

ALSO

to move that the Bill be passed

DEPUTY SPEAKER : Hate Evil, and love good, and establish justice in the gate. Now, we will take our first business and let Pu Thansanga beg leave of the House to introduce the Bill.

DR. H. THANSANGA : Pu Deputy Speaker, I beg leave of the House to introduce a Bill amending the Mizoram Salaries, Allowances and pension of the Members of the Legislative Assembly Act, 1987.

Thank you.

DEPUTY SPEAKER : Pu H. Thansanga has begged leave of the House to introduce the Bill. Do we permit him. Yes, the House permit him to introduce the Bill and let Pu Thansanga introduce the Bill.

DR. H. THANSANGA : Pu Deputy Speaker, thank you for permitting me to introduce this amendment Bill in the House. Now I introduce the Mizoram Salaries, Allowances and pension of the Members of the Legislative Assembly Act, 1987.

DEPUTY SPEAKER : Now we will have a discussion on the Bill which was introduced by Pu C.L. Ruala the other day. Now let Pu C.L. Ruala move the Bill to be taken into consideration.

PU CIL.RUALA
MINISTER

: With your permission Sir,
I move the Mizoram Essential
Service maintenance Bill, 1990
to be taken into consideration.

Pu Speaker, the explanatory note of this bill is made and I think this note explains clearly the nature of this Bill. And regarding the said mistakes in this bill, I hope the members had read the bill and learned that the mistakes are only minor mistakes and had not effect the meaning of the Bill. So I would like to beg you to understand.

Pu Deputy Speaker, as I said the other day this rule had been used since we became U.T. and still used even after we became a state as permitted us to use by the Mizoram State Act 1988. But we have now consider whether this rule should be passed by the House because it may not be safe to apply essential Services Maintenance Act, 1981 Central Act 40 of 1991. So we prepared this Bill to be passed. But as the House was not in session at that time. Government of Mizoram had issued Mizoram Essential Service Maintenance Ordinary 1990 I therefore move this bill for the alternation of that ordinance. And it is not that this rule should be used to control the Government employees strickly all the time but new notification will be made every time this rules is going to be enforced.

Some may think that the punishment of seven years imprisonment is 100/- severe but that is the maximum the minimum is not shown. I think that you all consider this rule will be useful for any Ministry in time of troubles. I hope we all understand that the Government needs those rules when the need arises. And I also hope that this bill could be passed without much discussion. Pu Deputy Speaker, I therefore beg the House that the Mizoram essential Service maintenance Bill 1990 be taken into consideration.

DEPUTY SPEAKER : Pu C.L.Ruala had begged the House that the bill taken into consideration. Are we agree ?
If we agree we will start the discussion and each Speaker will be given not more than ten minutes.

PU R.RCMAWIA : Pu Deputy Speaker, I opine this bill is a very important as well as a very dangerous Bill. I also opine that it is very unfortunate that we have to consider and pass this bill while we have a good conduct rules for the Government employees, as we are in a democratic country

In my opinion the essential service in this bill has too wide a meaning. It seems that all the services even village councils under the jurisdiction of our state are included. I therefore, opine that the Bill needs clarification. In section 2 sub-section 8 and 9 runs as any public service, in connection with any affairs of the state of the secretariat department and districts for local administration and it further says "any service in connection with any affairs of the state not being a service specified in any of the foregoing sub-clause". Hence it seems that this rule includes all kinds of services. I therefore opine that the second section should be omitted. It is dangerous for us to pass this Bill as it is there should be specific meaning of the essential services.

Regarding the punishment of seven year imprisonment, the fine and the duration of imprisonment is not balance as the fine is Rs. 2,000/- only for seven year imprisonment. According to Indian Penal Code for one (1) year imprisonment the fine is Rs. 1,000/- and Rs. 2,000/- for two years imprisonment. I therefore opine that the fine should be more than Rs. 2,000/- fro seven year imprisonment, it should be atleast Rs. 8,000/- I also think that we need not to pass this punishment of seven year imprisonment if we are not going to use. I opine three year imprisonment is severe enough for the punishment.

Lastly, as I said earlier the meaning of essential services is too wide and not specific and the punishment of seven year imprisonment is too severe and not necessary. Besides the permission given to any police officers to capture the strikers without having warrants is not good for all of us. I therefore, would like to beg that this bill be reconsidered before we pass it.

Thank you.

PU H. RAMMAWI : Pu Deputy Speaker, the statement such other group of persons which is written in the 2nd clause of this bill, sub-clause A, number one is not clear. We don't know who are such group of persons I opine that this should be said specifically.

Also the first para that the statement, 'refusal to overtime where such work is necessary for the maintenance of any essential

could we punish last year's strikers. I therefore opine that we should omit the word 'before' from this sentence.

And in 7th clause it is written 'No such prosecution or other legal proceeding shall lie against any person for anything which is in good faith done'. I also opine that this should be reconsidered as the meaning is too wide.

Regarding the Drivers' cause, they were always in the same level with L.D.C. but in the last pay anomaly, only the L.D.Cs. pay had been raised while their work is technical and more labourious than the work of the L.D.E. It is not good that we practiced partiality among the Government servants. We had pulled Government the Drivers from group C to group D I opine that their cause is reasonable enough to declare a strike. I therefore think that we should give a careful consideration to their grievances.

Further, I opine that we should first consider the welfare of Government employees and should promote their welfare only after this should we introduce this Bill. But now we have made this bill to oppress the Government employees. There could not be justice if we do not permit them to claim their right for their welfare. So this bill seems not good enough to be passed, and it needs reconsideration. So I would like to ask the Hon'ble Minister to withdraw the bill.

* to be

DEPUTY SPEAKER : Let's call Pu Tawnluia.

PU TAWNLUIA : Pu Deputy Speaker, this Bill is in spite of its importance there are many defects in it. On reading it I opine that this bill had been made for the intimidation and oppression of the Government employees. We all know that any Government should have some rules for essential service maintenances but it seems that this bill had been made first to oppress the Government employees.

As earlier said, it is written in the second section, 8th and 9th sub section that the essential service should include any public service in connection with any affairs of the state of the Secretariat Department and District for Local Administration, so it means that the essential service include every service in the state and it is too for all of us. Besides it seems from this bill that any petitions and grievancees of the Government servants would not be considered by the Government the Government servants could show their grievance in many ways and also they could demand to work just as their recruitment rules

I therefore, opine that this bill needs reconsideration and I would also like to ask the Minister in-charge to withdraw it. Meanwhile an ordinance could be extended if need be.

Thank you.

DEPUTY SPEAKER : Now we will call upon Pu J. Thanghuama.

PU J. THANGHUAMA : Pu Deputy Speaker, I opine that the statement written in the 3rd clause, 4th sub-clause, no. (b). Any strike declare or commence whether before or after the issue of the order is wholly against the constitution. So this rule is not applicable.

Regarding the permission given to any police officer to arrest any suspected persons without warrant when a strike has been commenced is too dangerous for the people. It looks as if we become a disturbed area again. And in regards to the refusal to work overtime, in our existing rule anyone who works overtime is entitled to allowance.

Lastly, I opine that the condition of services pay and allowance of the Government Employees needs revision. And I also opine that this bill needs reconsideration and I would like to ask our Hon'ble Minister to withdraw this bill.

Thank you.

DEPUTY SPEAKER : Let's call upon Pu Zoramthanga.

PU ZORAMTHANGA : Pu Deputy Speaker, the essential service maintenance bill is needed by any state and even by Central Government. However, we have to be very careful in making rules. As said earlier by our Members. I also opine that the inclusion of this essential

service is not clear and too wide, as written in the 9th clause it includes any service in connection with the affairs of the state not being a service specified in any of the foregoing sub-clause. So the definition given in the 1st to 8th clause is meaningless.

As earlier said it is also unreasonable to call any strike declare or commence whether before or after the issue of the order by persons employed in any such service as illegal. And the penalty for this offence is also too severe. It says that it shall be cognizable offence and any police officer could arrest without warrant and the accused person shall be non-bailable. Besides, it further says that they could arrest and punish who is reasonably suspected of having committed any offence under this Act. Not only this, it further says No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this act or the rules made thereunder. In short this bill is too dangerous for all of us. Pu Deputy Speaker, I therefore would like to beg that the bill be revised.

Thank you.

DEPUTY SPEAKER : Lets call Pu Aichhinga.

PU AICHHINGA : Pu Deputy Speaker, I opine that this bill is likely to be used under martial law administration. I therefore would like to say that this bill is too dangerous to be passed. As earlier said the penalty of 7 years imprisonment is too severe and unnecessary. We have the existing rules to punish the strikers if they commit a big crime. I also opine that the permission given to any police officer to arrest without warrant is too dangerous.

I would also like to say it is not good to make laws which could curtail the rights of others just because we are legislators. However it is not right to enforce the punishment of seven year imprisonment to the strikers of the Government Servants.

Pu Deputy Speaker, I therefore would like to suggest that this bill be withdrawn and be revised.

Thank you.

DEPUTY SPEAKER : Let's call upon Pu Andrew Lalherliana.

PU ANDREW LALHERLIANA : Pu Deputy Speaker, thank you for giving me time. As mentioned earlier, many rules in this bill might seem too stern. But on the other hand there are many stern rules even in central government and in other states. While I was studying in Shillong, and the students were going to commence a strike and one police officer had come to us and told us not to commence a strike because the penalty just for apprehensive of the breach of peace could be imprisonment. But almost all the rules have precedent in the Indian Constitution or in the fundamental right. So such rules never prevent the citizens from claiming their justice. We can say that this is the nature of laws. Regarding democracy there are no other country which has a better democratic tradition than India, I would like to say that we are really wrong if we believe the authorities would have unlimited power just because there is a rule. I also believe that the government would be cautious in enforcing this rules. If they use their power the ministry would suffer. Also there is an agency of law and order to check and balance the maintenance of any rules. In view of this I believe there would be no execution of power excessively in this regard.

I therefore opine that this Bill should be passed as it is not to abuse democracy. Moreover, the same maintenance rules is being maintained in the Central Government and also in other state like Meghalaya.

Thank you.

PU RUALCHHINA : Pu Deputy Speaker, thank you for giving me time. Many defects of this bill had been pointed out by our fellow Members. I admit that the Essential Services Maintenance Act is really necessary for Mizoram. But I have learned from the 8th and 9th clauses of the bill that the bill we have discussed today is not the essential services maintenance bill but all services maintenance bill such bill is logically unfit to be passed by this House. I therefore would like to beg the Minister concern to withdraw this bill. Therefore Pu Speaker, I would be grateful if you end the discussion on this bill.

Thank you

PU ZORAMTHANGA

: Pu Deputy Speaker, as said by our member. Before me the name of this bill should be general services maintainance bill. This bill

includes all services and I would like to beg our Hon'ble Minister to tell us which service is not included in this bill if seems to be enforce in the disturbed areas where law and order could not be maintained. In my knowledge this Bill has been introduced to control the Government Drivers because they intent to declare a strike due to the grivance in their Salaries. But this Bill is too much only for such purpose. I would like to say that the Salaries of many of our Government Servants are dissatisfactory for them since their pay is less than the pay of their equal ranks, they commenced strike or Mass casual leave only after their grivance is ignored by the Government So I opine that it is better for the Government to consider their grivances as well as their welfare. If we treat our Government Servants egually and fairly I believe this Bill would never be needed in our state. Another thing I would like to say is about overtime work, in this bill it is stated that anyone who refuse to work overtime should be punished while I opine we should give allowances for over time work. In my opinion this bill is to control and oppress the Government sernants while the Ministry is the one who should listen their problems and grivances and should try to solve their problems. We should listen to their grivances patiently and with understanding and we should try to promote their welfares as their status deserves. If we could not meet their demands we should tell them and beg their understanding and I am sure they will understand if we do so. Instead we are trying to impose this maintainance rules to oppress them. In short, I opine that this bill should not be passed. Pu Deputy Speaker, if we are going to pass this Bill I would not be present while you pass.

Thank you.

DEPUTY SPEAKER

: Lets call upon Pu H.Thansanga.

DR H.THANSANGA
MINLSTER

: Pu Deputy Speaker, thank you for giving me time. First of all I would like to say that this Bill is to control only the entremists.

It is not to appress the Government sernants

I would also like to say that the government would not use this rule excessively. It is also important to know that this rule is for the good of the people as a whole.

Regarding the 9th clause. I opine that it might be more appropriate if we revise as any service in connection with the affairs of the state not being a service specified in any of the foregoing sub clauses as state government may specifically determinate from time to time. But on the other hand I would like to say that we should know any service is essential one way or the other. But some service concerns the immediate needs of the people more than some service. That's all I would like to say.

Thank you.

DEPUTY SPEAKER : Let's call upon Pu Manghnuna

PU F. MANGHNUNA : Pu Deputy Speaker, thank you for giving me time. First I would like to say that this maintenance bill is being maintained in other states of India. In Mizoram also this rule had been applied since we became Union Territory and is still being applied after we became a state. So it is very clear that this rule is applicable and we only have to pass the existing rule. I therefore opine it is wrong to say that thus rule would be used for the oppression and intermidation of the government servants. And I don't know why it would become dangerous if we pass it.

However, this essential commodities maintenance act had been amended in 1981 and would be expired this year unless the parliament renew it. So all the said defects could be amended if we think they are not applicable. I therefore opine this bill should be passed. Thank you.

PU P.C. BAWITLUANGA : Pu Deputy Speaker, thank you for giving me time to have a speech I opine that this bill is good enough in general and it is also for the welfare of the people as a whole. It is said that section I sub-section 8th and 9th of this bill is unspecific and too wide. But on the other hand we should know that

any service is essential and I opine it is good that the government has a sense to include all the services in this essential service.

It had also been said by our members that it would not be fair to punish those who refuse to work overtime as it is written in 'B' (a)(1) It is not that those who work overtime would not be given an allowance and would be punished if they refuse to work overtime. Some persons may like to declare a strike though they have received allowance for overtime work. Therefore in my opinion it is just the precaution for the government for such matters.

Some of our members opine that the statement any strike declared or commenced whether before or after the issue of the order by persons employed in any such service shall be illegal which is written in 3rd clause, 4th section and sub section (b) is not applicable and unconstitutional. But it is written in 4th section that 'An order made under sub section (1) shall be in force for a period of six months only, but the state government may, by a like order published in like manner extend it for any period, not exceeding six months, if it is satisfied that in the public interest it is necessary or expedient to do so. Hence that order in Sub-Section (1) would be valid after six months and it should be renewed after six months for the period of another six months. But the rule might not be renewed just after its validity for some reasons or the other and a strike could be commenced during such period. I therefore opine that the rule in 3rd clause section "4" Sub Section "B" is good enough regarding the rule in the 3rd clause.

Regarding the permission given to any Police officer to arrest without warrant any person who is reasonable, suspected of having committed any offence under such act, I opine it is only for emergency, and I am sure our police officers would not use their power excessively.

Lastly, I opine we should know that the employees of our government is the people. So this rule is for the welfare of the people as a whole. And as earlier said any service is essential for our country. Besides if we find that this rule is not good enough, it could be amended any time afterwards. So Pu Deputy Speaker, I opine that this bill should be passed today.

Thank you.

DEPUTY SPEAKER : Pu Zoramsangliana

PU P.C. Zoramsangliana : Pu Deputy Speaker, thank you for giving me time. As said by our Hon'ble Members this bill may seem to be too dangerous. But with careful study it is a very good Bill.

Some years back Pay Anomaly Committee had been found but this committee had created discontentment among the Government servants regarding their salaries. And the Government acknowledge the grievances of the Government servants and had founded pay Revised Committee for the welfare of the Government servants. So I opine it is very pleasing that this bill which had included the entire services which have a connection with the affairs of the State Government is very pleasing. I think that many of us would criticize if only sub-section (1) & (2) had been included.

Pu Deputy Speaker, I would like to say that any rule could be good or dangerous regarding its execution. This is a very good Bill. And I am very please since this bill has included even my humble service as well as myself I also opine the principal of this bill is to protect the rights and the welfare of the people. Therefore, Pu Deputy Speaker, I would like to beg that this bill be passed. Thank you.

DEPUTY SPEAKER : Let's call upon Pu J. Lalsangzuala

PU J. LALSANGZUALA : Pu Deputy Speaker, the rules in this bill had been applied in Mizoram for many years as central Act. But it had never been mentioned in this House for all those times. And I opine it is very pleasing that this bill causes awareness and consciousness of this rules.

Regarding the 3rd clause, sub-clause 4(5) an ordinance had been made when we become a state. Since this rule had been applied under that ordinance and as this bill is to regularize that ordinance the words 'before' and 'after' are needed to include in this rule.

Some of our Hon'ble Members had said about the grievances of drivers. As we all know the pay scale of our government servants is fixed by the Central fourth Pay Commission. But many of our Government servants were discontented with that scale. So the Government of Mizoram had founded Pay Anomaly Committee. This Committee had amended many pay scales of the Government Servants. But many of our Government servants were discontented and the Government founded pay revise committee. But some of the Government servants are still discontent and Drivers Association is among there disconted Government servants. Our Hon'ble Chief Minister and Finance Minister had a talk with the leaders of Drivers Association and told them clearly the problem faced by the Government in this regard and begged them not to declare a Strike but the Drivers taken mass casual leave in spite of this. If the Drivers are the only discontented the Government would solve this problem easily. But about 20 different categories of the Government servants are discontented the Government intends to revise the pay scale of the Government servants as a whole and for this purpose Pay Commission had already been formed.

Some of our Hon'ble members had said this Bills is to abuse democracy. But this maintenance rules are inevitable to enforce since we have to maintain discipline and have to enforce law even in a democratic country. And also the punishment has two purposes one is to perish those who violate the law as they deserved and the other is to deters the law. But the most important objective of this Bill is to make the Government servant to try to solve their problems by having a talk with the authorities even if they are discontented in their position. And the Government is not eager to enforce this law.

Thank you.

DEPUTY SPEAKER : Lets call upon Pu Lalrinchhana.

FU LALRINCHHANA : Pu Dy.Speaker, thank you for giving me time. I opine that the the principle of this Mizoram Essential Service Maintenance Act.1990 is good enough. These rules are needed in every States and it is a good thing to have this maintenance rule in Mizoram also. As we know the works of some departments conserved daily life of the people. So I opine that the principle of this Bill should be to control the employees of such departments. And the Government would consider the welfare of the Government employees and try to solve their problems as much as possible, and the government servants, on the other hand, would talk their problems and grievances with the authorities not just

But by studying this bill thoroughly it seems that it is to intimidate and oppress the Government servants. I am afraid that the Government servants could never do their works with perseverance if we employ them like a slave. I opine the Government should make laws which will encourage Government servants to do their respective works zealeously.

Besides I opine this Bill is dangerous because it gives permission to the executors to exercise their powers excessively if they desires. We should remember this rule had been made for the welfare of the country as a whole and also for the better co-ordination between the Government servants and also the people. But as already said regarding the said clause this Bill seems to be for the oppression of the Government servants.

Further, the word essential is unnecessary if all the services in the State Government had to be included, I do not opine that this maintenance Act, is not good at all, I opine we have to enforce this Act as it is really needed for the government to maintain discipline. But I opine that we have to revise some of the clauses of this Bill before we pass it, so it could be passed unanimously. For last I would like to say that we should consider whether this Act would make the Government servants more zealous in their works or create the problems for them. In this view I strongly opine that some of the clauses have to be revised. Pu Deputy Speaker, thank you for giving me time.

DEPUTY SPEAKER : Our discussion would be resumed at 2:00 PM.

8:00 PM

DEPUTY SPEAKER : Now we will resumed our discussion and we will call upon Pu Liansuama to have a speech.

PU LIANSUAMA : Pu Dy. Speaker, as said by one of our members, this
MINISTER maintenance Act is not a new one, it is the existing rule in Mizoram. As notified in the Gazette of India this Act was to be applied in every states except in Jammu and Kashmir from 26th July, 1981. So this rule had been applied from that day, but it was not in use as it was not required and it pleases me very much. I therefore opine it is wrong to say that this bill is for the

It says that if the state should make an order to prohibit strike in certain employments. If it is satisfied that in the public interest it is necessary or expedient to do so. I believe no Ministry would enforce this rule excessively as they are representatives of the people. This bill is to protect the people from the problems created by the government servants. Lets take an example if drivers declare a strike all our necessities carried by the government vehicles would stopped. Like this if the Hospital workers declare a strike all the patients would suffer immediately. Therefore this bill is made to protect the welfare of the people as a whole. We are to protect the people from their problems and besides, this rule should be used only when inevitable necessity arises. What I would like to emphasise today is this bill is not to oppress the Government servants at all. I would also like to say that this is an Act, and was made by the central government which should be applied in every states and it had also been applied in Mizoram with a little adaptation, Sineawe became U.T.

Regarding the permission given to police officers, I believe that our police officers would not use their power excessively. During insurgency, many stern rules had been applied in our state and during all those long years, I knew no Mizoram police officers who used his power excessively. Therefore, I opine it would be right to think that our police officers would not use their power wrongly under this rule.

As already said by our concerned Minister an ordinance had been made in the month of June and I opine this bill is good enough which had been made under the guidance of our present Governor who was the then Advocate General of Mizoram and who was also the senior Advocate in the supreme court. And comparing this bill with the central Act which had been passed by the Central government in 1981, this Mizoram Essential services Maintenance Bill seems good enough.

As earlier said by our member from Ratu constituency, this bill was not made to oppress and punish the Government servants, it is made for the welfare for all of us and also it is to protect the people from the problems created by some extremists. As said earlier this rule had been applied for a long time in our State but it is not in used so I believe we could hope that it would not be used either in the future.

Regarding the grievance of the government servants on account of their pay, government has taken step to solve this matter as much as possible by forming Pay Commission to reviews the pay scale of all the government servants. Therefore I believe we can

And the Hon'ble member from Sangau constituency had said that this rule had been made just because the drivers were intending to declare a strike, but it is a wrong information. As earlier said by our Hon'ble members from Lawngtlai constituency this rule had been enforced from the year of 1981 and would be valid this year if the parliament do not review it. I opine that this bill is good enough, however we could amend it afterwards if necessary.

DEPUTY SPEAKER : Let's call upon our Minister in charge. Pu Au, do you like to have speech?

(Pu Vanlalaiva : I would like to have a speech if you could spare me a time)

PU VANLALAUVA : Pu Deputy Speaker, thank you for giving me time. I opine and it is clear that there is a good and urgent reason to make an ordinance urgently in 9th July while we are going to introduce this bill in this session. I also have thought that our House leader and speakers are deliberately absent today's meeting because there would be an outcome from this bill inevitably.

It had been said that this bill is for the protection and welfare of the people as a whole the punishment of seven years imprisonment is too severe and inappropriate regarding the said objectives of this bill. We should be very careful in passing like this bill since to amend any rule is somehow very difficult. I would like to say that if we are going to pass this bill it would be better if some of its clauses be reconsidered and revise before we pass it.

Thank you.

DEPUTY SPEAKER : Let us call upon the Minister to beg the House to pass the Bill.

PU C.L. RUALA
MINISTER : Pu Deputy Speaker. I can know that our Hon'ble Members had studied the bill thoroughly from our discussion and I am very please with them. One thing I would like us to remember is even our Indian Constitution is very long and detail, and the legislature made any constitution and rules to be detailed fearing that there might be some loop holes in it, and after that the parliament had passed them.

As we already know this rule had been passed by the parliament and Government of India had published it in 23rd Sept 1981 in the Gazzetted of India. In Mizoram it had been applied from 1982, So its been 8 years since it had been applied in Mizoram and during all those years it had never been a hindrance, for any Government servants. We have to regularise by passing because it might not be safe enough for the Government to apply it as before.

The former ministry had founded Pay Anomaly Committee and that resulted more anomaly. Therefore many government servants in different departments were discontent not with their own pay but with the pay of their equal ranks in other works. So the State Government had considered the situation and thought an ordinance of this essential service maintenance Act should be made. Therefore an ordinance had been made in 9th June, 1991. Our Hon'ble member from Khawbung constituency had said that our House Leader and our Speaker have deliberately absent* this session to put the responsibility to the shoulder of his Ministers and Members. But I am sure this idea is fully wrong. The ordinance had been made with our Chief Minister and our Governor had also helped us. Pu Vanlalngena, Deputy Speaker : It is prohibited to use the name of the Governor or the President in the House to influence others) Pu Deputy Speaker, I do not use it to influence some one, but if it is prohibited I withdraw what I had said.

As I said earlier this ordinance have to be laid on the table in this session as the validity would be ever after 6 weeks from today. Instead of making a new ordinance the Government think that it would be better to regularise it. Moreover, we need to have this rule for the maintenance of discipline. So it is thought that we should have it as a state Act.

Regarding the strike as it is written in section III Sub-section I, Government should only made an order to prohibited a strike in certain employments if it is satisfied that in the Public interest it is necessary or expedient to do so. It means that strike is not strictly prohibited, the Government should first make prohibition order and specify that concern essential Government needs a rule to protect the welfare

Regarding the permission given to police officers to arrest without warrant, it is also only in time of emergency, if a strike has broken out, Government could have not time to issue warrant of arrest for any police officer because of this the legislature had made this section for precaution in such incidents. So Police officers are not given that permission all the time. Let's take the drivers case for an example, even after the Government had made the prohibition order, drivers are still availing mass casual leave but Government and drivers Association had a talk and made arrangement between them, so Government had not taken any action on the drivers and regularize those who availed mass casual leave.

However, the Central Government had prepared such saving clauses in such time, if not so it would hamper the work of the Government in such regards. If there is no saving clauses there would be loop holes in the rules. There may be many clauses which may seem unnecessary but we might need such clauses in the future. Now we have A High Court Permanent Bench in our state.

From our discussion I opine that we are afraid that this rule would be used excessively and also would be used for the oppression of the Government servants. As already said we had applied this rule in Mizoram for 8 years but Government servants were never oppressed by this and no one had complaint. Therefore, this is not to oppress the government servants and it would only be another Act which would enable the Ministry to run the government smoothly.

Pu Deputy Speaker, I therefore, beg the House to pass this Mizoram Essential Service Maintenance Bill, 1990 unanimously.

PU ZORAMTHANGA : Pu Deputy Speaker, as requested even by our Hon'ble Minister in charge Law could it be possible to revise the 9th Sub-section of section II as any Service in connection with the affairs of the State not being a service specified in any of the foregoing sub clauses as State Government may specifically determine from time to time. I would also like to beg to reduce the punishment of 7 years imprisonment to 2 or 1 years. This punishment of 7 years is

PU C.L.RUALA
MINISTER : Pu Deputy Speaker, regarding clause II sub-clause 9, I opine it would be better to revise it as requested by Pu Zoramthanga if we regard it necessary.

And regarding the punishment, 7 years imprisonment is the maximum and I believe that no one would be given this punishment so I opine this is not to be regarded like this.

PU LIANSUAMA
MINISTER : Pu Deputy Speaker, Government properties and even our Secretariat building may be severely damaged by some demotivated striker during a strike. So I opine that it would be better not to reduce the maximum punishment.

PU J.THANGHUAMA : Pu Deputy Speaker, some extreme strikers may burn down Government building, but that is a criminal case and the punishment for such crime is in the I.P.C.

PU ROMAWIA : Pu Deputy Speaker, in the Essential Services Maintenance Act 1968 of central Act the punishment is about one year imprisonment or Rs.1000/- fine therefore, 7 years imprisonment is too severe and inappropriate any way.

DEPUTY SPEAKER : Are we going to revise clause III sub-clause 9 as requested by Pu Zoramthanga.

Dr H.THANSANGA
MINISTER : Pu Deputy Speaker, I also like to request that the 9th sub-clause 3rd clause be revised as 'Any service in connection with the affairs of the State not being a service specified in any of the foregoing sub-clauses as State Government may specifically determine from time to time. However, this would not make any difference in the application.

DEPUTY SPEAKER : Are we agree to what our Law Minister has suggested well, if we agree our concern Minister had begged the House to pass his Bill. But it seem that it is not agreed to revise the punishment of 7 years imprisonment. It is not that this

PU C.L. RUALA
MINISTER

: Pu Deputy Speaker, seven years imprisonment is the maximum punishment, but if we are so concerned with this lets revise it into 1 year.

PU TAWNLUIA

: If somebody commits a crime which punishment would be more than one year imprisonment there would be another case in IPC, I therefore opine that 1 year imprisonment and Rs. 2000/- fine is appropriate enough for this matter. (Pu P.C. Zoramsangliana : Why are you talking as if you try to defend the criminals? This severe punishment would prevent Government servants from violating this rule as much as possible. This is the most important objective of this rule.

PU AICHHINGA

: Pu Deputy Speaker, It is clear that this punishment of 7 years imprisonment would never be in used. Even in Central Act the punishment is 1 year imprisonment. I opine that the 7 years is the printing mistake. I therefore opine it is better to revise the duration to 1 year as it is not a difficult thing to do now.

PU LALRAWNLIANA

: Pu Deputy Speaker, even our concern Minister agrees to revise the duration of punishment from 7 years to one year. So lets revise it without making any more fuss.

DEPUTY SPEAKER

: Well, do we agree to revise the year imprisonment from 7 year to 1 year. It is good to pass this Bill unanimously.

PU C.L. RUALA
MINISTER

: Pu Deputy Speaker, I want this bill to be passed unanimously as it is an important bill. But in my opinion, whether we are going to revise it or not rest on the hands of the members.

DEPUTY SPEAKERS

: Well, lets revise it to one year. Agree who ever agrees to pass from 2nd clause to 8th clause. Say 'agree' who ever agrees to pass 1st clause and the preamble of this Bill (they all agree).

say 'agree' who ever agrees to

- Now we will take up another Bill, The Mizoram Salaries Allowances and pension of members of the Legislative Assembly Bill, 1990 Amendment. Let us call upon the Minister to beg leave of the House to take the Bill into consideration.

Dr H. THANSANGA : Pu Deputy Speaker, Sir, I
MINISTER beg to move the Mizoram Salaries Allowances and Pension of the Members of Legislative Assembly (Amendment) Bill, 1990 be taken into consideration.

DEPUTY SPEAKER : - Are we agree? well if we agree we will start the discussion on this Bill. Now we will call upon who ever wants to have a speech.

Dr H. THANSANGA : Pu Deputy Speaker, this Bill
MINISTER is just the amendment of section II only. In Section II it is said that the member would pay water, electricity and telephone calls charges and would re-imburse them later by producing the receipt. And the maximum limit of consumption had been fixed. But it is learned that this method is too troublesome for the members. Therefore an amendment has been made and provided further that a member may opt for moathly cash payment of water, Electricity and telephone calls charges not exceeding the maximum limit of consumption specified under this Act along with his salaries and Allowances. In this the members could draw the charges of his water, electricity and telephone calls charges alongwith his salaries and allowances and would pay such charges to the offices of the concern departments by himself. Therefore it will be easier for the members and the works of the concerned office will be lightened.

PU ZORAMTHANGA : Pu Deputy Speaker, the committee had considered this Bill good enough and had passed it. So there is nothing to criticise in this bill. But I would like to state about the accomadation allowances for the MLA. It had been suggested that Rs.2000/- should be included in the salary of member for accomadation allowances in our committee, and it had been agreed. So we had begged the Government to initiate it, but as we see it is not included in this bill.

Our Minister have received Rs.5000/- per month for accomadation allowance and our Chief whip is also to receive Rs.2500/- but he also had not received it yet. So it is reasonable that the MLAs should also receive Rs.2000/- per month for accomadation allowances.

I therefore would like to beg our Minister in-charge to include this allowances in this bill, even if it could not be done so I further would like to beg to make an ordinance for this. Pu Deputy Speaker, I would be very grateful if you agree with me.

DR H. THANSANGA
MINISTER

Pu Deputy Speaker, as we all know our condition of living is not favourably high regarding our status. It is inevitable

to say this matter in the House though we are always reluctant to do so. It is necessary for the MLAs to live a reasonable standard of living as their status demands it. We had to take loan for the purchase of vehicles because we need vehicle for our work and we had also to take Housing loan since many of us have no house of our own. So accommodation is really our serious problems. And I therefore would like to beg the people to understand our problems.

But accomodation allowances could not be included in this bill but this would be taken into a consideration as soon as possible.

I would also like to inform our Hon'ble Members that the duration for the repayment of our Housing loan is extended from 10 yrs. to 15 years. And this will decrease our yearly instalment a little.

Regarding our present bill, there is nothing to say more about it. So Pu Deputy Speaker am I going to beg the House to pass it?

PU J. THANGHUAMA

Pu Deputy Speaker, during the MNE ministry we had revised the pension of MLA as Rs. 200-1000/- and the salary as Rs.

650-3000/- and House rent from Rs. 2500/- to 6000/- . As earlier said we badly need accomodation allowances and I opine that our authority should pay priority to this matter. Our salaries and facilities are lower than the salaries and facilities of M.L.As. of other states. So we should not be reluctant to raise our salaries and allowances. It is very pleasing that the M.L.As. are now permitted to accomodate in V.I.P. room and A.C. room in Mizoram Houses when they go to other states and also we could use Government vehicles.

I opine that this accomodation allowance should not be pending, immediate action should be taken. Even if it could not be included in this bill, make on next Monday. That's all I would like to say. *it Thank you.

DR H. THANSANGA : Pu Deputy Speaker, It would
MINISTER be better if we collect information from other states on how and what facilities are given to MLAs and after this we would make informal meeting of the members and discuss the matter. And the facilities of our opposition leader and our Chief Whip could be estimated from the collected information. It could not be done immediately and I hope our Hon'ble Members would understand this.

Well, I am now requesting our Hon'ble Members to have this Mizoram Salaries Allowances and Pension of Members of Legislative Assembly (Amendment) Bill, 1990 passed.

PU VANLALNGENA : Our other problems would
DY. SPEAKER be considered by General purpose Committee and the Committee would submitted

decision to the Government. Is it satisfactory ?
(Pu Zoramthanga : It is satisfactory but Pu Deputy Speaker, this should be done as soon as possible)
(Dr H.Thansanga : Pu Deputy Speaker, an ordinance could be made for accomodation allowances but Autumn Session would be on september and I think I t would be more reasonable that this matter is taken into consideration in that session).

As stated by our Hon'ble Minister this would take a little time if we collect an information from other states, And the General Purpose Committee would considered with the Speaker with that information. However, this would be done as quickly as possible.

Well, our minister in charge had begged the House to pass this bill and who ever agrees to pass the 2nd clause say agree, and who ever agrees to pass 1st clause and the preamble say 'agree' and those who agree to pass the whole bill say 'Agree' Now the Mizoram Salaries Allowances and Pension of Members of the Legislative Assembly Bill 1990 is passed.

The meeting is adjourned Sine Die.

Meeting adjourned
Sine Die
at 3 : 25 P.M.

H. L. CHUNGA
Secretary.