the spirit is good and pure it is then passed in the House and necessary correction come to the House as an amendment form. Even the constitution of India needs amendment from

time to time. I, therefore, support this Bill for passing now as desired by the hon'ble Minister.

PU LALRINZUALA : Mr. Speaker Sir, I feel that in order to keep on the honour and dignity of the House the Bill should not be passed now remembering the mistaken, necessary alteration of the construction of wordings. It should be withdrawn from the House. It is not shameful. After making necessary correction we may pass it at the next Session. The next session may be summoned only to consider this Bill. That's why, it's better to be withdrawn by the Minister.

**PU F. MALSAWMA
MINISTER** : Thank you, hon'ble Speaker. It appears that all of us feel the goodness of the spirit of this Bill is accepted by all Members. If we compared with the Sports Council Bill passed by the House, there's way to pass this Bill. While there may be a lot of mistakes to it. Anyhow, I feel that two things appeared from the speeches of the Members. They are grammatical mistake and typing mistake. The hon'ble concerned Minister had ask to grant him pardon pointing out those mistakes. That's why, it may be regarded as compoundable. On the other hand, All members are satisfied with the spirit of the Bill and have desire to pass it if it was corrected. In my opinion, this is not hard task, the mistaken can be easily condone if we want to pass it. I therefore, support this Bill for passing now.

Thank you.

PU NIRUPAM CHAKMA : Thank you, hon'ble Speaker Sir, The presentation of this Bill is not properly done from the very beginning for financial implication is not made in it. There must be financial implication. This Bill is to be applied in the whole of Mizoram if it is passed. No financial implication is provided in it. That's why, we cannot pass it. It is the matter of misleading the House.

S P E A K E R : The Bill should be layed in the House. If no member complaints about it within seven days and ask n no question. The Bill is regarded acceptable.

PU NIRUPAM CHAKMA : Mr. Speaker Sir, regarding arrest of person committing violation of the rules, only Police Officer, not below the rank of Sub-Inspector will have the power of arrest. If so, this rules would not be able to be implemented properly. Besides these, there is much construction of words which are not corrected. That's why, let us follow the proposal made by the leader opposition group (interruption).

PU SANGHMINGTHANGA H. PAUTU : Thank you, hon'ble Speaker Sir. It appears that all of us have desire to pass and apply this Bill in our State. I feel that no Member had spoken about amendment but the grammatical languages need correction in some area. I also have to speak about it other than the words spoken by the hon'ble Members. Mr. Speaker Sir, you are not allowed to refer to the Select Committee for it is not moved properly as provided by the rules make ruling of the House. And it cannot be amended but only wording and printing mistakes. In fact, if we all want to pass it we can do it. The Bills made by Pu Rinhhana and Pu Rualehhina had been passed in this way. The opposition leader stated that some illiterate persons used poison to catch fishes. That's why we want to apply it immediately. I also have no findings to be amended. If we have finding for amendment in future it may be done now and then That's why, I would like to ask the House to pass this bill as we had done in the past. No law can be completed in one discussion.

Thank you.

PU R. LALZIRLIANA : Mr. Speaker Sir, if had a very good proposal for the House may had consensus in the discussion by adjourning the House for the time being. I feel that the Treasury Bench disregarded your Ruling now. If it is to pass this bill neglecting the opinion of the opposition group, we will follow the statement of our Leader and leave the House as said before.

Thank you.

PU J. LALTHANGLIANA : Mr. Speaker Sir, we had passed three Bills in this Session without any criticism. On this day, MLAs from MPC Party complained its grammatical wordings. That's why, you said that this Bill is considered at last for it needs correction/amendment. We feel that the Bill would be corrected. The purpose of the Bill is good. But in adequate in its grammatical composition and corrected one sentence. That's not complained. But when the hon'ble Members said that it has a lot of typing mistakes, wording and grammatical construction of sentence. That is also accepted. Pu Speaker, You therefore, adjourned the House for 20 minutes for we may have consensus. But it seemed that the Treasury bench don't try to have it. They only try to have one sided consensus only. I feel that the Bill requires careful reexamination. I would like to know whether the definition of fish includes water snail, lobster, tortoise and turtle.

And chapter 2, 6 (3) stated that Government can suspend Chapter 2, 6 (i) the uses of any dynamite or other explosive substances from time to time after notified in the official gazette. I feel that is not good. I feel that it should be restricted totally. That's why, it better to be withdrawn by the Minister if it were not to be amended. We should not hurry to have a good rules. It is therefore better to be withdrawn or refer to Select Committee for we may have consensus in this August House.

PU C. SANGZUALA : Hon'ble Speaker Sir, let me speak shortly. On this day, I feel that the opposition Members praiseworthy and requested them to be more praiseworthy and to be more accomplish in their idea. The concerned Minister requested the House to Condon the inadequacy of the construction of

the Bill. I feel that it is more nice to Condone his request that withdrawal or rejection or delay.

If it were to be passed it, I have no findings any fault either for the House or the people. Not only that but it was decided to make necessary correction than that of amendment. Besides these, I feel that it is respectable the spirit of the Bill spoken by the hon'ble Minister while we are only just like a laymen to him. As such, we are not to be so fastidious in this regard nor we should not be in sulky here in regards to its inadequacy.

Thank you.

PU LALHIMINGTHANGA

: Mr. Speaker Sir, when I spoke the Bill before noon I had point out that the importance of this Bill. We

want to pass it with the Treasury bench. And I also pointed out that poisonous substance and chemical substance used highly in the rivers. The waters are used again by the public which caused cancer to the person who drinks it. The Doctors too have idea to it. And the spirit of the discussion seemed to be very good. But the absence of financial implications and mistaken proved that this Bill is disqualified for passing.

Some of the mistaken appeared in the provision may be summarized as follows:- first page on definition of sub-section (a) The fish is allowed to breed at least one in each lifetime (b) Economic variety Fish means fishes having good grows, good consumers both in culture and captive fisheries. These have no meaning (c) Fish includes - Shellfish, turtle etc. This definition is not clear enough.

Next to this page no 2. (a) stated fixed engines means any care net, truck or other contrivance for taking fish fixed... in any other way. This is why the definition is not worthy for passing.

Next to these, page no 4 sub-section 10. We see offences under the scheduled to this Act may be compoundable by the trial Court or by an appellate court if he so desire compoundable clause/section should not to be provided in any law. The provisions of this Bill is seemed to be highly contradicted to one another.

And next to this, page no 11, Section 8 stated that any police officer not below the rank of Sub-Inspector of police or any fishery officer or fishery warden may without warrant of arrest or cause to be arrested any person committing in his view any offence permissible under section 6. It is also provided if the person decline to give his correct name and address. That's why, this Bill is unfit for passing in this August House. If the Bill is passed without making any correction the quality of this House will be depreciated in the eyes of lawyers or advocates. I feel that it appears that then can be no consensus after 20 Minutes break. We are disregarded by the Treasury Bench while we have desire to pass it.

I therefore, would like to request the hon'ble Minister to withdraw it without having shame as he is true patriotic. If it is pass, the legal experts may have trouble in interpreting the provisions if it is not corrected. We are now deeply a grief to pass it as the present position. If you were to pass this Bill, we will leave the House and go out for the time being.

S P E A K E R : Now, we will call upon Chief Minister/House Leader after that the hon'ble Minister to wind up the discussion.

PU ZORAMTHANGA CHIEF MINISTER : Thank you, hon'ble Speaker Sir. The Mizoram Fishery Bill 2002 is moved by the concerned Minister and have discussion of the merits and demerits. The words spoken by the opposition Members are true. It is not good enough but the purpose and spirit of the Bill is good for the State. On the other hand, the financial implication is also not clear enough. The typing mistakes and grammatical wordings may be amended from time to time. This did not change the spirit and purpose of the Bill.

And the concept in it may be different from the general sense. But the need of the Bill forces us to pass it for immediate application from the coming day. The main purpose of this Bill is to do away with the poisonous substances and chemical substances for catching fishes and to increase all varieties of fishes in water/rivers in the State. In general sense of law, the Act done in Good faith is not regarded as violation of law. That's why, this Bill too provided the Act done in good faith is compoundable. It may therefore be condoned such provision of good faith. I therefore, request the House to pass it as requested by the concerned Minister.

PU ZAKHU HLYCHHO : There is no discussion openly with the opposition Members. In fact, it is a matter of political disregard to the opposition group. We will therefore interfere in passing the Bill.

PU ZORAMTHANGA CHIEF MINISTER : Mr. Speaker Sir, as the time is too limited we have no time to consult them openly. After deep consideration we decided to pass it. Although there are some mistakes in regards to typing and wording grammatical language. These mistakes may be amended from time to time. I therefore, make decision to pass it on this day.

S P E A K E R : Now, let us call upon the concerned Minister to wind up the discussion and let him ask the House to pass it.

PU LALHMINGTHANGA : Mr. Speaker Sir, your attention please. We feel the Bill is good and regarded as the need of Mizoram. But as we are politically disregarded by the Treasury Bench we will not present in the House and leave the House.

**PU H. VANLALAUVA
MINISTER**

: Mr. Speaker Sir, there is no treat like that. During the break, the mover of the opposition want to know the opinion of the Speaker. After that Opposition Members are present in the House. We then have no time with them.

And this Bill was vetted by the Law Department and made some alterations. A few years back, sports Council Bill was passed for want of the Bill. I was then ask the House to pass it. It is difficult to have a good understanding because they like to listen my request. As I said before, the beginning of formulation of this Bill is very long. It was drafted with the leaders of C.Y.M.A. Awareness campaign is also being conducted with them so many times. It is very fruitful. Without this Bill, the life of fishes can't be presented in the State. I, therefore, request you to pass the Mizoram fisheries Bill, 2002.

Thank you.

S P E A K E R

: Now, the Minister had wind up "The Mizoram Fisheries Bill 2002" and begged the House to pass it. Can we pass it.(The Bill is voted and pass).

Now, the Mizoram Fisheries Bill, 2002 was passed by the House.

Summary of Business transacted during this Session --

Out of the 122 starred questions received, 13 in rejected, and 109 questions admitted, 60 listed under list of business of which 10 was replied and the rest i.e. 50 was not replied of the 24 unstarred questions received, 4 rejected and reply to one has not been received in time. This was questioned raised by Pu Nirupam Chakma regarding appointment made under Chakma District Council.

Within this session, we have unfortunately 4 obituary on

- 1) Pu Krishna Kant, Vice President of India.
- 2) Pu B.D. Jattli, Ex-Vice President of India.
- 3) Pu R. Thanhira, Ex - MP of Mizoram
- 4) Pu Saingura Sailo, Ex - Minister of Mizoram

And the following reports are being presented in the House -

- 1) BAC Report by the Speaker
- 2) PAC (30th, 31st, 32nd, 33rd, 34th & 35th Report by K.L. Lianchia,
Chairman.

Report on Government Assurances by Dr. Lalzama, Chairman.

4 Bills entered which were all passed. These are -

- 1) The Mizoram Protection of Interest of Depositors (in financial establishment) Bill, 2002.
- 2) The Mizoram Fisheries Bill, 2002
- 3) The Mizoram Restriction on use or transfer of Land Bill. 2002 and,
- 4) The Taxation Law Mizoram Amendment Bill, 2002.

It is truly pleasing that we now come to the end of our session without any difficulty and our hon'ble Members participated well in the discussion for which I gave Thanks.

Now, we finish the business for now. Session adjourned Sine die.

Adjourned at 5 : 30 PM.