

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

**LIST OF BUSINESS  
SECOND SITTING ON TUESDAY, THE 21<sup>st</sup> SEPTEMBER, 2010  
(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.

**PRESENTATION OF REPORTS**

2. **Pu B. Lalthlengliana** to present to the House the following Reports of Public Accounts Committee:
  - (1) **Sixth** Report on Action taken by the Government on the recommendations contained in the Second Report of the Public Accounts Committee on C&AG's report, 2006-2007 relating to Health & Family Welfare Department.
  - (2) **Seventh** Report on Action taken by the Government on the recommendations contained in the Fourth Report of the Public Accounts Committee para 6.5 on C&AG's Report, 2003-2004 relating to Food, Civil Supplies & Consumer Affairs Department.

**LEGISLATIVE BUSINESS**

**Bills for introduction, consideration and passing**

3. **Pu Lal Thanhawla**, Chief Minister to beg leave of the House to introduce "The Mizoram Public Servants' Personal Liability Bill, 2010".

**Also**

**To introduce the Bill**

**To move that the Bill be taken into consideration**

**And**

**To move that the Bill be passed.**

**S P E A K E R** : "Be of the same mind towards one another. Do not set your mind on high things, but associate with the humble. Do not be wise in your own opinion".

Romans 12:16

We will take questions and answers and Pu K. Liantlinga to ask Starred Question No.21.

Pu K. LIANTLINGA : Pu Speaker, thank you. Will the hon'ble minister for Higher & Technical Education department be pleased to state: -

- (a) Whether there is an intention to appoint a new Mizoram Scholarship Board
- (b) If so, will it be done during 2010-2011?

S P E A K E R : Let us call upon the hon'ble minister for Higher & Technical Education minister Pu Lalsawta to reply.

Pu LALSAWTA MINISTER : Pu Speaker, answers to hon'ble member Pu K. Liantlinga's questions are as follow: -

- (a) Appointment of new Scholarship Board will be made soon.
- (b) There is an intention to re-arrange the Board and centralized Scholarship, Stipend and Book Grant and put it under the Mizoram Scholarship Board. A new Board Member will be appointed during 2010-2011.

S P E A K E R : Supplementary question to be asked by Pu K. Liantlinga.

Pu K. LIANTLINGA : Pu Speaker, thank you. My supplementary questions are as follows: -

- (a) What is the government expenditure for Book Grant and Stipend during 2009-2010?
- (b) Amount put in non-plan and plan during 2010-2011?
- (c) Does the government make plan to loan out to promising students through Bank?
- (d) As the Bank stop giving loan to student, is there a way to renew this system.

S P E A K E R : Supplementary question to be asked by Dr. R. Lalthangliana.

Dr. R. LALTHANGLIANA : Pu Speaker, thank you. Is there a way to increase the current amount of scholarship for the students?

S P E A K E R : Let us invite the minister in-charge Pu Lalsawta to reply.

Pu LALSAWTA  
MINISTER : Pu Speaker, I regret to say that I cannot furnish the answer at the moment but I will try to do it during this session. Regarding loan, it is the Bank not the government who stopped it. There is National and Commercial Bank but the interest rates are different. The government can help students through this Bank and we are trying our best to do so. Scholarship came from different sources and last year alone, ₹1566.82 lakhs was allotted to tribal students from Tribal Welfare Ministry. Also we are giving a thought to increase the amount but cannot do so at the moment.

S P E A K E R : Pu Lalthansanga to ask Starred Question No.22.

Pu LALTHANSANGA : Pu Speaker, will the hon'ble minister for Public Works department be pleased to state: –

- (a) Whether there is an intention to re-instate skilled Muster Roll laborers who were discharged earlier and also give their arrear dues?
- (b) Why did this happen only in PWD?

S P E A K E R : The hon'ble Chief Minister, in-charge PWD to reply.

Pu LAL THANHAWLA  
CHIEF MINISTER : Pu Speaker, answers to Starred Question No.22 are as follow: –

- a) We have no knowledge of that.
- b) Same as above.

- S P E A K E R : Supplementary question from Pu Lalthansanga.
- Pu LALTHANSANGA : Pu Speaker, it happens in Champhai and Darlawn Highway Division. About 40 – 48 were discharged. Does the government have any intention to re-instate or re-appoint them?
- S P E A K E R : The minister in-charge to reply.
- Pu LAL THANHAWLA CHIEF MINISTER : Pu Speaker, as I have already answered, according to information received from the department, no MR was discharged for the reason as alleged. We have to know that their appointment is not the same as a regular employee as there is a limit. If there is a discharge, it would be due to lack of fund or some other reasons but not as alleged.
- Pu LALTHANSANGA : Pu Speaker, number of employment on MR basis seems to be decreasing. In this regard, we have to share the feelings of those discharged employees who had been working for 7 or 8 years. Is there a way to re-instate them in the same position?
- Pu LAL THANHAWLA CHIEF MINISTER : Pu Speaker, it is not possible to re-instate them. They are well-aware of their status before joining. They are bound to be discharged as soon as the period of their contract ended like teachers recruited by the government under SSA. The government wants to employ them for a long term but could not afford to do so at the moment.
- S P E A K E R : Pu C. Ramhluna to ask Starred Question No.23.

Pu C. RAMHLUNA : Pu Speaker, will the hon'ble minister for Fisheries department be pleased to state:—

- (a) What is the name of the Director of Fisheries department?
- (b) Whether they have a solid and appropriate R.R for every post?

S P E A K E R : Let us invite the minister in-charge, Pu H. Liansailova to reply.

Pu H. LIANSAILOVA : Pu Speaker, answer to the question of the hon'ble member Pu C.Ramhluna are as follows: —

- (a) The Director is Dr. O.P. Singh.
- (b) There is a good R.R., but in the case of Fishermen and Project Operator, the same R.R. is shared by IV Grade and Telephone Operator.

S P E A K E R : Supplementary question from Pu C. Ramhluna.

Pu C. RAMHLUNA : Pu Speaker, the department of Fisheries has a separate Director since August, 2009. Before that, the then Jt. Director obviously looks after the department with full power of the Director during the interim period. As the Director retired on March, 2010, the senior most Dy. Director who was promoted to Jt. Director took the charge. However, the charge was handed over to Dr. O.P. Singh of the same rank. Pu Speaker, there are two channels for filling up of the post of Director; One- Through promotion which may be claimed by concerned official who has already been served as Jt. Director at least for 5 years and the other through deputation for not more than 3 years. But Pu Speaker, mode of appointment of Dr. O.P. Singh as the Director is neither through promotion nor deputation. There will not be any criticism if the appointment is made through proper channel. May the Jt. Director of fisheries who is now appointed at Kolasib be appointed as the Director on deputation after consulting MPSC to exercise power of relaxation provided by the rules? I opine it is necessary for concerned authority to examine the case more carefully. My question is - Whether there is a connection for the appointment of Dr. O.P. Singh as the Director of Fisheries department with ZOFISH Seeds Production and the officials of State

Planning Board? It will be pleasing if the answer is given and if not possible, I think I can furnish the correct answer to the House.

S P E A K E R : Concerned minister to reply.

Pu H. LIANSILOVA  
MINISTER : Pu Speaker, we know that it is in the interest of the department if Jt. Director is appointed as Director. However, the service of the current Jt. Director remains only for one year where as for Director, R.R. demands Jt. Director or its equivalent who is holding at least for 5 years. Hence, we were searching an eligible candidate having the ability to pull more funds from the central since the department is partly or wholly depends on Centrally Sponsored Scheme, NFDB. So, Dr. O.P. Singh, who has the required knowledge and experience in this field, is appointed for the time being.

S P E A K E R : Question No. 24 belongs to Pu Lalduhoma who unfortunately cannot attend the sitting due to the death of his neighbor. We will move on to the next question to be asked by Pu P.P. Thawla.

Pu P.P. THAWLA : Pu Speaker, will the minister for Sericulture department be pleased to state:—

What is the total number of families who are engaged in sericulture for their living?

S P E A K E R : The minister in-charge Pu Nihar Kanti, to reply.

Pu NIHAR KANTI CHAKMA  
MINISTER : Pu Speaker, the answer is 132 families.

- S P E A K E R : Supplementary question from Pu P.P. Thawla.
- Pu P.P. THAWLA : Pu Speaker, is there an intention to acquire private land at Zemabawk for Sericulture department? Is part of the land been given to them ?
- S P E A K E R : Concerned minister to reply.
- Pu NIHAR KANTI CHAKMA MINISTER : Pu Speaker, it came to my knowledge also but the department have a separate land pass.
- S P E A K E R : Some privates try to intrude in the said land but the department rejected. Now, let us invite Pu K. Liantlinga to ask Starred Question No.26.
- Pu K. LIANTLINGA : Pu Speaker, will the hon'ble minister for Urban Development & Poverty Alleviation department be pleased to state: –
- (a) What progress has been made by the Aizawl Development Authority (ADA) for amendment of Rules (Building Regulation)?
- (b) Will it be done within 2010-2011 to alleviate problem faced by the people?
- S P E A K E R : Pu Zodintluanga, the minister to reply.
- Pu ZODINTLUANGA MINISTER : Pu Speaker, my answer is : -

- (a) It is submitted to the government and is now under process.  
 (b) We hope to amend it during 2010-2011.

S P E A K E R : Supplementary question from Pu K. Liantlinga.

Pu K. LIANTLINGA : Pu Speaker, thank you. The matter is of utmost important as election on Municipal Council is approaching. I thank the minister for the assurance that it would be amended and executed. My question is: – My Unstarred Question No.6 was answered but question (c) is omitted, what is the reason?

S P E A K E R : Regarding that question, the hon'ble minister in-charge informs me before the sitting and I have the answer with me and will make correction from the Chair. The question is:– Are they tendered? The answer is:–BADP works for 2007-2008 has already been tendered. Next, Dr. R. Lalthangliana to ask Starred Question No.27.

Dr. R. LALTHANGLIANA : Pu Speaker, will the hon'ble minister for Home department be pleased to state:–

Whether there is an intention to reconstruct Sazai Jail?

Pu R. LALZIRLIANA MINISTER : Pu Speaker, answer to hon'ble member's question is: -

No, there is no intention to reconstruct Sazai Jail.

S P E A K E R : According to this Budget book, maintenance of jail appears to be of Home deptt. but Prison department is shown in the portfolio of the ministers separately as under one minister. This should be corrected for future references. Now, let us invite Dr. R. Lalthangliana to ask supplementary question.



Dr. R. LALTHANGLIANA : Thank you, Pu Speaker. Plan has been made in the previous ministry for reconstruction of jails within Mizoram. Regarding Sazai Jail, it is situated on a sloppy hill with staff quarters in the areas around. Since the building is hardly safe from the storm, is there a way to give priority for the reconstruction?

S P E A K E R : May the minister in-charge give a reasonable answer.

Pu R. LALZIRLIANA : Pu Speaker, I appreciate the correction  
MINISTER you made for Unstarred question. If you agree, I would like to distribute a xerox copy to the members. (Agreed)  
Regarding Sazai Jail, we are going to receive 20 crore from the 13<sup>th</sup> Finance Commission and it will be included.

S P E A K E R : Supplementary question from Pu P.P. Thawla.

Pu P.P. THAWLA : Pu Speaker, what is the name of the contractor for construction of Lawngtlai Jail?

S P E A K E R : If the minister can answer, let us invite him.

Pu R. LALZIRLIANA : Pu Speaker, as there are five buildings  
MINISTER under construction, I cannot give the name right now. But I assure him that the department does not involve in the construction.

S P E A K E R : We will go to question No.28. Since Pu Hmingdailova Khiangte is on tour, he entrusted Pu K. Lalrinthanga to ask his question.

Pu K. LALRINTHANGA : Pu Speaker, will the hon'ble minister for Higher & Technical Education department be pleased to state: –

- (a) Whether fund has already been obtained for construction of Polytechnic School at Thingdawl?
- (b) If so, how much?
- (c) When will the work be started?

S P E A K E R : The hon'ble minister Pu Lalsawta to reply.

Pu LALSAWTA  
MINISTER : Pu Speaker, the answer is: -

- (a) Yes.
- (b) 2 crore.
- (c) Application for Certificate of Land lease is underway and when we get Administrative approval and Expenditure sanction, we will begin work.

S P E A K E R : As there is no supplementary question, we will go to the next question. Pu Lalthansanga to ask Starred Question No.29.

Pu LALTHANSANGA : Pu Speaker, will the hon'ble minister for Labour & Employment department be pleased to state: –

- (a) Is there an intention to expand Labour & Employment and Industrial Training department?
- (b) After implementation of Mizoram Inter-State Immigrant Workers Rules and The Mizoram Regulation and Abolition Rules, how many have violated the rules? If there is none, what is the reason?

S P E A K E R : The hon'ble minister to reply.

Pu LALRINLIANA SAILO : Pu Speaker, the answer is: -  
MINISTER

- (a) Yes, expansion will be made under the new Deputy Labour Commissioner and any vacant post will be filled-up accordingly.
- (b) There is no violation reported till date.

S P E A K E R : Supplementary question from Pu Lalthansanga.

Pu LALTHANSANGA : Pu Speaker, may the hon'ble minister as well as the present ministry take an initiative to expand not only the department, but also fill-up the existing posts as it concerns with ILP and inspection of workers within Mizoram? Despite its seniority amongst other state's department, Employment department is being neglected for so long. Hence, the department should be upgraded so as to boost up the moral of the staff.

S P E A K E R : Next, Pu K. Liantlinga.

Pu K. LIANTLINGA : Pu Speaker, we have a growing population holder of ILP in Mizoram as the hon'ble Chief Minister stated earlier. In this connection, is there any intention to make rules for restriction of plain people from working without permit? Besides, is there a way for them to apply registration under the Employment Exchange to work under private firms?

S P E A K E R : The minister in-charge to reply.

Pu LALRINLIANA SAILO : Pu Speaker, I am happy to see earnest participation of the members on this topic. During my tenure and with the help of the hon'ble Chief Minister, four officers were recruited and the post of Deputy Labour Commissioner is created in the department as expansion plan is in the process. In Central, L&E is considered as one of the most important departments and the Secretary is treated as a Cabinet Secretary. But in Mizoram, we neglected the importance. Regarding skilled development, the Central assured that no fund is limited in this area. Hence, the government pursues the assurance yet we need cooperation of staff to speed up the process. Presently, plan for construction of buildings and strengthening equipment at Lunglei and Saiha are in process. However, post creation and expansion of staff could not be expedited due to financial problem.

Under Contract Labour Act, 1970, license was given to 19 Contractors under which 1210 were registered. As we are not the issuing authority of ILP, I cannot give answer concerning work permit as we need to have a good streamline with the DC office so as to get number of work permit holders. As of the inter-state immigrant, we have 44 registered contractors under the Immigrant Workmen Act, 1970 under which about 3498 laborers were registered. I believe there are large numbers of unregistered but we do not have man power to verify them. Presently, we are trying to constitute form of work permit which will be attached with ILP. I truly appreciate participation of the members in genuine interest in this department. Thank you.

S P E A K E R : Pu K.Liantlinga to ask Starred Question No.30.

Pu K. LIANTLINGA : Pu Speaker, will the hon'ble minister for Public Works department be pleased to state:—

- (a) What is the original estimate for construction of Mizoram Assembly Secretariat Annexe Building? How many times the estimate was revised? What is the total amount for completion?
- (b) What is the cost for installation of lift and name of the company?

S P E A K E R : The hon'ble Chief Minister Pu Lal Thanhawla to reply and supplementary question will not be entertained due to limit of time.

Pu LAL THANHAWLA : Pu Speaker, first I would like to say a few words on Labour & Employment department. It is true that it has been neglected for a long time as no one knows its importance. Many times, we receive pressure to strengthen and expand it. Thus, we apply expansion policy as Youth Commission is placed under the department in order to receive skill development and human resources it can provide. There are many opportunities which can be benefitted from this department as abundant fund is available. Apart from this, it also concerns safeguarding the people living in Mizoram. Knowing the importance, our leaders are trying their best to constitute Labour Law to protect our workmanship as we are intended to recruit experts in this field. So Pu Speaker, my answers to the question is: -

- (a) The original estimate for construction of Mizoram Assembly Secretariat Annexe Building is ₹430 lakh and is revised once. Amount for completion of works is ₹850 lakh which was sanctioned already.
- (b) The cost for installation of lift is ₹20 lakh and name of the company is Otis.

S P E A K E R : Question hour is over. Before moving on to the next business, the following members availed leave of absence.

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|---|----------------------------|
| (1) Pu John Rotluangliana, Deputy Speaker | (2) Pu P.C.Zoram Sangliana |
| (3) Pu Hmingdailova Khiantge              | (4) Pu Nirupam Chakma      |
| (5) Brig.T.Sailo                          | (6) Pu Lalduhoma           |
| (7) Pu S.Laldingliana                     | (8) Pu K.S.Thanga.         |

May the House accept their leave of absence? (The House accepted)

The next business is Presentation of Reports and Pu B. Lalthlengliana, Chairman PAC to present the following reports: -

- (1) Sixth Report on Action taken by the government on the recommendation contained in the Second Report of Public Accounts Committee on C&AG's Report of India 2006-2007 relating to Health & Family Welfare department.
- (2) Seventh Report on Action taken by the government on the recommendation contained in the Fourth Report of Public Accounts Committee on C&AG's Report of India 2003-2004 relating to Food, Civil Supplies & Consumer Affairs department.

Pu B. LALTHLENGLIANA : Pu Speaker, with your permission, I present the following reports: –

- (1) Sixth Report on Action Taken by the government on the recommendation contained in the Second Report of Public Accounts Committee on C&AG's Report of India, 2006-2007 relating to Health & Family Welfare department.
- (2) Seventh Report on Action Taken by the government on the Recommendation contained in the Fourth Report of Public Accounts Committee on C&AG's Report of India, 2003-2004 relating to Food, Civil Supplies & Consumer Affairs department.

S P E A K E R : We will go to Legislative Business and the hon'ble Chief Minister Pu Lal Thanhawla to introduce "The Mizoram Public Servants' Personal Liability Bill, 2010".

Pu LAL THANHAWLA  
CHIEF MINISTER : Pu Speaker, with your permission, I introduce to the House, "The Mizoram Public Servants' Personal Liability Bill, 2010". Thank you.

S P E A K E R : The hon'ble Chief Minister begs to introduce the Bill and do we agree? (Agreed). He may now introduce and move the Bill.

Pu LAL THANHAWLA  
CHIEF MINISTER : Pu Speaker, with your permission, I introduce and move to the House, "The Mizoram Public Servants' Personal Liability Bill, 2010". Thank you.

Pu Speaker, the main purposes of this Bill are – (1) Measures to ensure financial discipline. (2) Liability for irregular action of public servant. (3) Measures to provide for recovery of unauthorized liability servant. We also see recommendation of high power committee which was empowered to constitute Power of Committee if any incident stated above occurs. It will also help in safeguarding financial liability as we all know how weak our financial disciplines are. Financial

discipline is the foremost to establish efficient administration, clean governance and transparent government. We all have the copy of the Bill and knows its important. This bill tries to make a good financial discipline and will prosecute its violators. The government will, when she deems necessary make notification in the Gazette in order to exercise them as needed. If we pass this bill, it will protect the Government servants from liabilities and ensure there is transparency in government works.

S P E A K E R : As the hon'ble Chief Minister moved the bill and explain its purposes, I hope that we will have a good discussion. The copy has been delivered to the members four days earlier and will have time to study and consult experts in this field. Now, each of us will have 5 minutes and extra time will be given if necessary from the Chair. Let us begin the discussion and invite Pu C. Ramhluna.

Pu C. RAMHLUNA : Pu Speaker, I study this bill as much as I can. I have some points that will need clarification. I hope that the hon'ble House Leader will make clarification in his wind up speech.

I want to make three observations regarding this bill. First, in para 1 of sub para 2 it read "It shall extent to the whole of the State of Mizoram". Here it does not specify whether this bill will become effective in the District Councils immediately or will they make their own law in this regard. Besides, it may not be appropriate for the District Councils as they have their own Autonomy of the highest level. If the wording of this bill is to become effective within Mizoram it will have an effect on their Financial and Executive power. As is the case, the definition of 'Public Servants' does not cover the CEM, EM, and Executive Secretary of the Councils, it would be appropriate if we add 'except District Council Area' in this wording.

Secondly, in the definition we are putting the Chief Minister first and placed the Governor in third. I think that it would be appropriate to place the Governor in the first order and then the Chief Minister if it is going to be a Rule.

Thirdly, I found the wording of para 2 of sub para (g) and para 7 very contradicting. While Para 2 (g) define 'public servant' and omitted MLA, in para 7 we see that "in case the public servants is a Minister/MLA". This shows that para 2(g) and para 7 are in contradiction and it needs clarification. Besides, if we look into the Supreme Court ruling of 16<sup>th</sup> February, 1984, MLAs are not listed as public servants. On para 8 'Protection of Action in good faith" it describes the public servants like in officers, employees of State Government. It does not need to specify each individual, the word 'public servants' includes them all.

Lastly, I also want clarification on definition 2(b) “Competent Authority” as this is also very contradicting. From reading this bill, if we go on as written it will delay us in many ways. I also want to repeat my request on District Councils authority. It will be appreciate if we can honour their Autonomy and give free reign in making their own law. That is all I have to discuss, Pu Speaker, thank you.

S P E A K E R : Now, we will invite Pu R.Lalrinawma.

Pu R. LALRINAWMA : Thank you Pu Speaker. This Bill we are discussing will become an important factor in wiping out corruption in Mizoram. We have many bills concerning prevention of corruption and its punishment to those who practiced. But they are incomplete to have a desire effect. This bill covers widely and ensures that those who practice corruption will get severe punishment not only in suspension and removal from their job but will recover their misuse through their salary and if that is not enough through their holding of any kinds. Regarding the remark made by the hon’ble member on omission of MLAs, they are omitted as they hold no offices, but those who hold offices will be automatically included. This bill will not bring any extra expenditure in view of Financial Memorandum. Therefore, I give my support to pass this bill.

S P E A K E R : Who will be next ? Pu H.Zothangliana.

Pu H. ZOTHANGLIANA : Pu Speaker, thank you. I am happy that today we are having a discussion on “The Mizoram Public Servants Personal Liability Bill, 2010”. This bill will ensure that fund which are not executed through proper channel and pocketed by someone will be punishable by the law instead of blaming the government as practiced before. This bill will ensure that corrupt people, whether they are individual or group will have to recover their misconduct through any means. In regard to the wording on section 7, I also opine that the words ‘MLA’ should be removed from the sentences. Besides, while the wording are good and clear I noticed in the introduction part words ‘in form of’ which is not often used. Can this be put in ‘in the form of’ but I do not know whether this will be correct. I give my support to pass this bill, thank you.



Pu LALSAWTA : Pu Speaker, I am very thankful that the  
MINISTER hon'ble House Leader introduce this bill.  
This bill will make us all cautious in  
dealing with our money from the lowest  
to the highest level. Some members pointed out the long sentences and wrong  
wording in this bill. But we have to know that in order to cover all important aspects,  
we have to stretch very far. Therefore, this bill was also prepared to cover as much as  
it can and its sentences cannot be shortened. Regarding the placing of Chief Minister  
in front of the Governor, I think they are doing it in alphabetical order. If that is the  
case, the Chief Minister has to come first as 'c' comes first in the alphabet.

Regarding District Councils, they are Autonomous Body as well as Legislature and are under the Mizoram State Government. This bill is very important for them as in the past mismanagement of fund was often heard. This bill will restrict that kind of behavior and their reputation will be straightened. In a short time we are going to have Municipal and this bill will cover it all as well as the political executives, Ministers and any government servants describe by this bill. In regard to its wording and spelling, it is easy to make mistake while preparing bill. But I think that can be remedied and hope that it would not be used as an excuse for not passing this bill. Therefore, in order to have this kind of law I give my support to pass this bill, thank you.

S P E A K E R : Is there anyone who likes to have a  
discussion? Dr.R.Lalthangliana.

Dr. R. LALTHANGLIANA : Pu Speaker, while saying that this bill is  
Important I feel we are not careful  
enough in its preparation for  
introduction. If we look into the  
Statement of Objects and Reasons we will see that "And is placed for approval for the  
Council of Ministers". This shows that we have to be more careful in future while  
preparing bill for introduction in the House. There is also one matter which I cannot  
understand regarding the signature. It looks like there is a difference in the signature  
given by the Chief Minister who is also the Finance Minister. Why there is such a  
difference in the same persons signature?

Next, on High Power Committee, the member consists of the Chief Sectary and four other officers and we also see 'in case of public servants' the members consist of the Chief Minister as chairman and other two ministers. Here, I think it will be appropriate if we added other members outside political influence and nominate members from the prominent citizen. This bill is the first ever we are going to have in its kind and it would be important to give our best in its execution. In principle I think it is good and if we can find a better way to improve its wording and made correction as pointed out by the members it will be passable. Thank you.

Pu K. LIANTLINGA : Pu Speaker, our bill for today is a must which we needed for a long time. It will enhance the hand of the government in fighting corruption. Under this bill the government can ensure the safeties of funds received under Centrally Sponsored Scheme which are in the past were mismanaged by its executors. Under the definition (d) Irregular Action, it pointed out appointment, engagement, work order, supply order, contract, grant-in-aid, compensation, Central Sponsor Scheme, all these will be operated and executed accordingly from now on. It will be an important tool to wipe out corruption and other misconduct in future. As already pointed out there are many mistakes to be found in this bill but that can be corrected. We know that regarding fund from Central Sponsor Schemes, the ministry of Finance issues strong order not to deposit the fund in private account as well as not in any Private Sector Bank. With this bill all these will be stopped and will prevent the government servants from exercising their power wrongly. Therefore, it would be a tremendous help if we can pass this bill, thank you.

Pu P.P. THAWLA : Pu Speaker, I have a question and that is whether other States have this kind of bill? If so, what are its merit and demerit? Besides, as my fellow hon'ble member pointed out would it be appropriate to include "except Autonomous District Council" in the short title, extend and commencement (2). If not, the autonomous power will be trampled by the High Power Committee in the future. Secondly, the word 'MLA' which was added in para 7 of the definition of public servants should be removed from the sentences. Overall, I think it is good to have this kind of bill and hope that it will be well executed. Lastly, it would be thankful if we exclude the District Council and give them free reign within their area, thank you.

Pu CHAWNGTINTHANGA : Pu Speaker, thank you. Today I am very thankful that we have the opportunity to discuss "The Mizoram Public Servants Personal Liability Bill, 2010". This is the work of the hon'ble Chief Minister to improve Mizoram and the fulfillment of his dream and hope that we all agree to pass it.

First, I would like to add few things on what my fellow hon'ble members said. Regarding the suggestion to remove the word 'MLA', I think that it would not be appropriate as many of us hold offices as Minister, Board Chairman and Parliamentary Secretary. Instead why not describe in detail that particular sentence to show its meaning. Secondly, the inclusion of Autonomous District Councils in this bill is right. The power given to them under provision of the Sixth Schedule is not curtail by this bill. Instead it will protect them from mismanagement of fund and practise of corruption among them.

Some members criticize the long sentences and its readability. But we have to know that in order to cover all loopholes and specify its legislative intention; it has to be long and punctilious. I think it was drafted by expert with care and if we look into each clause and then put together in the end we can read easily and catch the meaning. As the hon'ble Law minister and Pu Lalrinawma, hon'ble member pointed out, there are typing mistakes to be found but that can be corrected easily. Above all, I think we should have this bill long ago and solve many of our problems. Nevertheless, I give my support and request all members to pass this bill.

Pu LALTHANSANGA : Pu Speaker, I am very happy to have the opportunity to discuss this bill and hope that we can have a transparency in our government function. As my fellow members pointed out in regard to appointment of committee members of High Power Committee, it made me think that we are doing this in order to exercise power as we pleased. But as it is the first of its kind it would be a great benefit for Mizoram. Above all I give my support to pass this bill, thank you.

S P E A K E R : Now, we will invite the hon'ble House Leader to wind up and beg the House to pass the bill.

Pu LAL THANHAWLA : Pu Speaker, I am very thankful that members from each Branch participates well in the discussion. To answer the question whether other state has this kind of bill is that I do not know as I do not ask around.

Many members complaint the sentences but we have to know that this bill was prepared in consultation with the Non-Judicial department and District Council Affairs under the same Law & Order. The long sentences do not alter the intention of its aims and objects. On the last paragraph of Statement of Objects & Reasons we see "For creation of such liabilities" and "and is placed for approval of the Council of Ministers". There is no need for these sentences and if they want to do it, it can be written in "as approval by the Council of Ministers".

Regarding to question relating to legal aspect, our experts deliver the answer and I will not probe into them. On encroachment of power of District Council through this bill, that is not the object. Its object is to ensure that there should be no repeated practice of financial mismanagement and watch over their performances and lend a hand when needed. We have to know that they also depend

on the state finance and that the state government holds many offices within their areas. Besides, we see in the bill that it extends to all of Mizoram and outside where the state government hold establishment of any kinds.

Some members pointed out Clause 7 where the word ‘MLA’ was found which was not necessary to my thinking. But the drafting committee deems it necessary as many of us hold a public office. Therefore, we have to look behind the scene and saw the spirit why it was necessary to add. On the definition of Competent Authority (b) we saw that ‘ a competent authority means the authority competent to approve and make payment on account of appointment, engagement, grant-in-aid, compensation or other benefits and entitlement as per rules and existing instructions of the government’ . I think this was put in order to curtail it when necessary and possess freedom when needed. This also helps our already existing rule and act.

Regarding MoU which the hon’ble members pointed out, it was for the protection of the state interest. Many MoU was signed in the past where there is liability for the state. In order to prevent this and for the officials and public servant to be more cautious in the future to sign MoU, it was necessary to put it there. Points raised by many members are not objection but the language itself. In this, as our expert in this subject said amendment can be made. We have to know that under Clause II (b) Delegation of Financial Power Rules, Head of Departments’ and Head of Officers’ power are not confiscated; they still are competent authority within their delegation.

On High Power Committee, two members to be appointed by the Governor which should be two ministers were done correctly. I also think that Clause 8 ‘protection of action in good faith’ was correct in itself. We have to know that Rules will be framed and that will cover and smooth any deficiency found in this bill. All in all, this bill was prepared in order to have a good financial discipline and to discipline officials and public servants from mismanagement and abuse of power; the importance of this bill lies in that. Therefore, Pu Speaker, it is very important to pass this bill and we will look into what the hon’ble members are pointing out and make correction to any false language used and also many of them can be taken care by the rules which will be framed. I beg this august House to pass this bill, thank you.

S P E A K E R : Under rules 102, patent error can be corrected under the direction of the Speaker, and that will be done by this Secretariat. But the important thing is can we pass the bill. Now, we will take vote and go according to our rule which is to pass the bill clause by clause. But sometimes there is a benefit to take it as a whole and will go with this. First we will take Clause 3 to Clause 10 ‘Body of the Bill’, if we agree let us say ‘Ayes’ (Members:Ayes). Now, the House passes Clause 3 to Clause 10 ‘Body of the Bill’ unanimously.

Now, we will go to second stage and that is Clause I 'Short title' and Clause II 'Definition'. If we agree say 'Ayes' (Members:Ayes). Now, the House passes Clause I and II unanimously.

Now, we will go to Preamble and Enacting Formula. If we agree say 'Ayes' (Members:Ayes). Now, 'The Mizoram Public Servants Personal Liability Bill, 2010' was passed by the House unanimously.

Now, we finished our business for today. We will recess and meet again tomorrow the 22<sup>nd</sup> September, 2010 at 10:30 AM. We will not adjourn yet as the House Leader have something to say.

Pu LAL THANHAWLA : Pu Speaker, today High Commissioners and Ambassadors with their spouses from ASEAN Countries will be here and the Council of Ministers will have an interaction with them in the Assembly Committee Room. I also want to inform the hon'ble members that the hon'ble Minister for Trade & Commerce arranges a meeting with them for tomorrow night. We will also host programme outside protocol to entertain them. The purpose of their visit lies in the Border Trade and its route. They wanted to visit Zokhawthar and the south but the weather does not permit to visit the south they will go to Zokhawthar by helicopter.

We have to know that this is for the purpose of our State to have trade relation with them and because of that through DoNER our leaders invited them. Therefore, it is important to get acquainted and make formal introduction which will be done in tomorrow night dinner.

S P E A K E R : That is very good news, we have announcement to make from the Chair regarding Panel of Chairmen. Our Panel of Chairmen are as follows: Pu B.Lalthlengliana, Pu Nirupam Chakma, Pu Lalduhoma and Pu K.Lianzuala.

The House is adjourned.  
1:15PM