

LEGISLATIVE BUSINESS LEGISLATIVE BUSINESS

Bill for consideration

4. Pu J. Lalsangzuala to move -

- (i) that the Indian Stamp Mizoram (Amendment) Bill, 1996 to be taken into consideration.
- (ii) that the bill be passed.

DEPUTY SPEAKER : For lack of guidance a nation falls, but many advisers make victory sure.

(proverbs 11 : 14)

Now, we may start starred question No. 21, let us call upon Pu Remsiana

PU F. LALREMSIAMA : Mr. Deputy Speaker Sir, will the Hon'ble Minister i/c Soil and Water Conservation be pleased to state :

(a) How many fake work orders still exist under soil and water conservation department, where did work order and fund for fake bill have been issued.

(b) In which divisions

(c) What for

(d) Does the government take inquiry ?

ZOSIAMA PACHUAU : Mr. Deputy Speaker Sir, relevant answer for the question asked by Hon'ble Member.
MINISTER

Pu F. Malsawma is that there happens no such thing and the answer is 'no' for (a,b,c,) and 'd'.

PU E LALREMSIAMA : Mr. Deputy Speaker Sir, I assert that there is misuse and abuse of money as follows :

- 1) The Audit report of Director, Soil and Water Conservation Department reveals that Rs. 28,72,115/- is shown to be drawn in a blank cheque and entered on a cash book as drawn.
- 2) The Construction of Lunglei Divisional Officer. Office was estimated to be Rs. 792000/- In this respect, it was entered in the file that the fund have been drawn and work order was issued but, how can this be so if no trace of new building is seen ?
- 3) About 327.50 qts of Angle iron post was purchased at a cost of Rs. 5,66,03/- without acknowledgement of the SPAB or DPAB.
- 4) Regarding Rubber Plantation the cost is too high amounting to Rs. 71 lakhs the government spent large amount of money for nothing. Not only that Rubber Plantation has been practised about 7 years ago at Lawngtlai Division amounting to Rs. 57,2000/- but no improvemnet or utilisation is seen.
- 5) At Lunglei DAO Office it has been recorded that large quantity of fertilizers was received, but no fertilisers has been received, the unreceived amount mounted to Rs. 11,5370/-
- 6) It has been estimated that Tawipui to Vansang link road is Rs. 1 lakhs but there is no link road to be seen.

Mr. Dy. Speaker Sir, our Hon'ble minmister is solely responsible for these, and he would be accountable to all things done in the department for utilisation of Public Fund. Voted by this House and he is answerable to all works done by his concerned department.

PU E. MALSAWMA :

Mr. Dy. Speaker Sir, My supplementary questions are :-

a) Relating to my Unstarred question No. 19 at the Winter session. How many uniform clothes has been distributed among person concerned in departments and

(b) What kind of sofa sets is sanctioned to different Offices.

(c) Nearly, Rs. 20,000/- has been spent for envelop printing charge is this a correct figure? If so, is it convenient that the government spent such amount while envelope printing cost 10 paise per envelope.

ZOSIAMA PACHUAU
MINISTER

Mr. Deputy Speaker Sir, I may draw an answer for the above questions as follows-

Firstly, there is no misuse of money or any other kind.

Secondly, allotment was made last year, for construction of D.O. Office at Lunglei.

Thirdly, M.R. Labour has not been employed under Soil and Water Conservation department within this year.

Fourthly, Grape farming has been cancelled

Fifthly, we know that our plantation schemes has been unsuccessful, therefore we have not yet sanctioned any allotment therein.

Sixthly, regarding uniform clothes, I have no definite answer right now, regarding Sofa Sets, we have Rest Houses at Teikhang, Ngopa, North East Khawdungsei, North East Bualpui etc. at these places sofa sets have been distributed.

Seventhly, Angle post is purchased for fencing grazing ground at Ranges, and Divisional headquarters, therefore, I may say Department's Angle is not given to any Individual.

Lastly, regarding envelope, large number of envelopes have been used to advertise departmental necessities.

PU E. MALSAWMA : Mr. Deputy Speaker Sir, the question relates to printing charge, not of envelope.

PU R. TLANGHMINGTHANGA : Mr. Dy. Speaker Sir, supplementary question, statement made by Soil and Water Conservation department relating to Blank cheque and auditor or statement is not relevant.

Therefore, statement enlisted in ACR may contain any names of persons or items. Thus, the list does not affirm that money is issued and used at proper place. Does the person listed in ACR receive the said amount of money or material or should the Hon'ble Minister furnish answer made by ACR ?

PU LALSAWTA : Mr. Dy. Speaker Sir, Does the concerned department follow Financial Administration of Financial rules ? If not, As advised by the financial administration, splitover should be adopted.

E. LALREMSIAMA : Mr. Dy. Speaker Sir, one supplementary question, regarding to fertilizers, the concerned department does not know matters relating to fertilizers. No notice is given to officers this reveals that no fertilizers are purchased and received by Thenzawl Range Officers. But it appears in the document that fertilizer is purchased and received in full.

That is why Audit report and departmental report is irrelevant. To this, Auditors submitted audit report four times to departmental concerned and financial department. To this, should the government conduct inquiry to enquire into the condition therein?

DEPUTY SPEAKER : Let us call upon the concerned Minister.

PU ZOSIAM PACHUAU : Mr. Deputy Speaker Sir, I am pleased to hear such a good advice to review ACR authenticity, not only that, I also accepted the advice of our Hon'ble member Aizawl South -II to follow the Financial Rule. To this, we have already informed ourselves to follow up financial accountability.

Again, Inquiry has been already taken about fertilizers by Under Secretary and Planning Officers. We also have taken a step to improve our system of hire, purchase and Issues.

DEPUTY SPEAKER : Now, we have to deal with starred question No. 22. Let us call upon Pu J.V. Hluna

DR. J.V. HLUNA : Mr. Deputy Speaker Sir, will the Hon'ble minister i/c Law and Judicial be pleased to state-

(a) Is it a fact that the compensation awarded to person who sustain injury or even death, due to motor accident under Lok Adalat is less than that of MACT - approved ?

(b) If so why ?

DEPUTY SPEAKER : We may call upon Minister in-charge
Pu C. Vulluaia

PU C. VULLUAIA : Mr. Deputy Speaker Sir, the relevant
MINISTER answers for the above questions.

(a) Yes.

(b) The MAC compensation depends mainly upon rules and regulations bid down by the MAC and strictly sanctioned the compensation in accordance with the rule laid.

Where as, Lok Adalat compensation depends upon agreement made by the parties themselves, the amount is not fixed.

DR. J.V. HLUNA : Mr. Deputy Speaker Sir, supplementary question viewing recent incident, it apperas that, there exists undue influence or some kind of bribery among the claimant and company agent to cut down the amount of compensation. I am very glad to hear that subordinate legislation look into the matter.

Again, most vehicles have been insured as compulsory, this is due to the fact thtat compensation may be awarded in case of accident. I therefore request our Hon'ble minister to equalise MAC compensation and Lok Adalat compensation preventing undue influence.

DEPUTY SPEAKER :Let us call upon the concerned Minister.

PU C. VULLUAIA : Mr. Deputy Speaker Sir, conciliating party
MINISTER consist of YMA and chrches representatives have been taken. I assume that there would be no bribery or any other kind such as undue influence or other unfair advantage. I am sorry, if there is any such kind, but I don't believe there is any.

On the other hand Lok Adalat settled the cases in accordance with parties agreement whatever the case may be, I will advise our officers to look into the matter again.

PU LALSAWTA : Mr. Dy. Speaker Sir, it is well known that Lok Adalat proceedings is preferable than that of MACT which is elaborate and comprehensive.

Obviously, the MACT compensated Rs. 2,00,000/- to Rs. 3,00,000/- to deserving persons. As MACT laid down strict and complicated rule to follow, it restrains a person to work out the cases within a short period. Therefore most of litigants prefer Lok Adalat to MACT. Thus the question is, has the MACT pending its proceedings or is it unreliable at all ?

PU R. TLANGHMINGTHANGA : Mr. Deputy Speaker Sir,
The case of Upa Vala reveals that, only Rs. 25,000/- is given for an accident which had taken place at Marpara. Out of this sum, balanced Rs. 20,000/- has not been awarded to the person concerned. In this case, is there any deduction, if not, hdoes the government inte4nd to give the remaining sums ?

PU F. LALREMSIAMA :Mr. Dy. Speaker Sir, My questions are

- (a) Is it possible to cover the persons who are laready in the MACT, by legal Aids.
- (b) May the Hon'ble minister specially reserved the Legal Aid to such persons.
- (c) Has the government any intention to motivate the compensation more effectively and regularly ?

PU LALRINCHHANA : Mr. Dy. Speaker Sir, My supplementary questions are :-

- (a) Is it possible to file a suit by the defendant through a competent lower body ?
- (b) Whether a case which is under the MACT referred to Lok Adalat is in accordance with the agreement made by the party or on the advice of any other competent authority.

PU H. THANGKIMA : Mr. Dy. Speaker Sir, there is a long delay in respect of claim of compensation, due to shortage of fund. Has the government taken step to eliminate such long delayed or postponement ?

DEPUTY SPEAKER : Now, let us call Minister incharge
Pu C. Vulluaia

PU C. VULLUAIA : Mr. Dy. Speaker Sir, to prevent misunderstanding. I want to express that cases are tried at Lok Adalat according to the prior consent and willingness of the person concerned without exercising discrimination or any other unfair means.

To say the truth, Lok Adalat refers cases by peaceful and amicable means, intending to solve the problems faced by the party. Again I should say medical aid or Medical reimbursement has no close relation with the case we have discussed.

PU B. LALTHLENGLIANA : Mr. Dy. Speaker Sir, regarding the amount of compensation awarded, it is still confusing especially the incident of Marpara where Rs. 25,000/0 is intending to be paid but have been unreceived. What is the main cause for such delay or postponement ?

PU C. VULLUAIA : Mr. Deputy Speaker Sir, the MACT awarded MINISTER compensation to deserving person or persons mainly on condition of injury sustained or even death. There is no room for YMA or departmental sponsor. Again legal aid always given to persons who are poor and incapable to hire law officer / lawyer pat court.

PU F. LALREMSIAMA : Mr. Deputy Speaker Sir, it is not an easy task to go instantly at stipulated time from remote areas for those who are poor. I want to know under what condition it is impossible to give legal aid to such person or persons. They may sustain injury or accident in the course of their journey.

PU C. VULLUAIA : Mr. Deputy Speaker Sir, we have not MINISTER misunderstood the true meaning of Legal aid. I should say legal Aid does not cover individual bus fare or conditions of journey.

PU F. LALREMSIAMA : Mr. Deputy Speaker Sir, The Legal Aid services emphasise that the government is solely responsible for all legal aid services, it covers busfare and conditions of journey.

PU C. VULLUAIA : Mr. Deputy Speaker Sir, I may say bus MINISTER fare must be paid by the person out of his pockets, Legal Aid is only free to person who intended to appear at court under certain specified condition.

PU LALSAWTA : Mr. Deputy Speaker Sir, Rs. 50,000/- should be paid to the person who sustain injury or even death in the bus accident for first instalment viewing the profession of the effected the

MACT compensated 3 Lakh to 5 lakh according to the need. As we know, many persons refer their case to the Lok Adalat not to the MACT. This is due to the fact that they have no confidence in MACT. We may ask why, the reason is MACT used to keep pending the cases over a long period, in this respect I ask our Hon'ble Minister to see into the matter again.

DR. J.V. HLUNA : Mr. Deputy Speaker Sir, the question asked by our members, Ratu Constituency has not yet been answered. To add, does the case of MACT deal with an electrocuted person and whether workman compensation act is under the purview of MACT?

DEPUTY SPEAKER : Before we give up the matter, let us call the concerned minister Pu Vulluaia.

PU C. VULLUAIA : Mr. Deputy Speaker Sir, if the party do not have any confidence in the MACT, they may go to Lok Adalat.

Uptill, now, no lawyer has been hired by a person concerned but if they do so we accept it.

PU H. THANGKIMA : Mr. Deputy Speaker Sir, the question I put forward earlier is unanswered, refering 1984 case, compensation was given last year after delaying almost 10 years. If the case is solved, should not the goivernment pay compensation instantly without delay?

PU LALRINCHHANA : Mr. Deputy Speaker Sir, we all know that Lok Adalat is not a law court. Therefore would the government take steps to restrict hiring law officers or lawyer by the parties ?

PU C. VULLUAIA : Mr. Deputy Speaker Sir, the answer for all the above questions is, we may see into the matters with our concerned Ministers and officers.

DEPUTY SPEAKER : Now we will go the the next question, starred question no. 23 let us call upon Pu. B. Lalthlengliana

PU B. LALTHLENGLIANA : Mr. Deputy Speakaer Sir, will the Hon'ble Minister incharge Parliamentary Affairs be pleased to state-does the government notice inadequacy of staff at Secretariat ?

PU J. LALSANGZUALA : Mr. Deputy Speaker Sir, No, inadequacy of staffs under Assembly Secretariat is not known.

PU B. LALTHLENGLIANA : Mr. Deputy Speaker Sir, New post such as Secretary to Speaker, Deputy Librarian, Deputy Marshal, House guard etc has been created under recruitment rules, besides, there exists 10 House Committees and Subject Committees. When Committee is active Committee Officers and Under Secretary can not perform smoothly due to inadequacy of staff. The Speaker himself can expand the said post.

However, this can't be done due to inadequacy of fund. thus, inadequacy of finance lead to inadequacy of Staffs.

Now, new posts, machine man compositor Frammer, Binder, Assistant etc have been created under DR & AR this can be done by Finance Department after finance concurrence is cleared up.

PU F. MALSAWMA : Mr. Deputy Speaker Sir, the question is, is there any intention to replace the out-dated cyclostyle and re-arrange house accomodation (Legislative Assembly House).

PU LALSAWTA : Mr. Deputy Speaker Sir, Has not the Minister been informed by the Secretariat, Mizoram Legislative Assembly about inadequacy of Staffs to the Hon'ble Minister i/c Parliamentary Affairs. Do the DP & AR or Assembly Secretariat conduct post creation without consulting the concerned Minister ?

DR. J.V. HLUNA : Mr. Deputy Speaker Sir, Deputy Secretary is converted to Joint Secretary. In the light of the Statement made by our Hon'ble Members, we have to look into matters relating therein.

DEPUTY SPEAKER : Now our Hon'ble Member Pu F. Malsawma and Pu Remsiana asked for Zero hour, but we are not allowed to discuss two subjects at a time. We alloted five minutes each to the respective members let us call upon Pu F. Malsawma. (Pu F. Malsawma's Speeches are not entered)

DEPUTY SPEAKER : Now, we go into another business, I want to express before the House that our Hon'ble Member Dr. Lalthangliana is not present because Baptist Assembly has been held, he authorised Pu F. Malsawma to move necessary questions.

Not only that, Pu F. Remsiana may not be present, as he has been informed to present report at P.A.C. Chairman Conference in New Delhi by Lok Sabha Chairman. He authorised Pu Lalsawta to move necessary questions.

Now we may call upon the Minister concerned to lay and explain the two papers namely,

- (a) The Mizoram Liquor Total Prohibition (amendment) Rules 1997 and
- (b) The Mizoram Liquor total Prohibition (amendment) Rules 1997.

PU P.C. ZORAM SANGLIANA : Mr. Deputy Speaker Sir, these two papers look indential. With your permission Sir I here-by lay on the table the Mizoram Liquor Total Prohibition (amendment) Rule 1997 and the Mizoram Liquor Total Prohibition (amendment) Rule 1997 seperately.

With your permission sir, the Mizoram Liquor Total Prohibition (amendment) Rule, 1997 is rule no 1 and 3 comprising 'rules of notification' and the second one, the Mizoram Liquor Total Prohibition (amendment) rule 1997 comprises of addition of council and Committees not exceeding 10. That is all sir.

DEPUTY SPEAKER : I presume, we are clear about this; Now the papers should be distributed to members.

If it is finished, let us call upon Pu Lalhuthanga to present report.

PU LALHUTHANGA : Mr. Deputy Speaker Sir, with your permission, I, Chairman of the Committee on Subordinate Legislation, present third report of Committee before the House.

DEPUTY SPEAKER : If a copy is distributed we are going into Legislative business. Hon'ble Minister Pu Sangzuala be pleased to introduce the Indian Stamp Mizoram Amendment Bill 1996 which is earlier introduced in the last session.

PU J. LALSANGZUALA : Mr. Deputy Speaker Sir, According to our rule 79, I beg leave of the House that the bill be taken into consideration.

DEPUTY SPEAKER : Now we have to spare time to discuss matter relating to the said Bill.

PU J. LALSANGZUALA : Mr. Deputy Speaker Sir, if you please, I will comment on the said bill.

The Indian Stamp Act 1899 extends to the whole of India, and the said Act is enumerated in the State list under the Indian Constitution. This implies that finance concerned in the bill is under the jurisdiction of the concerned state. From UT till now no amendment has been made, now we are a full fledged State, we cannot adopt the act as it is, therefore, it should be amended according to the changing needs of our state, that is why the bill is introduced.

Thank you.

DEPUTY SPEAKER : It is better to fix a time to discuss, let us fix 10 minutes for one member. Now, we may call upon Pu Lalsawta, to discuss the bill.

PU LALSAWTA : Mr. Deputy Speaker Sir, I am only afraid that the bill may have adverse effect to the people if the bill is passed as it is. Besides, the Assam government may share large portions of money for this, in order to prevent such conditions, the bill should be under the sole responsibility of Mizoram and it should be clarified by the Subject Committee.

DEPUTY SPEAKER : Let us call the concerned Minister to wind up the bill.

PU I. LALSANGZUALA : Mr. Deputy Speaker Sir, it is hard to believe the bill may cause hardship to the people and there is enough time to clarify the bill by the Select Committee. Whatever, the case may be, the bill needs amendment that is why sir, I move the bill to be passed.

DEPUTY SPEAKER : The Minister requested the House to pass demand No. 66 i.e. clause 2 to 66. Is there any member who do not agree? (Members keep silent). Alright it appears that no one disagrees.

Therefore, by this march 1997, the House has now passed demand of Hon'ble Finance minister 'Binding Stamp Mizoram Amendment Bill 1996 ".

PU L LALSANGZUALA : Mr. Deputy Speaker Sir, thank you.
MINISTER

DEPUTY SPEAKER : Let the business be enough for today, next sitting will be resumed tommorow at 10 : 30 A.M.

Meeting Adjourned at 12 : 40 Noon.