

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

**REVISED LIST OF BUSINESS**

**FIFTH SITTING ON WEDNESDAY, THE 13<sup>TH</sup> JULY, 2011  
(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 REPORT**

2. **Pu JOHN ROTLUANGLIANA**, Deputy Speaker to report to the House the revised time table as chalked out by the Business Advisory Committee for the current session.

**LEGISLATIVE BUSINESS**

**Bills for introduction, consideration and passing**

3. **Pu H. LIANSILOVA**, to beg leave of the House to introduce “The Mizoram Ceiling on Government Guarantees Bill, 2011”.

ALSO

To introduce the Bill

To move that the Bill be taken into consideration

To move that the Bill be passed.

4. **Pu ZODINTLUANGA**, to beg leave of the House to introduce “The Mizoram Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2011”

ALSO

To introduce the Bill

To move that the Bill be taken into consideration

To move that the Bill be passed.

5. **Pu P.C. LALTHANLIANA**, to beg leave of the House to introduce “The Mizoram (Establishment of Independent Local Body) Ombudsman Bill, 2011”.

ALSO  
To introduce the Bill  
To move that the Bill be taken into consideration  
To move that the Bill be passed.

VANLALNGHENG  
Additional Secretary

DEPUTY SPEAKER : The fool had said in his heart, there is no God.  
They have done corrupt, they had done abominable  
works; there is none that doth good.  
Psalm 14:1.

Now, it is question hour. We will take up the Business. Pu B. Lalthlengliana, to ask Starred Question No.38.

Pu B. LALTHLENGLIANA : Will the hon'ble minister, Transport department be pleased to state –

What step has been taken so far by the government to resolve traffic problem in Aizawl city?

DEPUTY SPEAKER : Let us call upon Pu Zoram Sangliana, hon'ble minister to give answer.

Pu P.C. ZORAM SANGLIANA : Pu Speaker, answer to Starred Question No. 38:  
MINISTER The government, since the previous ministry set up coordination committee on traffic management under the chairmanship of concerned minister.

Steps taken by the committee are as follows:-

- 1) Telephone and Electricity posts encroaching roads were cleared off.
- 2) Hawkers encroaching roads were shifted.
- 3) The system of local taxi service is changed to solve traffic problem in the city.
- 4) Display of commodities outside the shop is restricted.
- 5) It is proposed to replace existing Aizawl city buses with mini buses.
- 6) Garage system is applied for new registration of motor vehicles.

Pu B. LALTHLENGLIANA : Pu Speaker, the answer given by the hon'ble

minister is good, to some extents. I also want to know proposal made by this ministry in addition to the steps taken by the previous ministry.

Pu LALDUHOMA : Pu Deputy Speaker, may the hon'ble minister determine solution for traffic problems of MZU road via Chawlhmun and Ropaia Bawk?

Pu K. LIANTLINGA : May the concerned minister formulate area-wise taxi service system for the city to alleviate traffic problem? Secondly, will the hon'ble minister formulate rules for City Bus Services by making appropriate route to resolve traffic problem?

DEPUTY SPEAKER : Pu Zoram Sangliana, minister to give answer to the supplementary questions.

Pu ZORAM SANGLIANA : Pu Speaker, all heads of department were included in the Co-ordination Committee. Apart from this, there is a Sub-Committee under the Chairmanship of Deputy Commissioner to carry out the decisions of Traffic Management Committee. It is regretted as some suggestions made by the members could not be followed by the committee effectively as it concerns various departments.

Regarding the practice of taxi permits on sale in local news papers, the department issued notification during the former ministry. Some of them were cancelled after prevailing inquiry. The department now, issued taxi permits only after having oath or affirmation of the applicants with their signatures. Regarding permit of Aizawl City Bus, none is issued under this ministry.

Pu Dy. Speaker, I would like to add that the system of Taxi service set up by the government is brought to the court but legal notice is issued in favor of the government. Regarding issue of the said permit of bus permits, it was done so to resolve the problem of inadequacy of Bazaar bus services where as the applicants obtained recommendation and signature of concerned Local Council as well as all NGOs within their area.

Again, with the increasing number of newly vehicle registration, garage system is now necessitated by concerned authority. Regarding construction of new market building, traffic problem of Bawngkawn and Ropaia Bawk will be examined by the said Sub-Committee.

Regarding time taken by city buses at the stand, we had openly discussed the matter with the leaders of city bus owners association and they promised to take minimum

time. As of area-wise taxi service system, it is first necessary to give awareness campaign which may be set up by concerned department.

Pu LAL THANHAWLA  
CHIEF MINISTER : Pu Dy. Speaker, Global Investment Corporation of Singapore and Dubai Based recently visited Mizoram and they suggested resolving traffic problems by setting up mono-rail system for which observation of the site had already been made.

Pu B. LALTHLEGLIANA : Pu Dy. Speaker, traffic problem of Vaivakawn is mainly caused by buildings which infringe road junction of Vaivakawn-Channmari-Hunthar Veng. It is pleasing if the problem is resolved at the earliest.

Pu LAL THANHAWLA  
CHIEF MINISTER : Regarding plan for construction of underground road from Vaivakawn to Bethlehem, the experts rejected the idea but instead suggested construction of mono-rail. It is believed that the work could be started by their next visit. They further offered construction of Flats/buildings for government services if sites for the said are allotted.

Anyhow, there is a plan to resolve traffic problem by means of mono-rail where as the success of the programme depends on experts. Minister of UD & PA had even approached concerned company for construction of Cable Car for which DPR has already been processed. The company will then move the same to Urban Development ministry.

Regarding congested traffic of Vaivakawn, we have already made negotiation with owners of two buildings in the area with the total sum of ₹70 lakhs. This is expected to be finalized as early as possible.

DEPUTY SPEAKER : Now, Dr. R. Lalthangliana to ask Starred Question No. 39.

Dr. R. LALTHANGLIANA : Will the hon'ble minister, Health and family Welfare department be pleased to state -

Is there any proposal for improvement of Buarpui PHC?

DEPUTY SPEAKER : Pu Lalrinliana Sailo, minister to give answer.

Pu LALRINLIANA SAILO : Hon'ble Deputy Speaker Sir, step for improvement  
MINISTER of Buarpui PHC is now under processed.

DEPUTY SPEAKER : Dr. R. Lalthangliana to ask supplementary question.

Dr. R. LALTHANGLIANA : My questions are –

1. Will the hon'ble minister be pleased to examine the electrical wiring which is done poorly?
2. Will the hon'ble minister consider posting of Health Supervisor at the said centre as there are none presently?
3. Since only three nurses are serving at the centre, will the hon'ble minister consider posting of more nurses there?
4. May the hon'ble minister consider posting of LDC as there is none presently?
5. Dental Doctor and Ophthalmic Assistant were once posted there but revoked them later. Will the hon'ble minister consider their re-posting?
6. Since there is no quarter for staff or doctor at the said place, will the hon'ble minister take immediate step to that effect?

DEPUTY SPEAKER : Pu John Siamkunga, to ask supplementary question.

Pu JOHN SIAMKUNGA : Thank you hon'ble Deputy Speaker. My  
supplementary questions are –

- 1) How many doctors and staffs were appointed since 2009?
- 2) Is there any proposal to construct Nursing school and Health Worker Training school?

Pu NIRUPAM CHAKMA : Thank you, hon'ble Deputy Speaker. At  
Borapansuri, a good PHC building is constructed  
under NRHM and 5 Nos. staff quarters under  
BRGF last year. Will the hon'ble minister consider  
immediate inauguration of the said buildings?

DEPUTY SPEAKER : Concerned minister to give the answer.

Pu LALRINLIANA SAILO : Hon'ble Deputy Speaker, the said PHC could not be  
MINISTER inaugurated as yet due to electrification which is

now in progress and construction of the said staff quarters too is not yet completed. Not only this, we still need to install water tank at each building before inauguration. Regarding posting of staff, inadequacy of staff is very high as persons appointed at some places including 9 Dental Surgeons under NRHM were withdrawn from their posts since we could not increase their salary. Even so, Pu Speaker, we are doing our best to resolve the problems as concerned authority even decided to divide such posts into hard post and soft post in which salary for doctor is fixed at ₹35,000/- regardless of the status of concerned person. Even for the post within Aizawl, no applicant is available with proposed salary of ₹18,000/-. Thus, it is now increased at ₹25,000/-. Anyhow, we are doing our best to improve the situation.

Regarding Health Workers, their promotion is being processed. In this regard, it may be noted that all government servants in our state have their respective demands and problems.

Regarding supplementary questions asked by Pu John Siamkunga, 20 doctors were appointed since 2009 but most of them resigned from the post. Even though we were funded for the appointment of 28 Nos. of new doctors under the same scheme, none desire to work at a minimal salary.

Presently, we have more than ₹40 crores for construction of Nursing School at Saiha, Serchhip, Kolasib and Champhai with a proposal for construction Health Worker Training at Lawngtlai.

Pu Speaker, I am aware of inadequacy of staff at Borapansuri. So, proposal is made to coordinate with Baptist Church of Mizoram and CADC to resolve the problem. Thank you.

DEPUTY SPEAKER : Pu T.T. Zothansanga to ask Starred Question No. 40.

Pu T.T. ZOTHANSANGA : Will the hon'ble minister for Environments & Forests department be pleased to state –

Whether the state government is able to give financial aid for maintenance of community reserved area?

DEPUTY SPEAKER : Pu H. Rohluna, minister to give answer.

Pu H. ROHLUNA MINISTER : Hon'ble Deputy Speaker, the 13<sup>th</sup> Finance Commission is able to give financial aid to the

community with appropriate reserved area under the project of Ensuring People's Participation and Conservation of Forests Incentive Scheme.

DEPUTY SPEAKER : Pu T.T. Zothansanga to ask supplementary question.

Pu T.T. ZOTHANSANGA : Pu Dy. Speaker, whether the government has any financial sanction in hand like grant-in-aid for such community reserved area? If so, how much?

Pu K. LIANTLINGA : Pu Dy. Speaker, it is already been discussed when the House resolved transfer of the riverine reserve to highland area. Did the government follows and take any action for implementation of the resolution?

DEPUTY SPEAKER : Pu H. Rohluna, hon'ble minister to give answer.

Pu H. ROHLUNA MINISTER : Pu Dy. Speaker, grant-in-aid for community reserved area is a new scheme as Forests department takes up only of preservation of forests in the previous years. It is meant to be granted from the award which may be received under the 13<sup>th</sup> Finance Commission. The State government moved additional central assistance to the Union Minister as soon as the new ministry was formed. As a result of priority given to that effect, ₹4 crore which has been sanctioned as first time grant which was utilized for Village Safety Reserve/Village Supply Reserve Forests.

During 2010-2011, ₹100 lakhs is again received which may be utilized for clearing of forests, survey of lands, demarcation, prevention of fire and for construction of signboards, boundary pillars as well as for organizing awareness programme for six divisions. During this financial year, there is a plan to cover more divisions.

Regarding supplementary question raised by Pu K. Liantlinga, the department is doing its best to implement the resolution as notification has already been received from the Assembly Secretariat. Thank you.

DEPUTY SPEAKER : Pu T.T. Zothansanga, to ask starred question No. 41.

Pu T T ZOTHANSANGA : Will the hon'ble minister, AH & Vety deparment be pleased to state –

- a) Whether there is a plan for reconstruction of the building of Veterinary Hospital and Dispensaries?
- b) If so, what is the amount sanctioned to that effect?
- c) When will the work be started?
- d) How many hospitals and dispensaries will be covered by the project?

DEPUTY SPEAKER : Pu N.K.Chakma, hon'ble minister to give answer.

Pu N.K. CHAKMA MINISTER : Pu Dy. Speaker, answer to the above starred questions are –

- a) Yes.
- b) RS.466.64 lakhs.
- c) Now.
- d) Five hospitals and 30 dispensaries such as Thenzawl, Haulawng, Hnahthial and Chawngte etc. Plus, there is a plan to construct 30 Nos. of Dispensary buildings at the following places: -
  1. Thenzawl
  2. Haulawng
  3. Hnahthial
  4. Chawngte
  5. Tlabung
  6. Khawzawl
  7. Hnahlan
  8. Saitual
  9. Khuangleng
  10. Khawbung 'S'
  11. Bairabi
  12. Vaphai
  13. Ruantlang
  14. Sihphir
  15. Ratu
  16. Aibawk
  17. Zawlnuam
  18. W. Phaileng
  19. Kawrthah
  20. Biate
  21. Thingsai
  22. N. Vanlaiphai
  23. E. Lungdar
  24. Sangau
  25. Tuipang
  26. Phura
  27. Bualpui
  28. S. Vanlaiphai
  29. Bilkhawthlir
  30. Darlawm

Thank you.

DEPUTY SPEAKER : Pu Lalduhoma to ask supplementary question.

Pu LALDUHOMA : Pu Dy. Speaker, may the government allot the demanded land owned by department of A.H & Veterinary at Ramrikawn for public purposes?



Pu N. K. CHAKMA  
MINISTER : Pu Dy. Speaker, the matter is under consideration.

Pu N. P. CHAKMA : Pu Dy. Speaker, only Chawngte is included from my constituency where as LADC is planning to construct Dispensary at Chawngte 'P'. May the government also construct the same at Chawngte 'L'?

Dr. R. LALTHANGLIANA : Milk Processing Unit at Lunglei has now become old and unfit as consultative committee too discussed the problem many times. Whether the government implements recommendations of the consultative committee?

DEPUTY SPEAKER : Pu Nihar Kanti Chakma, minister to give answer.

Pu N.K. CHAKMA  
MINISTER : Hon'ble Dy. Speaker, regarding point raised by Pu Nirupam Chakma, there is nothing I can do unless CADC allotted first a plot of land for the said plant at Chawngte and the case may, then be considered.

DEPUTY SPEAKER : Now, Pu R.L. Pianmawia to ask starred question No. 42.

Pu R.L. PIANMAWIA : Will the hon'ble minister for E & F department be pleased to state –

- (a) What are the criteria for selection of a village as forest village?
- (b) What are the benefits that forest villages could claim to the government?

Pu H. ROHLUNA  
MINISTER : Pu Dy. Speaker, answer to starred question No. 42 is –

- a) Forests villages are generally located within forests areas and Forests department usually employed labourers from such villages. In fact, no village is qualified to become forests village in Mizoram. The main concern of Central government is tribal and Adavasi people within forests areas. Anyhow, the same is applied in Mizoram with villages situated within forests areas and were declared as Forests villages by the Environment & Forests department in consultation with the leaders of concerned community.
- b) The beneficiary of a forests village concern with agriculture, poverty alleviation, handicrafts, animal husbandry, improvement in energy, supply of drinking water, education and health condition. It also includes various progresses which may be needed by such villages.

DEPUTY SPEAKER : Now, Pu T. T. Zothansanga to ask starred question No. 43.

Pu T.T. ZOTHANSANGA : Will the hon'ble minister for A. H. & Vety. department be pleased to state –

- a) Did anyone selected trade under NLUP which concern rearing of the best quality of cow with best quantity of milk?
- b) If so, how many persons selected the trade?
- c) What kind of land is accepted by concerned authority to set up the said trade?
- d) Will the said breed of cow be purchased from other states? If so, from which state?
- e) What it the actual cost of such breed?

DEPUTY SPEAKER : Pu N.K. Chakma to answer the question.

Pu N.K. CHAKMA : Pu Dy. Speaker, the answers are –  
MINISTER

- a) Yes.
- b) 958 families.
- c) DPR has been submitted to the central Government and we had ₹7598 administrative approval out of which ₹100 has been released.
- d) From Haryana and Punjab states.
- e) The cost price is not known.

DEPUTY SPEAKER : Supplementary question.

Pu K. LIANTLINGA : My Supplementary Question is:- Did the Veterinary Department regularly inspect fodders imported from other states? If not, will it be inspected?

Pu N. K. CHAKMA MINISTER : The department used to inspect such fodders but not these days. If needed, it may be done.

DEPUTY SPEAKER : Pu S. Laldingliana, Pu Lalthansanga and Pu K.S. Thanga have submitted their leave of absence for today's sitting.

For information to you all, BAC decided to extend this session up to 28 due to coming of new Bills as copy of the sitting minute is laid on the Table of the House. Do we agree?

Pu LALDUHOMA : Pu Dy. Speaker, there is hardly enough time for the legislators to discuss a bill which often compel the House to make amendment at an early date. Decision of BAC is, therefore, quite agreeable. I would like to suggest that members may be given enough time so as to set good rules for the state.

DEPUTY SPEAKER : Good. Do we agree? Alright. Now, we will take up the Legislative Business. Pu H. Liansailova, Minister to move the House to introduce "The Mizoram Ceiling on Government Guarantees Bill, 2011,"

Pu H. LIANSALOVA MINISTER : Pu Dy. Speaker, with your kind permission and of the House, I move the House to introduce "The Mizoram Ceiling on Government Guarantees Bill, 2011."

DEPUTY SPEAKER : The hon'ble minister begged leave of the House to introduce "The Mizoram Ceiling on Government Guarantees Bill, 2011," Let him introduce and also to move the House for passing the Bill.

Pu H. LIANSAILOVA MINISTER : Pu Dy. Speaker, the state Government has no appropriate rules for Corporations, Societies,

Boards and Public sectors. As that concern with loans and Grant-in-Aids, the Government of Mizoram usually acts as guarantor. Thus, Finance Department is in the opinion to formulate Rules for that purpose. So, this bill "The Mizoram Ceiling on Government Guarantees Bill, 2011," is laid on the table of the House for favor of consideration.

The Bill seeks to formulate maximum ceiling on all guarantees given by the Government of Mizoram. On all guarantees, the government share should not be more than 25% of the state domestic product which may be effective from 1<sup>st</sup> April. It is also proposed not to deduct more than 3% of the state's GSDP which may be given by the state government. The societies under guaranteed may expect share capital of not less than 10% of the equity share. The Bill also lays down that the state shall not give any guarantees to companies, firms and societies other than statutory company, firms and societies. The government also proposed collection of 0.75% commission against the firms guaranteed by the government which may be entered into account of Commission Guarantee Redemption fund.

The present position of maximum guarantee given by the government up to March 10, 2010 is ₹189.02 crore with the principal outstanding of ₹102.99 crore.

The government earned ₹100 lakh commission from Redemption Account during the year 2009-2011 where as ₹100 lakh is expected to be commissioned during the year 2011-2012. The bill also proposed that the rate of guarantees may be given by the government. Pu Speaker, I would like to request your kind consideration for "Assembly" is not printed by the name of the Mizoram State Legislative Assembly.

The Bill provides that short title and commencement under section 1, definition under section 2, the main clause "ceiling" under section 3, imposition of commission to those guaranteed company and firm under section 4 & 5, provision of Guaranteed Redemption fund Account and the executive agency of the Bill under section 8. I, therefore, beg the House to consider and the bill be passed. Thank you.

DEPUTY SPEAKER : The hon'ble minister has moved the Bill and begs the House to consider for passing. We will now have discussion. Five minutes each will do for each member. Pu Lalduhoma will start.

Pu LALDUHOMA : Pu Dy. Speaker, the state government acts as a guarantor for the amount more than Rs.189 crore where as outstanding exceeds Rs.102 crore. Will the government continue to act as guarantor to those firms after this bill is passed and applied? How far this bill will affect such guarantor deeds? How this Bill will effect guarantor commission? Whether the government acts as guarantor to any other firm? If so, what is the outstanding liability?

As stated by the minister, no firm should be given guarantee unless 10% of equity share is given. Hence, nothing is left for staff's salary and so concerned firm is meant to be collapsed. It is, therefore, important for us to determine the case very carefully as to whether such firms should be privatized.

Lastly, it will be pleasing if concerned minister clarified present position of the actual GSDP as to whether the outstanding liability exceeds 25% of the present GSDP. Pu Speaker, the demand itself is good for passing. Thank you.

Pu CHAWNGTINTHANGA : Pu Dy. Speaker, as mentioned earlier, the state Public Undertaken units are generally of sick unit. The mounting liability is known to us all and what we have to do now is to determine a better fiscal management. Some may opine that privatization as the best solution as the capital is being used for salary as never being done in a private company. The central government too wants to reduce a high risk responsibility by closing such disinvestment policies as share capitals are eventually sold to private firms. But in the case of our units, share capital of concerned firm may not be purchased due to its bad reputation. In my opinion, it is best for concerned authority to emphasize on privatization.

Pu Dy. Speaker, it seems that the main problem of our Public Undertakings is lack of qualified man power. In order to make remarkable achievement, I opine it is necessary to employ only qualified Charter Accountants/ Company Secretary/MBA. In this regard, it is important for the youths today to take this failure as a challenge and give more effort to their studies so as to rebuild our public undertakings.

So Pu Dy. Speaker, as "The Mizoram Ceiling on government Guarantees Bill, 2011," is indispensable for our state; I give my support to pass it. Thank you.

Pu C. RAMHLUNA : Pu Dy. Speaker, this Bill is indispensable for the government as our outstanding liability exceeds ₹102.99. It is important for concerned staff to remind themselves that they are bound by Laws of the company but not by their own opinion. Staff of certain firms seems to regard themselves as being employed under the government and formulate their recruitment rules on their own accords and enjoy any holiday of the government servants. Hence, the said problem is inevitable unless the government controlled the public undertakings with due care.

Under section 5(2) regarding enhanced rate of the default risk of the project, there is no ceiling of imposition. Even if the success of the project is uncertain, the government is bound to become a guarantor. So, high rate of enhanced rate is necessitated. I believed it may be better to frame the ceiling of the imposition otherwise the project will become failure. It is also important to review the terms and conditions of guarantor for such projects.

There is also provision for redemption of fund which may be availed by successful or unsuccessful companies.

Lastly, I support the opinion of the member who stood before me. It is true that the existing system of our financial management of Public Sector/Undertakings is not appropriate which even result in bankruptcy of some companies. So, it is wise to recruit more qualified MBAs to maintain the system efficiently. Thank you.

Pu K. LIANTLINGA : Pu Dy. Speaker, I am glad that we are able to discuss "The Mizoram Ceiling on Government Guarantees Bill, 2011." The Government of India adopted a policy of privatization in 1991, when Man Mohan Singh became Finance Minister in the central. As a result, India economy improved immensely. Yet, I find this bill confusing as it emphasize that no government shall be given any guarantee in respect of individual institution or private industries. I do not understand why the bill excluded the individual institutions and private companies in which shareholders actively participate in the affairs of the company. It is to be noted that our main drawback in setting up a successful company is our lack of qualified MBA among the staff. Thus, recruitment of only the qualified youths is suggestive. It is in fact, the Public Sectors/Undertakings of the state are all bankrupted and It may not be wrong to say that they will be success even if guarantee is given. It is regretted to learn that the state government could no longer afford to give guarantee to private companies particularly Hnahlan Winery, a firm set up by seven Bank officers of the state. I opine it is important for the government to determine financial assistance to all concerned families of such firms as it is essential to follow policy of the central government where as the main purpose of any technology mission of centrally sponsored scheme is to promote private sectors.

To conclude my speech, I must say that this bill is good but not completely as guarantee for the individual sectors, private institutions and private companies is not concerned. So, I suggest inclusion of the said as this will bringforth employment opportunity for thousands of educated youths as it will also be benefited by number of shareholders. So I do support this Bill. Thank you.

Pu LALRINMAWIA RALTE : Pu Dy. Speaker, thank you very much for the opportunity to discuss "The Mizoram Ceiling on Government Guarantee Bill, 2011." The purpose of the bill is to fix ceiling on government guarantees which was not fixed before. It is known to us all that the government has given guarantee to the Public Sector/Undertakings without any redemption. In 2011-2012, the estimated amount of GDP is Rs.7216.75 crore where as guarantee given by the Government is Rs.189.02 which is only 2.19%. Since this process caused burden to the government, the amount is reduced to Rs.86.03. As a result, the outstanding liability is now only Rs.102.19. The objective of this bill is to impose Rs.0.75 of redemption fund to Public Sectors to which the government has given guarantee.

Section 5(2) of the bill indicates that the government may impose more than Rs.0.75% in case of default risk of the project. This is good as it will safeguard the Legislation. If redemption fund was imposed before, government will profit Rs.1,41, 75,500/-. It does not mean that it is harmful for the government to give guarantee, but giving excessive guarantee may cause burden to the government. This bill further concern financial Institution to which the government has given guarantee. So, this Bill may be passed by the House. Thank you.

Pu H. ZOTHANGLIANA : Thank you, Pu Chairman. The members pointed out the weakness of the Public Sectors in our state as so this Bill is laid to improve the situation. If the government ignores the problem, no public undertaking firm will stand. As the government concerns the problem of MIFCO, plan is laid to improve co-operative movement by setting up various cooperative firms such as ZIDCO etc. and now initiated a plan for coal block. If the coal block project is set up, it will be of a great source of revenue for the government.

Regarding exclusion of individuals, private institutions and private companies, this decision may be criticized by some members but we have to consider the burnden it may cause to the government if inclusion. We must also consider the positive approach of this Bill as job opportunity will be opened. It is also to be noted that the government is able to determine alternative so as to assist firm which are not included. So, this Bill may be passed by the House. Thank you.

Pu NIRUPAM CHAKMA : At the outset, Pu Chairman, I do support passing of “The Mizoram Ceiling on Government Guarantees Bill, 2011”. If Public Sectors are bankrupted as stated, we have to find the reason. It may be due to lack of poor recovery of loans in public sectors such as MKVI and ZIDCO. It is wrong to blame concerned officers and staff as the reason for failure of certain Pulbic Undertakings but due to irregular recovery of loans. It is known to us all that Public Demand Recovery Bill which had been passed during MNF ministry was not implemented till date. It required implementation by the government. In my opinion, another reason for the failure is due to lack of awareness with the public concern as no training of entrepreneurship is received. If training was given, I believe the situation might have been different.

I would also like to add that each member of the House, as a legislator is responsible for this failure. So, I request the hon’ble Minister to take prompt action for the achievement of this plan. Thank you.

Pu JOHN SIAMKUNGA : Pu Chairman, I would like to make few points regarding measure for redemption of our public undertakings from bankruptcy.

In 1988, America issued Super 301 Trade Sanction against India for three years which immensely affected the economy of India. Eventually, it compelled the government to devalue its monetary due to lack of investors from foreign countries. As a measure to redeem the economy of India, the then Finance Minister, Manmohan Singh made an appeal to the public to mortgage their valuable assets which proved very successful.

Pu Chairman, I opine our PSU's are safe enough even by maintaining the existing system as the amount of outstanding of some PSU's, as furnished here are quite normal as this Bill indicate that it will be necessary to have an outstanding amount of 1000 crore rupees so as to exceed 25% of State Gross Domestic Product.

Pu Chairman, no suggestion is seen for redemption of our PSU's except fixation of loan which may be availed by PSU's and ceiling of outstanding which may be made. I believe Guarantee Commission will be much helpful for redemption of our PSU's.

Lastly, I opine this Bill is good as it is safe to have appropriate rules which concern PSU's. What is important now is to encourage private investors in such a way to improve our economy as well as fiscal management of the government. Thank you.

Dr. R. LALTHANGLIANA : Thank you, Pu Deputy Speaker. Today, we have two bills for discussion apart from this Amendment Bill. To some extents, this Bill may be considered as good. Yet, I would like to request the hon'ble Minister to clarify how the redemption fund will be used. It is pleasing if the redemption fund is made to cover Cooperative Institutions, Cooperative societies, private Institutions and individuals as the government inclined privatization policy. In India, we observe regular repayment of loan and therefore important for our government too to carefully determine guarantee which may be given to any institution. So, I would like to conclude my speech by saying this bill be passed and regulated. Thank you.

Col. Z.S. ZUALA : Pu Dy. Speaker, the Private and Public Undertakings are frequently discussed in the committee of COPU. Being chairman of the committee, I have to say few points. The Public Undertakings needs financial support so as to solve the problems. Considering our PSU's as profit earning sources, the government always spend large amount of money every year. Even so, no improvement is seen due to lack of appropriate fiscal management. Hence, the Committee on Public Undertakings is in the opinion that lack of expert among the staff as the main reason. In particular, MAMCO and ZIDCO need improvement in financial management. In this regard, it is necessary for Industries Department to play the role of a watch-dog. The committee is expected to present its reports to the House during this session. In my opinion Pu Dy. Speaker, adoption of privatization policy is suggestive as no progress has been made from Passion fruit Processing Unit at Chhingchhip and Ginger Dehydration Plant at Sairang even though large



amount of fund is spent. The failure due to lack of raw materials indicates that no research has been made prior to setting up such projects.

Lastly, I would like to request the hon'ble Minister to clarify local authority provided in the bill when winding up discussion on the bill. Thank you.

DEPUTY SPEAKER : We will take a break now and discussion will be resumed at 2:00 PM.

### **2:00 PM**

DEPUTY SPEAKER : Ten members participated in the discussion of this bill. I now call upon the hon'ble minister Pu H. Liansailova to wind up the discussion and to move the House for passing.

Pu H. LIANSILOVA : Thank you Pu Dy. Speaker. I am pleased to witness that 10 members enthusiastically participated in the discussion of this Bill.  
MINISTER

First of all, it is to be noted that the bill is formulated for better fiscal management as prescribed by the Twelfth and Thirteenth Finance Commission of India. The state government followed the prescriptions as far as possible and as a result, we are able to have "The Mizoram Finance Responsibility and Budget Management Rules."

We have seen the progress of our fiscal management as GSDP is increased to a certain extent where as our fiscal deficit and outstanding liabilities, too decreases. The actual GSDP is not officially known yet, it shall be known when budget is presented. It is learned that our GSDP last year amounting to Rs.6,000 crore where as this year, it may exceed Rs.7,000 crore. As shown in the Bill, 25% of the maximum guarantee of Rs.7,000 crore which may be obtained will bring guarantee accommodation of Rs.1,800 crore. Thus, we can presume that the government is presently able to maintain itself with the amount of Rs.1,800 crore. It is, therefore, to be noted that this bill intended to improve our fiscal managements in the future but not to make restriction. In this regard, it may also be necessary to determine the prospect of this bill as to how far it will affect the previous outstanding liabilities.

Regarding the default risk which is regarded as an exceptional case, I support the opinion of importance for the government to exercise it very carefully. Yet, it may be noted that the detail of redemption scheme is provided so that the government may give guarantee as deem necessary.

Regarding the idea of exclusion of private firms, it may be noted that this bill concern only of public sectors and co-operative societies as any private investment will be covered by industrial policy.

Pu LALDUHOMA : I would like to make clarification to that point Pu Dy. Speaker. It is obvious that privatization could not be carried out instantly as we may prefer to hand over our factories to some private firms and this will take a long process. For instance, if some experts are planning to set up a company, the government may prefer to give guarantee to them instead of public undertakings which may violate the industrial policy. It is, therefore, necessary to determine provision that can take care of the differences. If not, I am afraid there will be infringement in the process.

Pu H. LIANSILOVA MINISTER : Pu Deputy Speaker, even if the some experts set up a private company, government needs not to give guarantee but PPP mode will provide guarantee such as source of the capital and their assistance.

Regarding deployment of experts such as qualified MBA in public undertakings, like MBA, we might not have expert among the officers but they have enough experiences in fiscal management of the co-orporations, public Undertakings etc. For this reason, the door is widely opened for the private sectors in which enterprising minded youths are all welcomed. It is to be noted that this bill will not retard the progress of private sectors as they will be guided by a separate form of policy. This bill only intended to improve financial management of corporations, public undertakings and co-operative societies. In the same manner, the future of MIFCO too will soon be determined as it is intended to be taken up following PPP mode.

It is learned that the department of Veterinary had given quarantine to a private firm in the previous year but Finance department did not maintain the record. Yet, we have not received any problem as a consequence. It is to be noted by the members that even if the said rules has to be implemented, it will be necessary for finance to examine the case with concerned department before implementing it.

Pu C. RAMHLUNA : For example, Pu Dy. Speaker, one corporation repaid the whole amount of loan availed. If so, sinking fund may also be released in favor of the said corporation as this will be regarded as incentive where as its working capital will also be improved. So, I opine it will be wrong for concerned authority to keep the said fund unreleased.

Pu H. LIANSILOVA MINISTER : Accoridng to the Bill we have been discussed now, Guarantee Redemption fund is supposed to be

entered into public account. It is not meant to be released for any investment as it is a redemption fund which may be utilized for the purpose of unforeseen case which may be encountered by a corporation guaranteed by the government. Regarding share of Co-operative Society, I hope that members will understand that no co-operative society shall be given guarantee unless 10% of equity share is contributed by the members.

So, Pu Dy. Speaker, I beg the House to pass the “The Mizoram ceiling on Government Guarantee Bill, 2011” and also give permission to make correction of a typing mistake, ‘Assembly’. Thank you.

DEPUTY SPEAKER : Concerned minister as well as mover of the Bill begs the House to pass “The Mizoram Ceiling on Government Guarantee Bill, 2011,” including permission to make correction. Do we agree?

(The bill is voted and passed).

Pu H. LIANSILOVA  
MINISTER : Thank you, Pu Dy. Speaker.

DEPUTY SPEAKER : Now, Pu Zodintluanga, Minister to introduce to the House, “The Mizoram Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2011.”

Pu ZODINTLUANGA  
MINISTER : Pu Dy. Speaker, The Mizoram street Vendors (Protection of Livelihood and Regulation of Street Vending) Bill, 2011 is carefully examined and mistake is found almost in every page. I, therefore, beg the House to withdraw this Bill for further examination.

DEPUTY SPEAKER : The hon’ble minister requested the House to withdraw the bill for further examination. We may allow him to withdraw it.

Pu B. LALTHLENGLIANA : Pu Dy. Speaker, I truly appreciate his decision to withdraw the Bill. I further request him not to hesitate using his nerve in the future. So, this may be referred to the Council of Ministers for approval (.....Interruption.....).

- DEPUTY SPEAKER : Please stop the interruption. It is not necessary to point out his weakness as it is clear that withdrawal is requested for that reason.
- Pu B. LALTHLENGLIANA : Pu Dy. Speaker, I am only saying that the minister should have been more careful in dealing with this Bill so as to evade humiliation in the House.
- DEPUTY SPEAKER : Now, Pu P.C. Lalthanliana, Minister to beg leave of the House to introduce “ The Mizoram ( Establishment of Independent Local Body ) Ombudsman Bill, 2011.”
- Pu P.C. LALTHANLIANA MINISTER : Pu Dy. Speaker, with your kind permission and of the House, I beg leave of the House to introduce “The Mizoram (Establishment of Independent Local Body) Ombudsman Bill, 2011.”
- DEPUTY SPEAKER : The hon’ble minister has begged leave of the House to introduce “ The Mizoram ( Establishment of Independent Local Body) Ombudsman Bill, 2011.” Do we all agree? If so, let him introduce and move it for consideration.
- Pu P.C. LALTHANLIANA MINISTER : Pu Dy. Speaker, with your kind permission and of the House, I introduce “ The Mizoram ( Establishment of Independent of Local Body ) Ombudsman Bill, 2011,”

In the meantime, Pu Dy. Speaker, I request the House to make correction as there is no time for withdrawal as it is mandated by the 13<sup>th</sup> Finance Commission. It is supposed to be passed not later than July 15. When a bill is laid on the Table of the House, mistake is often found and should not be regarded as bringing a shame to concerned minister or a degrade to the House. It is somewhat difficult to complete one without making any mistake.

So, I request the House to allow verbal amendment of the Bill. (The Minister read out verbal amendment which may be made in the House as requested.)

Pu Dy. Speaker, the state has Legislative Assembly and village council in each village. The village Council concerned for the progress of villages. Thus, the central

government give priority to village councils and so large amount of provision is spent for development of villages. For this year alone, development fund allocated by the central is increases and the progress of the village councils may be seen during the last two years. In the same manner, the state government has a lot of work to be done for development of the villages with large amount of fund provided. One of the projects is Ombudsman Bill.

The 13<sup>th</sup> Finance Commission demanded nine new things to be introduced in the local bodies such as Imposition of property tax; Amendment proposal for the Lushai Hill District Village Council Act; New Accounting system prepared on the basis of Panchayati Raj System etc. which will be laid on the table of the House.

Under Ombudsman Bill, one who is trustworthy and free from corruption should be appointed as a dictator. This will look after the Village Council in all cases of fiscal management, corruption, administrative system, complaint, amendment procedure, punishment and dissolution. Section 4 of the Bill provides term of office and condition of service, Section 5 provides the procedure of its termination, Section 6 and 7 provides the Ombudsman and its colleagues and their duties. Section 9 provides the power of the Ombudsman where as the investigation and inquiry system is also provided in Section 14. Section 17 provides complaint and its disposal. Section 20 provides rules that can be made from the Act. The Bill is mandated from the 13<sup>th</sup> Finance Commission who used to give us fund for the local bodies. The bill is therefore, brought and moves in the House as desired by the 13<sup>th</sup> Finance Commission and to be implemented in the State. I, therefore, request this August House to support the Bill. Thank You

DEPUTY SPEAKER : The hon'ble minister moved the Bill and begs the House for discussion and pass. We will have discussion and 5 minutes will be allotted to each Member. Now, I call upon Pu R.L. Pianmawia to make his speech.

Pu R.L. PIANMAWIA : Thank you, Pu Dy. Speaker. It is truly appreciated that "The Mizoram Establishment of Independent Local Body ) Ombudsman Bill, 2011," is laid as I have witnessed various problems faced by village council as I was serving as member of village Council since 1984. I strongly believed that the Bill will be of much helpful in resolving the problems. I opine that the guidelines made by local Administration department are no longer befitted. It is quite a problem for concerned authority to fulfill demands made by various village councils. I am happy as we are now going to utilize any fund received from the government or financial agencies appropriately which will surely bring positive effect for village councils. So, I extend my appreciation to concerned minister and department. Thank you.

Pu B. LALTHLEGLIANA : Pu Dy. Speaker, the drafting of this Bill, as a whole

seems to be good except few corrections which need to be made. Yet, I would like to raise questions for further clarification by concerned minister when winding up the discussion. Section 2(1) (e) provides that “investigating officer means an officer authorized by the Ombudsman to conduct investigation in respect of allegation and complaint.” If so, whether the officer authorized by the Ombudsman has full support and confidence to carry out the investigation?

Secondly, section 4(2) provides that “the person appointed as the Ombudsman shall be entitled for salary.....” Is the amount fixed is good enough and whether the amended form contradict the original provision?

Thirdly, section 4(3) stated that “after expiry of his term of office as an Ombudsman, he shall not be eligible for reappointment at the same post or for further appointment to any office of profit under the state government or in any corporation or company, society or University by or under the control of the state government.” Is it appropriate to include University which is outside the authority of the state government?

Under section 18, there is a provision that ‘in case of complaint and grievances regarding corruption and mal-administration against village council in general and its elected functionaries, the ombudsman shall send its report to the governor”. Is it the existing procedure to report to the governor? May the salaries of ombudsman be be amended? I also want to know who will pay salaries of ombudsman and the staff.

Lastly, L.A.D. was once a major Department. But for now, UD & PA has taken up most of its works. If so, will it be possible to deploy the staff from LAD to prevent over-staff employment? Thank You.

Pu H. ZOTHANGLIANA : Thank You Pu Dy. Speaker. I opine the system of numbering of the definitions is confusing and therefore needs re-arrangements. For instance, Section No. 7, 9 and 11 may be grouped under Section 2. In the same manner, provisions of rules in some sections, sub-sections and clauses also require rearrangement. At page No. 8, I opine the context ‘authority and dispose of just before the constitution of Ombudsman shall’ is required to be followed by the word ‘be’. Again, “or” which is seen just before ‘filing case’ at page No. 9 too is supposed to be substituted by ‘of’.

Pu Dy. Speaker, I would like to mention that this bill will be of very useful for the state when it become an act. It will become more useful for members of the opposition in dealing with the case of dissolution or suspension of village council. All powers of the government will then be vested in the hands of the ombudsman and the administrative system in the village level will become fair and peaceful. I therefore, invited all members to pass the bill. Thank you.

Pu LALRINMAWIA RALTE : Thank you, Pu Deputy Speaker. I do support the opinion of Pu H. Zothangliana regarding the needs to re-arrange the numbering of section, sub-section and clauses in the definitions.

Regarding establishment and appointment of the ombudsman, I opine mistake is there as it is typed as sub-section (i), (ii) and (iii) on page 3. It is necessary to take an example of the state of Kerela as the system of ombudsman is introduced in their urban and rural local bodies. The purpose of this bill is appeared under section 3(i) as it is stated that ombudsman is meant for rural village councils and all workers under their authority. In Section 15(2), it is mentioned that 'if the state government feels that there is need to take immediate action against the village councils or their elected representatives" which I opine is difficult to understand. I doubt the wording is correct. Again, Section 18 and 19 stated regarding mal-administration against the village council in general and its elected functionaries. I opine it has to be re-arranged as the same provision had been provided three times. As the hon'ble member stated, this bill is a warning for all village councils as it will wipe-off the practice of lodging complain relating to village council and if there is any, penalty will be given. It is fortunate that we will have ombudsman to control over the village councils on behalf of the people. So, it is wise for the House to pass the bill and necessary corrections may be made as requested by the hon'ble minister. Thank you.

Pu LALSAWTA : Thank you, Pu Dy. Speaker. As stated earlier, this  
MINISTER bill is mandated by the 13<sup>th</sup> Finance Commission and it is supposed to be passed before the expiry of July 15. What is important is to be careful in drafting the bill as it is meant to be discussed in the House.

Pu Dy. Speaker, the word 'Ombudsman' is originated from the Scandinavian. Ombudsman, Lok Pal and Lok Ayukta are the institutions headed by one. The Ombudsman shall have Secretary and office and he shall look after the local bodies especially in fiscal management and works allotted. The main purpose is to examine any complaint and judge the cases referred to him.

Pu Dy. Speaker, it seems that it is a time for us to improve the system of financial sanction as complaint is frequently received even after it has been certified as 'completed satisfactorily' where as fund is also drawn after receiving signature and thumb impression. Yet, the bill is not to be regarded as to get rid off mistake in fiscal management only but also to improve the accounting system too.

Municipal bodies are supposed to be covered by Ombudsman bill as they are local bodies too. Typing mistake is often found in the bill body which may be passed in the House. Thus, it is necessary to be careful when a bill is drafted. On the other hand, the House may understand the problem that typing in computer is a soft-touching system and it is easy to make typing mistake. We, the department of Law & Judicial used to vet drafts within a limited

period of times and it is really difficult to complete without any mistake. So, to some extents, the House too may take the problem for granted.

Pu Speaker, as per Rules of Procedure and Conduct of Business, Rules are usually laid on the table of the House with number of days fixed for examination. I opine it is not necessary to make restriction once again as any member have the right to criticize what is deemed as not good enough as it is his duty as a legislator and the Chair, on the other hand should provide enough time to make criticism. Thank you.

Pu CHAWNGTINTHANGA : Thank you Pu Dy. Speaker. As stated by the hon'ble minister for Law, the reason of laying Rules on the table of the House is to examine merits and demerits of the Rules. So, the legislators should have enough chance to speak about it.

Regarding the Ombudsman Institution, Swedish Justice Ombudsman is the first one and is followed by Finland, Norway, New Zealand and England. The purpose of Ombudsman is to control Government Servants (Executive). The principles of Lok Pal and Lok Ayukta are originated from the ombudsman. In India ombudsman control the local bodies as Ombudsman bill concern for administering the local bodies like the village councils. Due to increase of financial provision for development under the village councils, it is necessary for concerned authority to determine how to administer the village councils. This bill is good yet, I would like to emphasize regarding section 13(1) which provides that "all cases pending during the commencement of the Ombudsman shall be handed over to the ombudsman court". This is good. But sub-section (2) provides that "the land of village council in the hands of government or any other authority disposed just before the commencement of the Ombudsman Bill shall be disposed by the Ombudsman". I think there is omission in this sub-section and should be reviewed to strengthen the bill. So, I support the bill for passing. Thank you.

Pu NIRUPAM CHAKMA : Thank you, Pu Dy. Speaker. Short title and commencement provides that it shall extent to the whole of the state of Mizoram. I think it will be more appropriate to add that "except autonomous district Council areas" as provided in the objects and reasons. So, I would request the hon'ble Minister to reflect when winding up the bill.

Pu Dy. Speaker, this is an important matter and may be referred for further scrutiny. But, it should be passed as mandated.

Ombudsman is provided with an extensive power as shown in section 17. The office consists of 1 Ombudsman, 1 Secretary, 1 Under Secretary, 1 Steno grade-I, 1 Steno grade-II, 1 Assistant, 2 LDC's, 2 Drivers, 1 Cameraman and 4 Peons. Complaints will be entertained in every office working day from 700 village councils excluding Autonomous District Councils areas. It is, therefore, important for us to determine as to whether Ombudsman



Office could afford the works allotted otherwise the office may cause humiliation to the government. As the bill has points of merit, it may also have some demerits on the other hand. It is, therefore, important for concerned authority to determine both side of the bill.

Pu Dy. Speaker, qualification for ombudsman is that he should be a panel of eminent person of infeasible integrity and should not be a government servant where as removal is quite difficult as the bill provides that 3/5 of the members shall vote for his removal i.e. 24 members of the House, and will be voted by impeachment in the House.

Lastly, Parliament is going to pass Lok Pal Bill and it will then be implemented in our state too sooner or later. The main purpose is eradication of the practice of corruption which is clearly indicated in the bill. Thank you.

Pu K. LIANTLINGA : Thank you Pu Dy. Speaker. It is truly appreciated as this Bill concern for eradication of the practice of corruption in our state but only at the level of village councils. So, it is good to determine a pivot bill for rooting out of corruption in the state. France started ombudsman since 1873 and is still revived as it main purpose is anti-corruption. Thus, the bill itself seems to be satisfactory.

As terms and conditions of services of the ombudsman provided in section 4, the term of office is three years where as removal of the ombudsman required not less than 3/5 of the total members. I opine that the term of office of the ombudsman is too short and may be fixed at six years. It is the duty of ombudsman to submit the report to the Governor and will be appointed by the Chief Minister, Speaker and Leader of opposition group in the House. If so, it may be appropriate for him to present the report also to the said officials who appointed him as ombudsman in France also present the report to the House.

Besides, Pu Dy. Speaker, it seems that this bill concern anti-corruption of the grass root level only. I opine anti-corruption measure against high level officials may also be covered. Pu Dy. Speaker, I opine Ethic Committee of the House may be used as a measure of anti-corruption against both grass root level and high level officials for which legislation is required. Otherwise it cannot be used for the purpose of anti-corruption. I do support and appreciated the bill for passing yet, laying of the report to the House is insisted. Thank you.

(Chairman at the Chair)

Pu LALDUHOMA : Pu Chairman, this is a new bill for the state. I do support and appreciate the bill from concerned minister, yet I opine it is incomplete. The title of the bill is “Establishment of Independent Local Body”. Does it mean that the purpose is to provide independent power to local bodies or village councils? This should be clearly indicated. Besides, village council consists of Municipal areas too but the bill does not concern Municipal council areas. This should also be clarified.

There are a number of points which may be corrected such as double entry of section No. 3(2); 'should' in section No. 14 and No. 15 should be substituted by 'shall' where as the definition of "local body" is not shown. Furthermore, it is the duty of ombudsman to supervise the works of the village council and its lower level. Superior officials such as BDO, Project Directors, Director and D.C. too may practice corruption under the jurisdiction of village council level. But ombudsman is of lower level to supervise corruption which may be committed by the said higher level officials. How to deal with such cases?

Regarding hiring of legal practitioner under the administration of Ombudsman, I opine it is not appropriate for legal practitioner to interfere in the administration of the government.

Section 19 provides that 'If there is disagreement and difference'. What is the difference? I opine it is good to become more liberal in this regard as it is to be decided by the Governor for public domain. That is not the remedial measure as there is no provision to appeal against the decision of the Governor.

Again, section 19 provides the terms of Ombudsman, which is only 3 years and he is not allowed for reappointment nor reemployed under the State Government, Corporations, Company or Society which indicate that the post of ombudsman is not an attractive one. So, I opine it is not appropriate to pass this bill as it is. It should be referred to the Select Committee for further scrutiny and necessary correction. Thank You.

Pu T.T. ZOTHANSANGA : Pu Speaker, Chapter 1 and Sub No. 2 states that "It shall extend to the State of Mizoram". Just below, it is provided that "It shall come into force on such dates or days and in such area or areas". I opine context "in such are or areas" should be omitted. Then, (b) will become "It shall come into force on such dates or days as the State government" and add the words 'may' before 'by notification'. In sub No. 2(c), the word 'Government' is provided but there is no definition of 'government' in the bill. It should be corrected as 'state government'.

Section 9(1) stated that Ombudsman shall have Civil Court power and he may impose penalty also. I opine this may be reviewed as it seems to have a magistrate power. In No. 12 under 'Enquiry', the sentence 'for reasons to be recorded' may be added.

Pu Speaker, the bill is discussed in detail which is amust as it concerns us all. It is expected to be bringforth progress for the village council in fiscal management and administrative system. I do not think it is necessary to refer this Bill to the Select Committee as the spirit is clear. Thank You.

Pu R. SELTHUAMA : Thank you Pu Dy. Speaker. Ombudsman is published in 1960 and it is fortunate to have one

after 50 years of its publication.

Pu Dy. Speaker, I opine mistake found in this Bill which is laid on the table of the House indicates the usual custom of the mizos whom as I have known so far, as lack of efficiency and hard work. It will be very pleasing if proved reading is carefully done when the bill is typed.

DEPUTY SPEAKER : The time now is 4:00 PM. We may continue with the discussion.

Pu R. SELTHUAMA : Pu Dy. Speaker, this bill is meant for rural Local Bodies such as Village Councils and I found it as quite good as no point to criticize. It is to be noted that Aizawl and some major towns in the State will have Local Body.

Regarding the salary of Ombudsman, it may be appropriate to fix it as High Court Judge where as the Secretary or other Staff may be deployed from some departments on deputation. As the hon'ble minister have stated earlier, there may be some corrections which needs to be made yet, as for now, it is good to pass it as it is as amendment proposal could be made anytime in future. So, I opine it is good to support this Bill. Thank you.

Pu C. RAMHLUNA : Pu Deputy Speaker, as provided in the objects and reasons, this is supposed to be covered the whole state of Mizoram where as the Autonomous District Councils too has a separate Village Council Act. Yet, it may be necessary to make arrangement if it has to be extended to the whole state of Mizoram.

Section 8 provides time limit for investigation of complaints. I opine it is not necessary for the State Government to fix time limit for completion of investigation against such independent bodies.

Regarding the status of Ombudsman, 13<sup>th</sup> Finance Commission already set the rank as of a High Court Judge which may be followed by the State Government automatically.

Lastly, this bill is good as the system should be made applicable to all elected functionaries and officials in Village Council Panchayats as Ombudsman shall have authority to those elected functionaries. I, therefore, support this bill for passing.

Pu R. LALRINAWMA : Pu Deputy Speaker, I am happy to learn that the hon'ble minister is kind enough to make necessary corrections as there is one more point which may be corrected. I opine the words 'to be' should be added in front of 'paid' in sub-clause 4 of section 9(9) otherwise I found the sentence meaningless.

Pu Deputy Speaker, it is pleasing to learn that most of the members supported passing of this Bill. In this regard, it may be noted that no act is completed itself when it is drafted. Making correction is a common practice of the House which laterally provided an ideal bill to the House.

Regarding the title of the Bill, 'independent local body' should not be interpreted as 'independence of village council from the government' but 'independence of the Ombudsman'. Regarding submission of Report to the Governor, all the Autonomous District Councils, as usual procedure, submit the Reports to the Governor.

We have learned from various members about Ombudsman. It has been introduced in number of developed countries. In India too, Lok Pal Bill which is akin to ombudsman is ready to be passed in the Parliament where as the redress of the institution, Law courts, Parliamentary control and judicial review which can provide feed back for immediate remedial measure, departmental files and having civil court power is an urgent need of our country. So, Ombudsman is the actual needs for our country where as the institution and its application is quite simple and economical. Thank you.

DEPUTY SPEAKER : Now, let us call upon the hon'ble minister to wind up the discussion and also to move the House to pass the Bill.

Pu P.C. LALTHANLIANA MINISTER : Pu Deputy Speaker, it is very pleasing to learn that members participated in the discussion wholeheartedly. As stated, Ombudsman is a new thing and drafting of the Bill is done on the basis of the draft formulated by 13<sup>th</sup> Finance Commission. In addition to mistake made by the State Finance Commission, the wordings which are criticized by the members are taken from the original draft.

Pu Dy. Speaker, this Ombudsman Bill is one of the nine important Bills that the Finance commission wanted to adopt by the House. So, Finance Ministry intends to held ₹7.44 crores which has already been earmarked for 2011-2012 for our state unless the House adopted Ombudsman Bill. Hence, it is necessary for the House to pass this Bill to maintain development. So, objection of passing of this Bill means losing of large amount of financial provision which has been earmarked for development of our state.

Regarding Urban Local Body, there is no intention from the department to include as rural local body. If the government adopted the Ombudsman Bill, it is expected that the practice of corruption in the state could be rooted out.

Regarding suggestion of extension of this bill in the three Autonomous District Councils, Law Department too is confused about it as it concern financial matter which may be required by such Autonomous District Councils too. Anyhow, extension may be made in future.

Pu Dy. Speaker, the 13<sup>th</sup> Finance Commission did not mention whether funds should be utilized for Administrative cost. Regarding the salary and training of the Ombudsman, Finance Department expected that the 13<sup>th</sup> finance Commission will meet the expenditure yet, it is not sure. Anyhow, it may be necessary to make it on our own decision i.e. ₹80,000/- which will indicate that the salary is not fixed as High Court Judge.

As stated before, allocation of staff is proposed to be filled up from gov't servants on deputation and as necessity. As pointed out by hon'ble Minister Pu Lalsawta, members of Village Councils will need proper training as the 13<sup>th</sup> Finance Commission too has given priority to it. The accounts are to be kept according to a proforma made by Comptroller & Auditor General of India. Regarding training, it may be difficult for members from rural areas to attend it. We have now selected 25 accounts from 25 Village councils for audit of C&AG.

Pu Deputy Speaker, it is to be noted by the members that the House considered a bill that which can change the administrative system of the State Government where as the main purpose is to root out the practice of corruption in our state. The Bill may not have an ideal drafting yet, it is good to pass it as necessary amendment may be made in the future. So, I beg the House to pass it and permission of verbal amendments may also be considered. Thank you

DEPUTY SPEAKER : The hon'ble minister begs the House to pass the Bill with verbal amendments. The bill will be voted now.

(The Bill is voted and passed)

Now, 'The Mizoram (Establishment of Independent Local Body) Ombudsman Bill, 2011 is passed by the House.

Pu P.C. LALTHANLIANA : Thank You, Pu Deputy Speaker.  
MINISTER

DEPUTY SPEAKER

: Our business for today is finished. Sitting of the House will be resumed tomorrow at 10:30 AM.

Sitting adjourned at 4:25 PM.