

**SEVENTH LEGISLATIVE ASSEMBLY OF MIZORAM
(NINTH SESSION)**

LIST OF BUSINESS

FOR A SITTING ON THURSDAY, THE 21st APRIL, 2016
(Time 10:30 AM to 1:00 PM and 2:00 PM to 4:00 PM)

OBITUARY

1. **PU LAL THANHAWLA**, Hon'ble Chief Minister to make Obituary reference on the demise of Dr. C. Silvera former Member of Parliament.

PRESENTATION OF REPORTS

2. **THE SPEAKER** to present to the House the Ninth Report of Business Advisory Committee.
3. **PU R. ROMAWIA**, Minister and Chairman of Select Committee to present to the House the Report of Select Committee on The Mizoram (Land Acquisition, Rehabilitation and Resettlement) Bill, 2016.

LEGISLATIVE BUSINESS

Bill for consideration and passing

4. **PU R. ROMAWIA**, Minister to move that "The Mizoram (Land Acquisition, Rehabilitation and Resettlement) Bill, 2016". (As recommended by Select Committee) be taken into consideration.

ALSO

to move that the Bill be passed.

NGURTHANZUALA
Secretary

....

SPEAKER : Rejoice with them that do rejoice, and weep with them that weep. Be of the same mind one toward another. Mind not high things, but condescend to men of low estate. Be not wise in your own conceits.

Romans 12: 15-16

Unfortunately, we have lost a renowned leader who was member of Rajya Sabha and Lok Sabha. He was the first Mizo Union Minister. Today, we will observe obituary on late Dr. C. Silvera. Let us now call hon. Chief Minister to deliver a speech.

PU LAL THANHAWLA, CHIEF MINISTER: Pu Speaker, it is unfortunate that today we are observing obituary on Dr. C. Silvera, a valuable leader. It is a great lost for the State of Mizoram. We have come a long way together in politics; there is so much to be said. However, it would be inappropriate to speak in detail.

Pu Speaker, like you have mentioned, Dr. C. Silvera was a member of both Rajya Sabha and Lok Sabha. He is the only Mizo Union Minister we have till date. Dr. C. Silvera is the son of Pu Hlunthuama Chhakchhuak and Pi Thangvungi Khawlhring. He was born on 6th May 1935, at Muallianpui, Lunglei District. He was the 7th child among 10 children of his parents. His brothers and sisters are: -

- 1) Pu C. Kaithuama (L),
- 2) Pi C. Lalnunmawii,
- 3) Pu C. lalhranga (L),
- 4) Pu C. lalhnuna h/o Pi K. Roziki, Chaltlang,
- 5) Pi C. Lalbiaki w/o Pu Lengmanga (L), Ramhlun South,
- 6) Pi C. Biaknungi w/o Pu Rothuama (L), Chanmari, Lunglei,

- 7) C. Sanghlira Colbert Chanmari,
- 8) Lunglei, Pu C. Zokunga (L) Ramhlun South.

In 14th December 1965, he married Pi Lallawmzuali, daughter of Pu R. Dinga (L) and Pi Lalngaii (L) at Serkawn Baptist Church. They have four sons, they are: -

- 1) John Laldingliana (L)
- 2) Dr. Thomas Zomuana h/o Dr. R. Lalduhawmi, Tuikhuahtlang.
- 3) Pu Michael Zodinliana h/o Pi Lalrindiki, Mission Veng.
- 4) Neil Zozamliaana (L) h/o Pi Rosangluri, Tuikhuahtlang.

Dr. C. Silvera and Pi Lawmzuali have 12 grand children and 5 great grand children.

Dr. C. Silvera completed his High School from Govt. High School, Lunglei. He completed Intermediate Science from Wilson College, Mumbai and MBBS from Vellore Christian Medical College. He was the first Medical Superintendent of Serkawn Christian Hospital, Lunglei. Later in 1973, he was sent by the church to Australia for further studies. In the year 1976 he shifted his base from Lunglei to Chanmari, Aizawl and later in 1977, he settled at Tuikhuahtlang till date.

Dr. C. Silvera joined the Congress party in April, 1977; he was elected member of Rajya Sabha in 1984 and Lok Sabha in 1989. Since the Parliament was dissolved, he was re-elected in May 23, 1991 as member of Lok Sabha and become the Union Minister of Health Ministry and thus become the only Union Minister from Mizoram till date.

When he was Health Minister in the central and Mizoram thus benefitted various projects like, Cancer Centre Zemabawk, RIPANS Zemabawk, Lunglei Nursing School, 3 additional seats of MBBS and one for BDS. It is notable that Polio Vaccination is carried out throughout the country with his initiative.

Dr. C. Silvera was Presbyterian Sunday School teacher at Tuikhuahtlang. He was the first President of YMA Tuikhuahtlang and also of MUP since its establishment till his demise.

He had a health issue and CT scan was done on 8.4.2016. He passed away on 9.4.2016.

Apart from his profession, he was a man of integrity. Wherever he is, his priority is the welfare of the people. During his tenure as MP in Delhi, his house was the home of the Mizos; any mizos functions were held at his resident. It is beyond words how valuable he is for the Mizos and there can never be anyone like him. It is a deep lost for the State; we are not just showering praise, but a fact which is undeniable.

I pray that God bless and be with his family. Pu Speaker, thank you.

SPEAKER : We will now call the Opposition Leader, Pu Vanlalzawma.

PU VANLALZAWMA : Pu Speaker, thank you. In support of what the hon. House Leader just mentioned about that the demise of Pu Silvera, we are grateful that we the opposition members are given the time to speak.

Pu Silvera moved to Tuikhuahtlang locality in the year 1977, when we were still in college. He was a father figure; there will never be a person who had experience in various fields like he did among the Mizos. In the year 1958, he completed PU from Wilson College, Mumbai and MMBS in 1964 from CMC, Vellore and went on to his further studies to Australia. He had a vision that no other Mizos of his timeline had. He was a member of both the House of Parliament for 4 (four) terms and the lone Central Minister among the mizos till date.

In social work, there was no YMA Organisation at Tuikhuahtlang as yet when he first moved in except Thuikhuahtlang Thalai Pawl. Pu Speaker, he was elected the President of Thalai Pawl and it was under his guidance that Thalai Pawl of Tuikhuahtlang joined YMA. Till his death, he remains the Patron member of Tuikhuahtlang YMA and also a leader of MUP.

Pu Speaker, as we are aware, he quits the Congress party in his last days but it is remarkable that he did not join any other party; it was commendable the way Congress party bid farewell on his funeral. Today, we have lost a person who is invested with enormous experience and skills. I am glad that I am able to express these few points in support of the condolence speech of the hon. House Leader. Thank you.

SPEAKER : Let us now call the hon. member, Pu Rina to make a speech. He has personally approached me at my Bungalow for a chance to speech today.

PU LALRINLIANA SAILO: Pu Speaker, thank you. At this time, it is usually

the senior members that are allotted to make a speech and that is the reason why I approached you.

I am glad that I have followed the hon. House Leader, Dr. C. Silvera and you, Pu Speaker for the last 30 years. It would therefore be a privilege to highlight the achievements the departed leader had made for the State.

Pu Speaker, according to information we have, there were huge pile of pending file when he first assume as Central Minister. After carefully examined such files, he had cleared all of it without corruption. It was from this point that the media come to know of his genuineness and thus was respected by the media.

It is important to highlight that a Mizo man spoke at the platform of World Health organization (WHO). Pu speaker, RIPAN was initially finalized to be located in Shillong. However, Pu Rozika (L), who was in NEC informed him for the proposal. Thus, RIPANS was shifted to Aizawl. Then, in regard to Malaria control, it was previously 50:50 of central and state share but he made it 100% state control during his tenure. He also renewed Transport subsidy for the North-East which was once terminated.

In regard to Bamboo chipping, he had a clear vision. Under BDA, we have heard of the scope of bamboo and it is now that I am beginning to realize its importance. Knowing that, I once accompanied him to Bairabi to witness the project but Hindustan Papers Corporation Panchgram was not comfortable with the idea.

Pu Silvera was a man of dignity who placed 'The Mizos Tlawngaihna' at a

high value. There was an incident where the Revenue Department had to make reassessment of his land and of the neighborhood, and in the process, a 3 ft vacant space was discovered in between and he instantly claimed it was not of his land; such was his honesty. This is worth mentioning as many people fight even for a small piece of land. A senior member of MUP Tuikhuahtlang once confided that they will make him the President as long as possible for being the lone Central Minister with so much of experience and knowledge vested to him.

Pu Speaker, for my last point, Pu Silvera was a man who safeguard the dignity and integrity of the Mizos. There was this incident in the Parliament where MP from Bihar claims relating to Hlimen Quarry disaster that many more had died in Bihar due to lack of protection by the Govt. At this, Pu Silvera reacted in brief words that several Biharis as well as Mizos died in a disaster as it is a disaster.

I pray that god be with his wife, his children grand children. Thank you.

SPEAKER : Pu P.C. Zoram Sangliana.

PU P.C. ZORAM SANGLIANA: Pu Speaker, it is amazing to know from the hon. House Leader, Group Leader and hon. Member of the quality and leadership of Pu Silvera and he passed his matriculation before I was born and I am glad that was able to follow him in politics. The moment which was valuable to me was when he introduced me to his children as ‘Pa Zoram Sangliana’.

Pu Speaker, as an MP, he resided In South Avenue. His neighbor, the then Congress Youth President once related to me, “there is interview timing that we have to follow, but the MP’s door bells rings throughout the night; it is amazing.”

My answer was ‘this is the kind of Representative that we select’. During his tenure as Central Minister, I accompanied him to his office and once we reached his office, he told me that it is his routine to pray as soon as he reached his office, and today, I should pray on his behalf; I recall these sweet memories.

We all are aware that no equipment for cancer treatment like radiation therapy could be availed unless there is a medical college. But with his initiative, we are able to have in our state which is a blessing to the Mizo people.

Dr. Silvera was a true Public Leader; he always available for the people. In Delhi, Christmas was celebrated at his house with even the President of India attending the function. Pu Speaker, one advice that he gave which will remain within me is, “In politics, one must not be such a better leader to the extent that he becomes intolerable to the people”.

May God be with his family and let the day be the beginning for us to continue serving this state with great endeavor the way he does. Thank you.

SPEAKER : We will now conclude our discussion. I personally would also like to speak about him in few points. It was unfortunate that I was sick and could not attend the funeral. My sympathy goes to his family especially to his beloved wife. Let us now all rise up and observe 1 minute silence with prayers.

Leave of absence is granted to the hon. Home Minister, Pu R. Lalzirliana, Pu Lalrinawma, Pi Vanlalawmpuii Chawngthu, Pu John Siamkunga and Pu K. Sangthuama for various reasons.

Panel of Chairmen for this Session are: -

- 1) Pu John Siamkunga
- 2) Dr. Ngurdingliana
- 3) Dr. K. Beichhua
- 4) Pu Chalrosanga Ralte

Presentation of Reports:

BAC meeting was held on 15th April and it was decided that it will be One Day Session. We have been noticed through Bulletin Part-II No.138, 15.4.2016. Let the copy be distributed.

Now, the House has to adopt BAC Report. Do we all agree? Alright, thank you.

We will now move on to the next report. Let us call the hon. Minister, Pu R. Romawia to present to the House, “A report of Select Committee on the Mizoram land Acquisition Rehabilitation and Re-Settlement Bill, 2016”

PU R. ROMAWIA, MINISTER: Pu Speaker, with your permission and of the House, I present “A report of Select Committee on the Mizoram land Acquisition Rehabilitation and Re-Settlement Bill, 2016”

SPEAKER : Let the copy be distributed. This Bill has been introduced in the House on the 31st march, 2016. But after careful, study it was decided by the House to refer to the Select Committee. Thus, after the Select Committee scrutinized several times, is now present in the House. Let us call upon hon. Minister to move the Bill for discussion.

PU R. ROMAWIA, MINISTER: Pu Speaker, thank you. I have introduced this Bill on the 16th march, 2016. However, this august House refers it to the Select Committee. There by which the committee held its meeting 6 times to discuss the Bill. I am grateful that the committee carefully studied the Bill clause by clause and deleted and added clauses which are necessary. Let me highlight such clauses from the Bill.

1. Section 48, Composition of Committee: With vested interest of hon. members to add prominent citizen and MLA as its members, it is altered accordingly and changes are made in the section as well.

2. Since Section 102 and 103 are combined, there is only Section 104 in the present Bill.

3. In Section 101, Council of Ministers is permitted to amend schedule. But now, the committee has decided that it should be adopted in the House and recommendation should be made.

4. In regard to solatium, first schedule, para 3, It is decided by the committee to change from “not exceeding 30% of the market value of land and value of assets attach to land or building” to category 1, ‘land, asset or building inherited from the fore father of the present occupant legally for not less than 30 years in which the building or land or asset in the main source of livelihood for the occupants or owners shall be paid not more than 100% and not less than 70%. Category 2, ‘Land, assets or building inherited from the fore-father of the present owner or occupants legally for not less than 30 years in which the building or land or assets is not the main source of livelihood for the occupants or owners shall be paid not more than 70% and not less than 50%. Category 2, “land assets or building which is not inherited from the forefather but acquired legally by the present owner or occupants and main source of livelihood or income for the present occupants or

owners for more than 20 years shall be paid not more than 50% not less than 40%. Category 3(a), 'land, assets or building acquired legally the present owner or occupants and use for dwelling and main source of livelihood or income for the occupants or owner for more than 10 years shall be paid not more than 30% and not less than 20%. Category 3(b), 'land, assets or building acquired loyally by the present owner or occupants not for dwelling but for main source of livelihood or income for the occupants or owner for more than Ten (10) years shall be paid not more than 20% and not less than 10%. Category 3(c), 'land, assets or building acquired legally by the present owner or occupants not for dwelling and also not for main source of livelihood or income for the occupants or owner for more than Ten (10) years shall be paid not more than 10%.

Second Schedule, first para, both urban and rural housing area is made the same. Second Schedule second para, the committee added as following in regard to annuity. 'The government may, if ever needed ensure that the displaced family are provided with annuity policies that shall pay not less than 2000/- per month, per family for 20 years with appropriate indexation to the consumer price index for agriculture labourers' 'or' where jobs are created through the project after providing suitable training and skill development in the required field, make provision for employment at the rate not lower than the maximum wages provided for in any other law for the time being in face, to at least one member for affected family in the project or arranged as may be required.

Pu Speaker, there are some of the points that the committee has made a change. I, therefore introduce the Bill for discussion in the House. Thank you.

SPEAKER : We will now begin discussion. We already through

with the Bill, and it seems to be clear enough. Therefore, 5 minutes will be allotted to each member. Now, who will start the discussion? Pu Zoram Sangliana.

PU P.C. ZORAM SANGLIANA: Pu Speaker, what I would like to highlight is the Minister is well versed with his Bill. I am a member of the Select Committee and is worth mentioning that the Minister could explain every clause by himself without the help of officials. The discussion at the committee took long due to the fact that the Minister was well versed with the Bill. It is respectful that whatever suggestions that the members made, he willingly embrace the suggestions.

Pu Speaker, the way I can clarify this Bill is, it is for the upper class and the lower class of the people. Therefore the Bill needs to be detailed.

I would like to thank the Assembly staff and Secretary for attending office on government holidays so that this bill is introduced on time.

Pu Speaker, when this Bill is passed by the House, the role of the official is crucial as it is necessary to prepare the rules in detail to have the Bill successful. If this Bill is implemented accordingly, there will not be the need to invest huge sum on compensation.

Pu Speaker, I would like to request the department officials to avoid the chance of misinterpretation of the Bill. I believe this Bill will be a blessing for the sons of the soil and awareness campaign thus should be given. Knowing that, this is for the people, I give my support to this Bill.

Lt. Col. Z.S. ZUALA : Pu Speaker, I have not studied the

recommendation carefully, but there seems to be patent error in clause (a), strategic purpose relating to military instead of mentioning ‘Military’ and ‘Air Force’ separately; correction may be made by mentioning as the ‘Indian Armed Forces’.

Pu Speaker, this Bill will be most essential for Aizawl town thus needs careful study especially by the officials. I have not studied the recommendation after its review, but I believe in the content. So, I urge that this Bill may be passed. Thank you.

SPEAKER : Er. Lalrinawma.

Er. LALRINAWMA : Pu Speaker, thank you. I would like to thank the Select Committee for the effort invested for this land Acquisition, Rehabilitation & Resettlement Bill. At first glance, any Bill cannot be perfect but it can be amend from time to time. It crosses my mind as to why we have not adopt the Bill passed in 2013 by Central Govt. This Bill will prove beneficial for rural area but it is of the opinion that the States have its own Rules.

Pu Speaker, I think it is time that we have Rehabilitation & Resettlement policy. Six States in the country so far have this policy and the Govt. should have this in mind.

Pu Speaker, in regard to purpose and urgency, we must be careful while making rules and on implementing the rules.

In Section 40, I have got something that confused me. With your permission, Pu Speaker, it states, “Special powers in case of urgency to acquire land in certain

cases” and in (b), it says, “before taking possession of any land under sub-section (1) or sub-section (2), the collector shall tender payment of 80% of the compensation for such land as estimated by him to the person interested entitled thereto”. In this case of urgency, in case the compensation amount is ₹100/-, the amount of solatium will be 30% which means ₹30/-. Does it mean that we will be given another 80% because it is urgency or it will be paid in advance? Will it be possible to be done in the line of Central Land acquisition bill which simply stated that it will be 75%? I hope the hon. Minister will clarify later.

Besides, I found a little inappropriate that rural and urban areas are considered as the same in terms of market value. The market value of land is much higher in urban areas. In Explanation No. 4 of Section 26 also, it seems that the collector can make a discount on the calculated market value. I kindly request the hon. Minister to clarify this point also.

Lastly, in the list of enactments of Central Act 13, The Modern Valley Corporation Act, 1948 has been eliminated. If this kind of elimination is possible, why is it not possible to eliminate other acts which stand on the way of implementing Land Acquisition Bill? I would also like to request this matter also to be explained.

I appreciated all the efforts made to introduce this Bill. I would also praise them for their works and I am supporting this Bill to be passed. Thank you.

SPEAKER : Pu T. Sangkunga.

PU T. SANGKUNGA : Thank you, Pu Speaker. I am pleased to be a member of Select Committee of this act. Even though we tried our best, it cannot be perfect.

One of the important features of this act is the Annuity Provision. Under this provision, someone whose lands are acquired will be entitled to claim amenities and other employment opportunities under certain projects undertaken in such acquired lands. This feature is not included in any former act.

In the Application of the Act, strategic purposes relating to Naval purpose, which is included in central act, is excluded in this act as there it has no validity for our state. I would like to mention that we are very fortunate that the Constitution has given us special consideration which states that even if the central government passes a certain act, it cannot be implemented directly if our state assembly does not adopt. We should use this provision judiciously and very wisely.

As a result, instead of adopting the central Act, ‘The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013’, we are entitled to pass our own act for our state under Article 371(g) of the Indian Constitution. It is very wise that the hon. Revenue Minister has introduced this bill which is formulated based on the need of the state.

I believe that this Act will resolve certain problems we face regarding land acquisition in the past. I beg this august House to pass this Bill. Thank you.

SPEAKER : Let us now call upon Pu Lal Thannhawla.

PU LAL THANHAWLA, CHIEF MINISTER: Thank you, Pu Speaker. We have felt the need of this act for a long time. As the need compels us, it is referred towards Select Committee. I am glad that they finished it within a very short time. We may aware that we used to face many problems when certain projects have to

be undertaken. We used to witness many corrupt practices in the past when some land is to be acquired.

This act is very important to eliminate such problems. It is because you are aware of the need for this act, Pu Speaker, that you summoned this special session. As India is a very populous country, the need for land is very high. Whenever a factory or some projects has to be run, problems used to arise due to scarcity of land. In such situation farmers and lower sections are often forced out of their land one way or the other. In order to prevent this problem, the central government passed 'The Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013'.

However, that act is not applicable in our state as it is. Thus, as Article 371(g) of Indian Constitution permits us, this new separate act for our state is formulated instead of adopting the central act. It is called The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement. This act is very important for us to solve many problems we used to face regarding land acquisition. Important projects used to be delayed and its costs being increased due to these problems. In such circumstances, this act will help us a lot in developing industry, infrastructure, road connection, etc. in our state.

I beg my fellow members to ignore some typing mistakes or simple errors within the Bill. I kindly request them to consider the importance of the bill and passed it in this House. Thank you.

SPEAKER : Let us now call upon Pu R. Romawia, the mover and hon. Minister concerned to wind up the discussion, clarify where needed and to beg the House to pass the Bill.

PU R. ROMAWIA, MINISTER: Thank you, Pu Speaker. As stated earlier, this act is an immediate need of the state. This is why a special session is also called at a very short interval.

Regarding the question from Lt. Col. Z.S. Zuala, it is correct that this is a kind of modification of central act. However, the subject of 'naval' is removed as it is regarded unnecessary in a land-locked state like us.

I would like to mention that it is our primary concern about the welfare of the citizen. The Government is ready to amend the state acts or adopt any central act if it is found to be the betterment of the citizen.

Regarding the question raised by Er. Lalrinawma, there need to be certain exception in case of emergencies. It is inevitable to approximate things to some extent in times of emergency. It seems that this provision should be rather included in Act regarding DM & R Department. However, it is included in this act as there are certain connections with revenue Department.

I would also like to point out Section 30, Sub-Section 1 of the act which does not allow solatium in case of 'land acquired on the offer made voluntarily by the land holder or through private negotiation shall not carry any solatium.

Section 45, Sub-Section 6 safeguards the welfare of the legal land owners. In case some third party, with evil intention, sales a land from the original owner, and compensation has to be paid for that land, the original owner will be paid 40% of the total amount. This is to safeguard the welfare of the original owners of land.

It is inevitable that this bill becomes a little lengthy. It is based on the Act of

1894. Besides, it also included the policies of Central RD Ministry of 2007. Provisions for social impact assessment are also included in this act. Therefore, it becomes lengthy as it is a collection different acts and provisions.

Regarding the authority, in addition to the Presiding Officer which is included in the ordinance, other members like the MLA concerned and prominent citizens are added. This is done with an intention of amicable discussion and resolution. Lastly, as the Hon. House Leader has said, no law can be perfect. It is possible to amend it as per the need in the future. Therefore, I beg this august House to pass this bill. Thank you.

SPEAKER : The Hon. Minister has begged the House to pass the bill. Anyone who agrees may say, “Aye”. (Members: Aye) Anyone who opposes the bill may say, “Nay”. If we all agree, I declare ‘The Mizoram (Land Acquisition, Rehabilitation and Resettlement) Bill, 2016, as per the recommendation of the Select Committee, passed.

PU R. ROMAWIA, MINISTER: Thank you, Pu Speaker.

SPEAKER : As we have finished our business, session will stand adjourned till next summon. The sitting is adjourned sine die.

(Sitting adjourned Sine die. (12:32 P.M.)