

**SIXTH LEGISLATIVE ASSEMBLY OF MIZORAM
(TENTH SESSION)**

LIST OF BUSINESS

FIFTH SITTING ON MONDAY, THE 26th MARCH, 2012
(Time 10:30 AM to 1:00 PM and 2:00 PM to 4:00 PM)

QUESTIONS

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

PRIVATE MEMBERS' BUSINESS

2. * Resolutions

NGURTHANZUALA
Secretary.

SPEAKER : Finally, brothers, whatever is true, whatever is noble, whatever is right, whatever is pure, whatever is lovely, whatever is admirable – if anything is excellent or praiseworthy – think about such things. Phillipi 4:8.

We will start with Starred Question No.41 by Pu B. Lalthlengliana.

Pu B. LALTHLENGLIANA : Starred Question No.41 is for the concerned minister for Food & Civil Supplies Consumer Affairs: - When will the scarcity of LPG be relieved?

SPEAKER : The concerned Minister Pu H. Rohluna may answer the question.

Pu H. ROHLUNA, MINISTER : Pu Speaker, my answer to the question is, we are hoping the scarcity of LPG will decrease gradually.

Pu B. LALTHLENGLIANA : Pu Speaker, from the alteration of gas distribution system last year, the people have faced many problems. The hon'ble Chief Minister said that this matter is entirely between the agents and the company. The elected representatives of the people formed the ministry and if the people face difficulty, it is the duty of the government to attend to their problems. Under the initiatives taken by the consumer union, each family have one connection, but due to the long interval of distribution it is hard to rely on only one gas cylinder for three months. So, I demand that the government should take initiatives in this matter as rapid as possible. There are also rumours that a black market between Aizawl and Kawnpui is very rush. This matter should also be examined. I also believe the fact that the hon'ble minister increases the number of cylinders by 10,000. But no matter how much they are increased, the distribution system should be carefully planned and carried out. I request our Minister to give attention and take initiatives in this regard.

Pu LALDUHOMA : Pu Speaker, in Lungver, LPG, kerosene, sugar and rice are distributed at a higher rate by one individual. How is this possible? In order to enjoy the lower rate of these items, retailer had also been applied for and I request our minister to give attention in this issue and I also inquire when this application will be granted?

SPEAKER : Pu P.P. Thawla.

Pu P.P. THAWLA : Pu Speaker, can the hon'ble minister please tell us the penalty of black marketing of gas and has there been any record of catching a black market red-handed?

Last year, plans were made to appoint four new distributors in different districts. What stage have we reached in the process? Have they started functioning?

Pu H. ROHLUNA, MINISTER : Thank you, Pu Speaker. For Mizoram it is hard to improve the distribution system which is practiced at present. Our Distributors have their own areas and rotate their distributions in their respective areas with the help of Local Councils. I want all my hon'ble fellow members to know that under gas control order 2009, the central government

ordered that families living under the same roof are permitted to have only one gas connection. In many states they are ordered to be surrendered, but with earnest plea and determination we do not oblige to their suggestions or orders. Like the hon'ble Chief Minister said earlier, the scarcity is solely between the company and the agents. But as the need is high, we have met with the General Manager of North East and the IOC Chairman from Mumbai and also Mr. Chatur Vedi, the Union Secretary of Petroleum Ministry. We are hoping to get positive results very soon from our efforts.

One of the cause of scarcity starts from October last year. Due to some technical problems our supply was decreased and this was followed by Puja's during which people in the plains we provided more. Apart from these, National Highway 39 at Manipur was blocked for some economic reasons. Strike was also conducted by Gas Transporter Union in the month of December and January. India also face problems on bulk import since 70 % is imported from foreign countries. For all these reasons, the rate of scarcity is high. Apart from these, we also apply for 4040 cylinder solely for Christmas and New Year's festival and also a large number at KTP General Conference. At the same time I suggest the people should also give pressure to the agents.

On the question of Pu Lalduhoma, the matter will investigated very soon. The mentioned area is covered by Pi Zopuii, Vaivakawn agency and they distribute it at the price of ₹430/-

Pu LALDUHOMA : Pu Speaker, this person sells openly at the price of ₹450/-, I suggest this should also be supervised by NGO's like MHIP etc. I also request that this matter should be examined as fast as possible.

Pu H. ROLHUNA, MINISTER : Pu Speaker, I assure you this matter will be cleared as soon possible as it is against the law to sell it at more than ₹430. On the question of Pu P.P. Thawla, our Legal Metrology Department and Food & Civil Supplies Department are trying their best to catch black marketers in different areas like Mualkhang Bottling Plant, Sairang to Sihhmui and so far, 7 nos of blackers have been captured and are fined heavily.

We have selected 13 nos of RGGLV last year and some have completed the construction of go-down and have also acquired an explosive license. They will start functioning very soon. Another 6 will be selected next year and we hope this will pacify our requirement to a great extend. I also thank the hon'ble Chief Minister for the initiatives he had taken in this regard. Thank you.

SPEAKER : Pu Lalduhoma may ask Starred Question No.42.

Pu LALDUHOMA : Pu Speaker, my question is for the concerned minister of Trade & Commerce, such as: –

- a) At what price are scrap/condemned iron sold outside Mizoram and what are its value?
- b) What kinds of people use trading of scrap/condemned iron? Why is this regulated by the government?

SPEAKER : The concerned minister Pu Lalrinliana may answer the question.

Pu LALRINLIANA SAILO, MINISTER : Pu Speaker, the answer to the question of the hon'ble member Pu Lalduhoma is: –

- a) The subject matter asked by Pu Lalduhoma is not under Trade & Commerce and we cannot provide the answer.
- b) The same goes for question b) as it is not under Trade & Commerce department.

SPEAKER : Pu Lalduhoma may state his supplementary question.

Pu LALDUHOMA : Pu Speaker, since it is not the concern department it is understandable. But I suggest the question should be forwarded to concerned Minister.

SPEAKER : Pu Lalrinliana Sailo.

Pu LALRINLIANA SAILO, MINISTER : Pu Speaker, the question is important and though it is not in written in the Transaction & Allocation of Business Rules, I believe it can be included under Trading by Non-Tribals. I suggest a dealing section should be appointed from GAD and if this could be put under one stream line, under Labour & Employment Wing, it could yield a more profitable income. I want to state that if the responsibility of our subject is placed in our hands, we would gladly accept the duty.

SPEAKER : The hon'ble member asked the reason this trade is regulated, I believe the hon'ble Chief Minister could answer the question.

Pu LAL THANHAWLA, CHIEF MINISTER : Pu Speaker, no department is assigned to trading with scarp/condemned iron. We were not even clear about the regulation but from the light of the question from our hon'ble member, the importance is clear and initiatives should be taken.

SPEAKER : Pu K. Liantlinga may state his Starred Question No. 43.

Pu K. LIANTLINGA : Pu Speaker, my question is: - Has the Mizoram Scholarship Centralization Plan being implemented?

Pu LALSAWTA, MINISTER : Thank you, Pu Speaker. The answer to the hon'ble member's question is - All the plans for Mizoram Scholarship Centralization Plan are not yet implemented.

Pu K. LIANTLINGA : Thank you, Pu Speaker. In order to have a well developed state, we need to shape our youngsters to attain quality education. The Mizoram Scholarship Centralization Act had been drafted in 2010. Many of our students have faced problems in this regard. So, when will this Act be implemented by Education Department? What is the progress made regarding Mizoram Overseas Scholarship Rules, 2009? Students of different streams have faced problems regarding their scholarship. The rules have been passed by the Cabinet Meeting and if these are not implemented, it is the responsibilities of the Ministers. So, will the Cabinet

once again take initiatives to implement the Rules 2010 Rules and 2009 of Overseas Scholarship Rules?

How many Departments have made their transfer from their Budget from 2011-2012? How many departments have not made their transfer? Can the break-up please be presented to this House?

SPEAKER : The concerned Minister may answer the question.

Pu LALSAWTA, MINISTER : Pu Speaker, there is a plan for centralization of scholarships for Higher & Technical Department yet, the procedure cannot be fully implemented. We have also suggested to students who applied for stipend to apply for scholarships and many are more than happy to oblige. Judging from the initiatives taken, we believe that we have cleared a majority of the problems. With the leadership of the hon'ble Chief Minister, we plan to have a Cabinet Memo meaning that we give priority to student scholarships and stipends.

Pu K. LIANTLINGA : Pu Speaker, since the rules have been made, is there a possibility to direct these funds from Planning Department to Scholarship Board?

Pu LALSAWTA, MINISTER : Pu Speaker, if we have funds for this, it is not difficult to clear the problem if it is assigned to the departments. But this has to be discussed first by the Cabinet. We give great importance to the welfare of our students not only in the line of education but also in promotion of vocationalisation of education. We have to instill craftsmanship in the minds of concerned students to help them develop their skills for income generation. In order to promote this, 12 ministers from different states have been summoned by the Central Government. The National Skill Development Corporation has even made a study of Mizoram if assistance is needed through this programme.

Pu Speaker, the government is trying its best to development the students not only on education but also in skill development. At present, I am unable to provide answers regarding the exact amount of stipend ad book grant (2011 - 2012) which may be done by the end of this session.

Pu K. LIANTLINGA : Pu Speaker, my question about the progress made regarding the Mizoram Overseas Scholarship Rules has not been answered.

Pu LALSAWTA, MINISTER : Pu Speaker, we have to implement Rules 9 as we are looking for funds in order to accomplish this.

SPEAKER : For your information, our session will end by the 28th of this month.

Pu LALSAWTA, MINISTER : Pu Speaker, I am regretted to mention that we cannot proceed as planned due to some problems.

SPEAKER : Pu T.T. Zothansanga to ask starred Question No.44.

Pu T.T. ZOTHANSANGA : Pu Speaker, my question is for the concerned minister of Industry: - Does the fees collected from application forms of PMEGP go directly to Industries Department?

SPEAKER : The concerned minister Pu S. Hiato to answer the question.

Pu S. HIATO, MINISTER : Pu Speaker, the answer to the hon'ble member Pu T.T. Zothansanga's question is: - No, it does not go directly to industry department.

SPEAKER : Supplementary question to be asked by Pu T.T. Zothansanga.

Pu T.T. ZOTHANSANGA : Thank you, Pu Speaker. PMEGP was introduced three years back. Along with the application form, it is necessary to purchase the scheme. So, in rural areas such as Champhai and others, about 500 persons paid for the application form and the scheme amounting to Rs.2000/- but only 20 or more applicants are selected. So, if this policy is revised, applicants from rural areas may have some benefits. Anyway, is it possible for concerned authority to necessitate only the application forms but not the scheme? Is it possible for the applicants to attach income certificate other than purchased along with the application forms? In general, it seems that any applicants who are acquaintant to Bank officials as of DIC and KVI are selected for the beneficiary. May the hon'ble minister look into this matter?

SPEAKER : The concerned minister, Pu S. Hiato to answer the question.

Pu S. HIATO, MINISTER : Pu Speaker, the answer is: -
The application form costs ₹50/- which is being utilized for purchase of stationery items spent in the process and for refreshments of staffs engaged in the dealings.

SPEAKER : Pu Hmingdailova Khiangte to ask starred Question No.45.

Pu HMINGDAILOVA KHIANGTE : Pu Speaker, my question is for the concerned minister of Public Health Engineering Department: -

Is PHE department aware of the fact that villages between Lungdai to Bukpui and Lungdai to Silchar are facing enormous scarcity of water?

SPEAKER : The concerned minister Pu S. Hiato to answer the question.

Pu S. HIATO, MINISTER : Pu Speaker, the answer to the question is: -

Yes, the department is aware of scarcity of water in the area. Under NRDWP, a new pump has been placed and Scheme Augmentation is on going under NRDWP. The following are the initiatives taken in this regard: -

- 1) Survey is conducted for Zanlawn water reservoir.

- 2) Line Booster has been installed for Bualpui and Thingdawl.
- 3) To improve water supply system, work is in progress under NLCPR.
- 4) Under NRDWP, two water reservoirs have been constructed for Chhimluang village.
- 5) Vairengte Water Supply Scheme Augmentation under NEC is in process.

SPEAKER : Pu Lalduhoma.

Pu LALDUHOMA : Pu Speaker, the hon'ble minister of Horticulture said that he will provide us with the documents of purchase of fertilizers but till now, we have not received it.

SPEAKER : The question hour is over and the hon'ble Home Minister has an important announcement to make. So, he will have his time.

Pu R. LALZIRLIANA, MINISTER : Pu Speaker, thank you.

Last night, six persons who were employed under border fencing project were kidnapped by armed militants of 20 to 25 in number from ACBI camp in Lunglei District. The hostages are as follows: -

- 1) Sharma, Manager Accounts, Guwahati, Assam.
- 2) Pawan Singh, Supervisor, Punjab.
- 3) Sunil Singh, Supervisor, Punjab.
- 4) Sayaram, Supervisor, Rajasthan.
- 5) Urmaram, Supervisor, Rajasthan.
- 6) Tiklu, Excavator Operator.

The kidnappers have robbed ₹ 2 lakhs in cash and mobile handsets from the hostages but so far, no other demands were made. The Addl. SP Lunglei and two platoons of 2nd Bn. MAP, Addl. SP, OC Marpara and 4th IR Bn. Operation team were sent to the area to take immediate action.

Pu Speaker, Regarding illegal trade with offer of employment under the government as pointed by Pu Lalduhoma, case was filed as ACB submitted an FIR to PRISM. The names of the accused are as follows:-

1. Lalmachhuani w/o H. Lalramhluna of Tuivamit, Meter Reader, P & E Department and the amount received by her is ₹17,21,000/-.
2. Lalrinfeli (28), w/o Joseph Laldinpuia of Bawngkawn East
3. Annie Lalremtluangi (26), w/o R.Lalmalsawma, Chaltlang Lily Veng.

From the results of the ongoing investigation by ACB, they have received an amount of ₹11,65,000/- for the post of IV-Grade, ₹2,40,000/- for the post of Constable of Police Department and for Prison Warden, ₹45,000 for the post under Agriculture department. Apart from these, ₹5,44,000/- has also been received from 15 persons with a promise of various appointments under the government. Thus, the total amounts to ₹19,94,000/-. The number of people who are involved in the case may differ. I hope all my fellow members would co-operate with the investigation for effective outcome. Thank you.

SPEAKER : We will now move on to Private Business. I call upon Pu K. Liantlinga to move his Resolution, "The government may support steps taken for the success of compensation claimed by the Chief Councils of Mizoram."

Pu K. LIANTLINGA : Thank you, Pu Speaker. I request all my fellow members not consider this issue as a topic of debate as this matter concern constitutional issue. As known to us all, we the Mizos are originated from Chhinlung, in the east as this land we live in is given to us by God. Once, the occupied area of the Mizos was twice wider than the present. But I have to emphasize on the present which was once under the chieftainship of the chief council.

During the period of 1860 to 1870, we were governed by the British rule but the chieftainship remains unchanged. In 1946, when the British were about to leave India, several political parties with different opinions were emerged. Some wanted a full fledged sovereignty and in the process, some were persuaded to be governed under the Assam without consulting 309 Nos. of Chiefs which consequently resulted into formation of the Lushai Hill District Council.

As the District Council came into being in 1952, chieftainship was eliminated. Thus, compensation has been claimed with effect from 1954. After I become a legislature, a study was conducted on 'The Assam Lushai Hills District (Acquisition of Chief Right Act, 1954) which executed the dismissal of chieftainship in Mizoram. But I have learned from some experts that the Assam government cannot execute such Act unless the decision is made by the parliament. Till today, the Chiefs of Mizoram have not received yet any compensation for the land acquired by the government of Assam.

There are various kinds of Raja in India such as Nizam, Chief etc. When Government of India acquired the land of the Raja, Nizam, Chief etc, it is done on the basis of appropriate Rules like of the national level. It means that the Assam government was not authorized to do so but only by the Parliament. Pu Speaker, it is so unbecoming to think that land under the chieftainship was being acquired by the Government of Assam. Hence, it is the responsibility of the government of India to formulate Rules of compensation for the land of the Mizo Chiefs being acquired. The chiefs of Mizo have set an appropriate boundary lines during the acquisition by the British Rule. In fact, the land under Aizawl chief was so vast as numbers of MLAs today's are held from a family of such Mizo Chiefs. Thus, I am also the youngest son of Aizawl Chief and I wonder why no member has mentioned about this in the House.

The point is, the Government of India compensated the Mizo Chiefs on their certain Rights but not of their land holdings till today. In this connection, I would like to relate members of the House of the revolution of political party in Mizoram.

Pu Speaker, United Mizo People Freedom Organization (UMPFO) was established in 1941 which was renamed later as the Eastern India tribal Union (EITU). In 1959, the Mizo Famine Front was set up which had been changed as the Mizo National Front (MNF) in 1961 which obviously was done so following the Independence movement policy, UMFO. After

struggling for more than 2 decades, all political parties, organizations and churches in Mizoram decided to call for an underground movement.

In 1986, the underground MNF signed an agreement with the government of India, which is known as 'The Mizoram Peace Accord'. But the Peace accord was concluded without any provision of compensation of the Mizo Chiefs. I opine the Peace accord hurts the sentiment of many generations of the then Chiefs. I could not tell of how deeply the matter was felt in those days.

After 26 years, UN declarations came into existence which consequently provided the Rights of indigenous people over their territory. This indicates that the Rights of the Mizo Chiefs is known and witnessed by the world. In fact, it is not clear as to whether India has acquired or rented our land for no compensation is issued to that effect. Hence, it could be regarded as our land being forcefully seized. If it was rented, then we have large amount of compensation to be claimed to the central government. On the other hand, if it was acquired base, the estimated amount which could be claimed, as per the existing rate of compensation could not be less than 451 times of our budget amount. On the part of the government of India, it is not a problem to issue ten crores each to the Mizo Chiefs. I believe if the House resolved and passed the resolution, government of India will not reject our claim.

It should be noted that the Mizo Chiefs did not appeal to the High court directly; but the demand was made to the government of India with effect from 1955. They have also submitted a Memorandum to the Prime Minister Indira Gandhi in 1980 but she was assassinated before sending the assessment team. Hence, the same was again submitted to the President of India in 1990 but in vain. So, it was again appealed to the High Court in 1992 and an order was issued to the government of Mizoram to take necessary action on the Memorandum within 90 days. But no action was taken by the government of Mizoram. Again, an appeal was made to the High Court in 2009 as notice order was issued to the government of Mizoram to reconsider which happened to be the present condition so far. In fact, the government of Mizoram is responsible for the outcome. Pu Zoramthanga, the then Chief Minister of Mizoram assured to make the best effort for the achievement but no action was taken. Fortunately, the matter is taken into account by this ministry as a Memorandum is again submitted to the government of India on 24th October, 2011.

However, the reply of Home Ministry is not satisfactory and therefore necessary to this august House to take this matter into account so that this resolution is passed instantly. So, Pu speaker, with your kind permission, let me read it out the message in this House.

(Message is read out by the mover of the Resolution).

According to the message, the compensation may be considered and decided by the government of Mizoram. But since the state government has no fund for such compensation without financial sanction from the government of India, it is opined that the latter should not at all cost, set-a-side from dealing with this case. In order to support the decision of

cabinet, it is necessary to pass this resolution. If the House passes the resolution, I think the Mizo Chiefs will be compensated by the government of India. Thank you, Pu Speaker.

SPEAKER : Now, we will have a discussion. Each member is expected to have five minutes. Let us call upon Pu R. Lalzirliana, Minister.

Pu R. LALZIRLIANA, MINISTER : Pu Speaker, the resolution moved by Pu K. Liantlinga is very interesting as I am influenced already. But it takes careful consideration of the members as to whether it should be passed by the House. So, I would like to point steps that have been taken so far by the government in this regard.

The motion of this Resolution, “May Government of Mizoram make an effort to ensure that compensation claimed by the Chief Council of Mizoram to the Central Government is fulfilled.” The compensation claimed by the Chief Council of Mizoram could have been fulfilled under the Assam Lushai Hill District Acquisition of Chief Rights Act, 1954 and Amendment of 1955 but they were not fully authorized to do so. So far, 309 chiefs were compensated in 1955 and 1956 by the same Act. The Chief council of Mizoram submitted Memorandum to the President of India in 1990 under the Land Acquisition of 1894. In 1991, the Council of Ministers, Mizoram with the advice of Law and Judicial department and also the Central Government opined the memorandum submitted by the chief council of Mizoram not befitted for implementation. In 1992, the Chief Secretary, government of Mizoram issued notice accordingly. The Chief Council of Mizoram is unsatisfied with the decision and submitted an appeal to the Division Bench of High Court, Guwahati. The Guwahati High Court informed the government of Mizoram to take step with the advice of the Central Government due to the fact that the government advocate submitted petition without any approval of the government. After submission of review petition by the government of Mizoram to High Court, Guwahati, the High Court decided that the government of Mizoram to implement the claims of the Chief Council Mizoram in consultation with the Central Government under any appropriate law.

In 2002, the Chief Council of Mizoram was informed to produce approved documents and the Chief Secretary of Mizoram, with cooperation of Government Officers received and considered again the memorandum of the Chief Council of Mizoram. The Chief Secretary then issued an order informing that the Chief Council of Mizoram should be given compensation under section 5 of Assam Lushai Hills Acquisition of Chiefs Rights Act, 1954. The order also stated that no other Act is applicable for claiming compensation. The order also provides that any financial assistance is not payable to them for any suitable fund had been given to them. It also indicated that Land acquisition Act of 1894 is not applicable to them and the claimed compensation had no act to be based on or the claim could not be sanctioned by any law. Before issue of this order, approval of Central Government was drawn. Although, the chief Council of Mizoram submitted an appeal to the High Court of Guwahati for the state government could take step on or before 17.1.2009. Consequently, the writ appeal requires reconsideration. The matter was discussed with under the chairmanship of Chief Secretary, Mizoram. Hence, it was forwarded to the Council of Ministers and then to the Ministry of Home Affairs, Government of India. The Ministry of Home affairs entrusted Government of Mizoram to settle and implement the compensation. Hence, the Government of Mizoram decided to refer the case to the Central again and so was forwarded to the Joint Secretary of North East, Ministry of Home

Affairs, New Delhi. That is the step taken so far by the Government of Mizoram. It may be wise for us to wait the decision of the Government of India, Home Department.

Pu Speaker, the motion of the resolution is good. But if it is passed once again, we have to consider as to whether the position is improving or not. Thank you.

Pu R. LALRINAWMA : Thank you Pu Speaker. The mover of the resolution clarified the steps taken by Government that Assam Legislative Assembly passed The Assam Lushai Hills District Acquisition of Chief rights Act, 1954, which was amended in 1955. By this act, 309 chiefs were compensated. After thirty years hence, compensation on land is claimed by the Chief Council of Mizoram. Petitions were submitted to the Prime Minister, Chief Minister of Mizoram and also to the President of India. Cabinet Meeting too considered the case as stated before. As directed by the cabinet Meeting, the Chief Secretary issued an order stating that there is no other law to be applied on claiming compensation on land to the Mizo Chiefs. So, the Chief Council of Mizoram dissatisfied with the decision of the Cabinet Meeting and submitted writ petition to the High Court. The writ petition was dismissed by Guwahati High Court in 1998. In 1999, in the writ appeal Government Advocate inform the High court to be considered the case by the state government without having any instruction from State Government. Hence, the Guwahati High Court issued an order stating that the state Government should consider the case in consultation with the government of India. The state government submitted review petition to Guwahati High Court appealing the statement of Government Advocate. But the High Court issued an order to see means of compensation without violating any law.

So, the State Government makes demands to the Chief Council of Mizoram to produce documents to support their claims. The Chief Secretary, home Commissioner, Senior Officers and Representatives of the Chief Council of Mizoram had a meeting on 20.5.2002. Representatives of the Chief Council of Mizoram informed the meeting that taxes collected by them were submitted to the administrators of the British Empire and that the administrators that day may appoint any one of his choice for the chief. It is further stated that the Chief had no absolute power and that the chieftainship was not hereditary. Hence, the Chief Secretary issued an order stating that the Chief Council of Mizoram could not be compensated under the Land Acquisition Act, 1984. The land Acquisition Act, 1984 was barred by law on ground of lack of tenacity, as being devoid of merit and lack of legal basis. The Chief Council then again submitted writ appeal to the Guwahati High Court Mizoram Bench on 31.7.2002. The Division Bench decreed in favour of the plaintiff to consider the case again.

Accordingly, the Chief Council of Mizoram submitted representation to the Chief Minister with supported documents of the Manipur Hill Areas Acquisition of Chiefs Right Act, 1954.

Pu Speaker, what I want to say in this regard is that the Division Bench of Guwahati High Court has not yet been finalized the case as it is under trialed by the Executive and Judiciary. I, therefore opine that the Legislature should not interfere in the case. According to the Press hand-out, it may be regarded that the Central Government authorized the Government of Mizoram to implement any kind of compensation. However, claiming of compensation retarded development of the state. It might be of a serious problem if the Chief

Council demanded getting back of their lands if they are not compensated and that some sorts of revolution may be instigated. Anyhow, the case is still validated as the living grand-children's of the then Chiefs today are confident of their claim. So, I opine it is not appropriate for the House to pass it. Thank you.

Pu LALDUHOMA : Pu Speaker, those members who spoke before me knew quite well how to criticize this motion. So, I would also like to make a few points in support of the motion.

Pu Speaker, the 61st UN General Assembly which was being held on 13th July, 2007 resolves 46 Rights in favour of the indigenous people. Pu Speaker, Article 26 also bestowed Rights to recovery of land but it should be verified first as to whether the land is traditionally owned by such people. Article 28 also stated that if the land is acquired without free consent of the indigenous people, compensation may be claimed to the government. If the land should be returned to the indigenous people, it shall be the same size and same value of such land. All indigenous people should know the provision.

As our forefathers occupied Mizoram in 1600 AD, the land was uninhabited and therefore regarded as a gift of nature. As the British occupied the adjoining land in 1932, our forefathers attacked them for their own safety and so should not be regarded the Mizos as headhunters for they had only fight for their life.

In 1873, Bengal Eastern Frontier Regulation (BEFR) came into existence and made inner-lines with 46 boundaries. This Regulation (BEFR) was framed to bar the Mizos entering into the British territory. In 1885, the British occupied Chin Hills and Cachar District when Mizoram remains un-annexed as the British Rule. In 1888 - 1890, Mizoram was invaded again for the second time. They were not given free, and prior and formal consent. In 1892, Fort Williams, Calcutta tried to put the Mizos occupied areas under one administrative head but was not successful.

In 1895, British from Shimla declared Mizoram as the British Empire. After fifty years war, it was captured. We were not the citizen of the British Empire as we were forcibly captured and over-ruled by the British.

In 1930, Bengal Eastern Frontier Regulation was alternately applied to Mizoram so as to bar non-Mizos entering into the territory.

Government of India Act was then passed in 1935 and then clarified tribal occupied areas not withstanding Burma and Indian Rajas. The tribals were defined as the tribes inhabited in the adjoining areas of Indian Territory which means the Government of India did not include Mizoram under its territory. If we look back the Independent Act of India, Mizoram was given a freedom to choose as to under which ruling they chose to stay. The then political leaders of Mizoram opted to be ruled under the government of India only for ten years. That is the only option taken by Mizoram in the history. In the memorandum, the area of Mizoram at that time was 18,993 Square miles or 49,191.6 Sq.kms where as the present is only 21,086 Sq. kms. More than half of Mizoram, according to our forefathers has now situated outside the

boundary of Mizoram as a result of forceful activity of the British. Assam Land acquisition Act was then formulated since the administration of Mizoram.

Pu Speaker, any portion of Mizoram acquired by India or British should be bestowed to the indigenous people. In this regard, I would like to raise my opinion that an agreement signed by the government of India and MNF known as "July Agreement," is the worst agreement for the people for Mizoram. It is not the agreement between the government of India and the government of Mizoram but signed on behalf of MNF.

In 1986, a memorandum of settlement was signed again between the government of India and MNF but without consulting the officials or political leaders. So, we have nothing to say or express our opinion on enlisting Mizoram as an integral part of India. It is a matter to be done in consultation with the officials and political leaders by means of mutual agreement of both sides. If compensation is demanded, it is the decision of the government of India as to whether to fulfill such demand. As such, I opine it is important for us to make intensive pressure on central authority.

In this connection, Pu Speaker, it may be important for us to consider the relationship between India and China becomes very weak as both sides are preparing for an impending danger of war. Thus, the government of India too is determines to maintain unity among the Indian citizens particularly of the people living in border areas. Home Minister, Pu P. Chidambaram had even made a statement in Press meetings which emphasizes the needs for the people particularly those living in the international boundaries, to maintain loyalty and unity to our country on which priority should be given where as we have laws by which amendment may be made as necessary.

If so, we have to know our rightful claim as of our demand for compensation which has been held for the decision of the cabinet. I am confident that our demand for compensation will become more impressive to concerned authority if it is passed by this august House as it is not harmful for the integrity of our nation. We should know that this will not be benefitted only by kindred's of our chiefs but also by the Mizos as a whole for it will enable us to regain our very own land. Thank you.

SPEAKER : We will have a break and the meeting will be resumed at 2:00 PM.

2:00 PM

SPEAKER : To resume the discussion, let us now call upon Pu Lalsawta, Minister.

Pu LALSAWTA, MINISTER : Pu Speaker, as stated earlier, we, the Mizos have land of our own which had been occupied by our forefathers since the time immemorial and it land should be ours from generation to generation. The matter of permanent habitation depends on regular payment of annual tax. This ownership of land may be cancelled unless tax is paid to the

government. Regarding the rightful claim over our owned land, the Supreme Court further decided that the district councils too have no separate land but all the occupied area are of the state. The district councils only have the rights to use.

I believe it will never stay in the minds of our forefathers that this matter will be discussed in the coming generations. So, the resolution should be carefully determined by the House and decision may be made even after a year or so. From my understanding, this Resolution concern demands for land lease. If we receive the costs of the land as demanded, it means that our land was sold to the Central Government. Now, we are the owners. When I see the pros and cons of the resolution, it is better not to be passed by the House. If the central Government paid for it, that will mean we are not the owner of the land. I am afraid that we will lose the ownership of this land. Anyhow, the resolution is discussed in this House I would like to highlight what my view was. We the Congress (I) party discussed the matter many times. It is not to be decided easily. I am afraid that the generation will condemn members of this august House after a few years. It is therefore, better to withdraw it.

Pu Speaker, some of members of the opposition will support our idea. This generation will be a great nation if the world remains. So, if it is so require new resolution will be framed again under the leadership of the hon'ble Chief Minister. It may be regarded that the owner of the land is not to claim compensation. It is also a question whether it is acquired by force. It is, therefore necessary to think deeply whether the compensation should be claimed. The House discussed every important resolution. Thank you.

Pu LALTHANSANGA : Thank you, Pu Speaker. Members from your right criticized that the legislators should not intervene in the business of the Executive and Judiciary. It is, therefore important for us to determine if the executive and judiciary misled the administration. Anyhow, it is good to pass by the House.

We, the MPC party have a political ball to regain the land what Mizoram had lost from the very beginning which had been regarded as foreign country. At the very beginning of our struggle, the indigenous people living in those land were spoken ill of. The Indigenous People Forum had been set up and submitted a memorandum to UNO. The anniversary of the Indigenous People Forum is celebrated at Vanapa Hall with Mr. M.M. Lakhera, the Governor of our state on 8th August, 2008. The celebration justified all political criticisms. MPC Party did not accept all forced boundaries. Life is sacrificed for protection of such boundaries. The Mizo Chiefs also sacrificed their life for protection of their land. But now, we are ruled over by various acts. If UNO approves the memorandum, Parliament will automatically adopt as in other countries, such as Australia, New Zealand, etc.

The resolution did not mean selling of the land to others authorities, but claiming of compensation for protection of our own land. Home Minister of the Central Government too said that the rules may be amended as necessary. The law of the land should not bind any one.

Due to the words speech made by Arunachal MP in the Parliament, the government of India largely developed Arunachal state. Home Minister too said that law may be

altered in accordance with the interests of the people as it is made for the people. Even if the Executive and Judiciary could not do, it is we, the legislators, owner of government will do it. The Mizo Chiefs shall be compensated for their protection of the land. We can make pressure to the Government of India to sanction compensation to the respectable Mizo Chiefs. As we all know, the state of Mizoram might have been captured by foreigners. I, therefore request all the Ruling members to support this resolution. Thank you.

Dr. R. LALTHANGLIANA : Thank you hon'ble Speaker. I was given a copy of Press hand-out of the Chief Council of Mizoram just before entering into the House. It is clear that it's been a long time since compensation was claimed and it appears that some member afraid of doing something wrong.

Pu Speaker, the purpose of the resolution is making efforts to ensure that compensation claimed by the Chief Council of Mizoram is achieved. I would like to request the mover of the resolution to clarify when winding up of our discussion if the land shall be owned by central Government if the claimed of compensation is fulfilled. Regarding compensation given by military acquisition, some of them claimed ownership while some were not. If the central government should not claimed ownership of land, there is no problem to pass the resolution. Thank you.

Pu LALRINMAWIA RALTE : Thank you Pu Speaker. The motion of the resolution is, "May the government make an effort to ensure that compensation claimed by the Chief Council of Mizoram to the Central Government be fulfilled." As Pu Lalsawta have stated, it seems that the resolution needs further consideration. In my opinion, it may be more appropriate if compensation is claimed for all indigenous people of our state. In fact, the Chiefs position is different from one another. There might be difference among them when government enquires claiming of such compensation. I think it is better to make alteration of the motion of the resolution for common people so that the common people benefitted claiming of compensation. Truly speaking, no one knows how to claim such compensation.

But now, we begin to know what our rights are. If so, it is better to frame another resolution which concern all the indigenous people as it will be more effective than the present one. So, it is better not to pass the resolution now. Thank you.

SPEAKER : Now, we will call upon the House Leader.

Pu LAL THANHAWLA, CHIEF MINISTER : Generally, all members have same idea on this resolution moved by our fellow member. Although the resolution is good, a new idea comes into existence.

As stated before, all political parties have the same policy of having one administrative unit in mind for all indigenous people of Mizos. The reason is that all of us desired to have one administrative unit.

As frequently mentioned in the House, Mizoram, as other Indian states had suffered the Divide and Rule Policy of the British Empire. The Indigenous People of

occupied a very large territory of Myanmar, Bangladesh and India. Thus, Mizoram is regarded as a gift of God.

Pu Speaker, the claim is compensation. But we have to consider whether Mizoram have the right of ownership of this land. The purpose of the resolution is too narrow for it did not include common people. So, I opine it is more appropriate if the resolution is redrafted so that the claim concerns for the indigenous people of Mizoram as a whole.

Pu Speaker, I do not oppose the resolution but it is possible to frame better resolution which appears from the discussion. So, if the mover of the resolution agreed, a new resolution may be framed for all indigenous people may benefit the resolution. Thank you.

SPEAKER : Now, Pu K. Liantlinga, to wind up the discussion.

Pu K.LIANTLINGA : Thank you Pu Speaker, 8 members participated in the discussion of this resolution and I am happy that no one seems to oppose it. But some members make suggestions relating to legal problem which may be solved without difficulty. The occupied areas of the Mizo Chiefs were being acquired by means of illegal acts by the government of Assam and our demand for compensation does not concern selling of land or rental costs.

The Mizo Chiefs were abandoned by section 3 of the Assam Lushai Hills (Acquisition of Chief) Act, 1955. Section 3(1) of the Assam Lushai Hills Land Acquisition) Act, 1954 provides that "Notification declaring vesting of land in the state." But, this act is not appropriate as the Mizo Chiefs were abandoned by this act illegally.

The Governor of Assam issued an order of abandonment indicating their names on 23rd March, 1955. After four months, the act was amended by providing modification in the Rights of the Chiefs relating to their land-holdings. The amendment stated the rights of the chiefs such as Fathang, Buhchhun etc. but not of their land-holdings which indicated our chiefs were being deceived by the government of Assam. As such, the claim of compensation by the Mizo Chiefs should be given for the abandonment is done by means of deceiving Act.

The suggestion made by the House Leader is very good. But let us accept the resolution so as to ensure compensation for Mizo Chiefs within 20,187 sq. kms.

As stated by Pu Lalrinmawia Ralte, the Maharajas were given compensation by providing Privy Purse whereas, on the contrary; the Mizo Chiefs were deceived by means of irrelevant Act.

As pointed out by Dr. Thangtea, Maharajas, Red Indians, Mauis, aborigines in Australia and New Zealand, Canada, and USA were compensated. In the same manner, we, the Mizos too deserved the same concern. If the state Government supported the resolution and urge to the Central government to compensate our chiefs, I am confident that sanction will be issued for compensation.

Regarding ownership of land, it was of the Mizo Chiefs. The Superintendent of the Lushai Hills District had the power to appoint or dismiss the Chiefs and has even kept paper of boundary description on 28.8.1948 which notified that the Mizo Chiefs were the owner of the land.

The Guwahati Law Research book, page 3 described Lushai Hills as a backward tract and so by the Indian Act, 1915 and 1919. The government of India Act, 1935 and Guwahati Law Research Book further described Lushai Hills as an excluded area. It is recorded as "All lands in the villages belonging to the Chiefs of that village." It is, therefore clear that all lands of Lushai Hills were owned by the Mizo Chiefs as taxes were paid by them.

Pu Lalsawta, hon'ble Law Minister mentioned that compensation may be given only by this act which now becomes invalid. He has further claimed that only the Executive and the Judiciary are able to compensate the Mizo Chiefs whereas the Executive is in the opinion to compensation the Mizo Chiefs. So, if the legislature supports the executive, I think compensation is possible.

All acts are made by the legislature and it is the Judiciary to see the relevant act. But if there is an invalid act, it may not be approved by the House or Legislature. But Acts could be amended to achieve our claim of compensations as most of the members thus supported the resolution. Pu Speaker, it is not a time to speak a lot of things. So, I beg the House to pass the resolution that 'May the Government makes an effort to ensure that compensation claimed by the Chief Council of Mizoram to the Central Government be fulfilled.' Thank you.

Pu LAL THANHAWLA, CHIEF MINISTER : Pu Speaker, the case of the Mizo Chiefs is quite complicate as it is different from Maharajas, Nawabs etc. At that time, another indigenous people were not consisted politically as the chiefs were more consisted politically at that time.

The mover stated that the Chiefs were dismissed in the political movement and there was no law to compensate them as claimed which I opine is not true. It is a fact that the act applied by government of Assam is not relevant with this case. It was an act to deceive the Mizo chiefs and the people. It appears to me that the treatment of the government of Assam towards the Mizo Chiefs is worth appealing to the Court which I believe as our main problem now. As stated by Pu Lalduhoma, it may be more appropriate to follow as suggested. Thank you.

SPEAKER : I would also like to add few points. Obviously the government of India had nothing much to say as the Leader of MNF party expressed his grievenance that we the Mizos as being forced to accept whatever the constitution brings to us while others have an access to some sorts of agreement and we have no reason to accept imposed constitution. The constitution, therefore, provided Article 371 (g) to resolve the problem.

Regarding ownership of land, it is, in a way, difficult to make a clear-cut definition. As far as my opinion is concern, it is God the true owner of this land. But according in international language, permanent ownership of land is in the state government where as there are rental owner and temporary owner which may be implied as the case may be.

Anyway, we, the members today are fortunate for being able to discuss about our chiefs and it is our collective responsibility to bestow anything to our chiefs. Yet, it is important for us to examine this case cautiously as our history could not be re-written.

Now, the resolution will be voted.

(The Resolution is being rejected).

The resolution is rejected yet, we have to remember proposal of the hon'ble Chief Minister. Now, our business for today is finished and Session will be resumed at 10:30 AM tomorrow, the 26th March, 2012.

Sitting adjourned (3:10 PM)