

SIXTH SITTING ON THURSDAY, THE 17TH MARCH, 1994

PRESENT

PU VAIVENGA, Speaker at the Chair, Chief Minister, 14 Ministers, 22 Members were present.

QUESTIONS

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

LAYING OF PAPERS

2. PU LIANSUAMA to lay on the Table a copy of the Annual Report of the Mizoram Public Service Commission for the year 1992-93.

CALLING ATTENTION

3. PU F.MALSAWMA to call the attention of the Minister i/c Home Department on a matter arising out of the killing of one person due to run-over by a Truck at Kolasib on 26th Feb., 1994.

LEGISLATIVE BUSINESS

Bills to be considered and passed.

4. CONSIDERATION of the Bills -

(1) The Mizoram Salaries and Allowances of the Ministers (Amendment) Bill, 1994.

(2) The Mizoram Salaries and Allowances of the Speaker and the Deputy Speaker (Amendment) Bills, 1994 and.

(3) The Mizoram Salaries and Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 1994.

to continue

ALSO

to move that the Bills be passed.

5. PU P.C.BAWIPUJANGA to move that the Mizoram survey and Record Operation Bill, 1994 be taken into consideration.

.....92/-

ALSO
to move that the Bills be passed.

S P E A K E R : 'Better is a dry morsel with quiet than a House full of feasting with strife'.
(Proverbs 17:1)

Now, we will proceed with our Business and we shall call upon Pu L.P. Thangzika.

PU L.P. THANGZIKA : Mr Speaker, Sir, I ask my question No.12.

- (a) Is there any intention to establish a Central University in Mizoram ?
- (b) If so, what are the steps taken up in this task ?
- (c) In accordance with Para 12(ii) of the Peace Accord, signed by the Indian Government and the MNF, how far has the Ministry proceeded in the establishment of University in our state ?

PU ZOSIAMA PACHUAU
MINISTER : Mr Speaker, Sir, the answers of the questions raised by our Hon'ble Member are as follows :-

- (a) There is an intention of sitting up a Central University in our State.
- (b) The matter is being considered by the Central Ministry (Education Deptt.) and
- (c) The proposal has reached the Central Ministry and it is under the consideration of the said Ministry.

Dr J.V. HLUNA : Mr Speaker, Sir, supplementary question - Are the Norms of V.G.C. adopted by the colleges of Mizoram ? Is the national eligibility test essential for appointment of college Lecturers ?

PU H.LALRUATA : Mr Speaker, Sir, in which year was the proposal for establishment of Central University forwarded to the Central Ministry ?

PU F.MALSAWMA : Mr Speaker, Sir, where will the said University be located ? Is it already settled ?

PU ZOSIAMA PA CHUAU : Mr Speaker, Sir, presently we are deciding to adopt the U.G.C. Norms, but this has not yet materialised because the National Eligibility Test (N.E.T.) is not yet conducted in our state.-

Regarding the establishment of University, as envisaged in the Peace Accord, the then Chief Minister Pu Laldenga had submitted a Memorandum to the Central Education Minister. Accordingly, an official Resolution concerning the establishment of Central University was passed by the House on 23rd March, 1992. Apart from that, the Hon'ble Chief Minister of the present Ministry has taken up several steps, and as a result, we hope that a Bill concerning this matter could be moved during the current Session.

Although, permission is already obtained for a State University, we are unable to establish the same as the expenditure is to be met by the state - budget, where more than Rs 10 crores is required even at the initial stage. We, therefore, opted for a Central University.

Finally, matter concerning the location of University will be taken into account after the Bill is passed.

Dr J.V.HLUNA : Mr Speaker, Sir, supplementary question; If the U.G.C's Norms are adopted in our State, can the pay scale of Principal in our State's Colleges be fixed at par with the U.G.C's scale ?

Moreover, the National Eligibility Test (N.E.T.) and 55% marks in the Master Degree are the essential qualifications for College Lecturers. If I am not mistaken, only 3 Mizo Candidates have come out successful in the N.E.T. Under such circumstances, our chances for College Lecturers are extremely limited. So, for appointment of College Lecturers, can the N.E.T be exempted in Mizoram as long as a candidate obtained not less than 55% marks? Lastly, I would like to know whether candidates obtaining less than 55% are appointed in the Deficit Colleges of Mizoram?

Dr R.LALTRANGLIANA : Mr Speaker Sir, according to the Report of our Draft Project, the Board of Post - Graduate Studies and the Academic Council are to be represented by 60% outsiders. Due to certain criticisms, we recommended that the same should be represented by 70% local people. I would like to know whether this recommendation is incorporated?

Next, in other Central Universities, the Governors had never been nominated as Chancellor or Vice - Chancellor. Has the Governor been nominated for the same in our State? Further, was our Draft Act submitted without the University Code Provision?

Moreover, in his Independent Day's Speech in 1993, the Hon'ble Chief Minister highlighted the possibility of passing the University's Bills at the Monsoon Parliament Session of '93. But his statement failed to materialise. As such, can the said Bill be processed during the on-going Parliament Session? If not, what steps and procedures will be taken up by the Ministry?

PU F.LALREMSIAMA : Mr Speaker Sir, there is tremendous progress of Education in our state and we all aspire for a separate University in our State, which, in fact, is one of the most important points of the Peace Accord. Unfortunately, the Hon'ble Leader, who signed the Peace Accord is no longer here with us, but his faithful followers and Party still remain. Today, we greatly respect and Honour the Accord and it is our sincere desire to fulfil the terms of the Peace Accord. As such, was the MNF Party consulted on matters relating to the establishment of University in our State?

Secondly, the Central Budget of the previous year was regarded to be quite satisfactory, it was not completely perfect as there was no separate allocation of fund for establishment of University in our State. As a matter of fact, our neighbouring States having only 1 or 2 colleges have separate University. Are we not competent enough in this field?

PU ZOSIAMA PACHUAU
MINISTER

: Mr Speaker sir, let me begin with the question of our

Hon. Member from Aizawl 'W'.
In the Norms of U.G.C., there

I different Pay-scale for Principal, (1) Rs. 3700/- -
Rs. 5700/- and (11) Rs. 5700/- - Rs. 7300/-, where the lower
Pay Scale is adopted in our State.

Coming to matter concerning the appointment of Lecturers in the Deficit and Government's Colleges, as per the U.G.C.'s Norms, concession is awarded to those appointed prior to the year 1990. No concession will be administered for appointments given beyond the stated year.

Moreover, owing to huge financial involvement, the Bill concerning the establishment of University was declined by the Parliament. However, we do hope and anticipate that the same could be fulfilled within this year.

Speaking of University, previously, in the North Eastern Hill University (N.E.H.U.) at Shillong, and outsider was appointed as the Vice-Chancellor. But presently, the said post is occupied by a local citizen although NEHU is a Central University. Likewise, despite having a Central University in our State, there is a possibility of filling up the various posts by the local citizens.

As far as the terms of the Peace Accord is concerned, there is no commitment on the part of the centre to grant a University to our State, but it is opened to our State to move for establishment of a separate University.

PU F.MALSAWMA

: Mr Speaker sir, matter concerning the establishment of a separate University is not merely a verbal statement. It is available in a written statement. Hence it should not be neglected.

PU H.LALRUATA
MINISTER : Mr Speaker sir, our Hon. Minister had mentioned that about 5 years back, a Resolution relating to this issue was passed by the House and the same was forwarded to the centre. However, this particular subject was resumed only in the month of February. Such a long lapse of time will not yield fruitful results.

Dr.J.V.HLUNA : Mr Speaker sir, my question is not yet answered. As the examinations of I.A.S. and I.P.S. are conducted by the UPSC, the N.E.T., which is an All India examination is conducted by the U.G.C., where there is no tribal concession or quota. While the essential qualification for College Lecturers is to pass the N.E.T. there are only 3 among the Mizos who passed the Test. As such, can the said Test be exempted in our State ?

In addition, I would like to mention that the Assam Agreement incorporated clear-cut terms and conditions, where as in our Peace Accord, it is merely written that - "It is opened to the state to move for the establishment of a separate University in the state in accordance with the prescribed procedure". More important is that when the Agreement was signed on 25th October between the MPCCI and the MJD, we unanimously opted for establishment of Central University, which was duly accepted as our programme.

S P E A K E R : Question No. 13, Pu F.Malsawma

PU F.MALSAWMA : Mr Speaker Sir, I ask my question No.13; (a) When will the Pay Recommendation, reconstructed by the Pay-Commission be adopted in our state ?

(b) Will the Ministry consider the grievances of the Mizoram Mechanical and Technical Service's Union on matters relating to their pay ?

S P E A K E R : Finance Minister.

PU LALHMINGTHANGA
MINISTER : Mr Speaker Sir, to verify the report of the Pay Commission's Recommendations, a Committee is set up by the Ministry- Presently the Committee's Report is being reviewed by the Council of Ministers.

The grievances of the Mizoram Mechanical and Technical Service's Union will be considered by the Ministry after the Pay Commission's Reports and Recommendations are settled.

PU F.MALSAWMA : Mr Speaker Sir, supplementary question, does it mean that matter concerning the Pay Anomaly will be reviewed all over again after the Pay Commission's Report is finalised ? It is necessary to study the Report thoroughly before being finalised because, its outcome will have far reaching effects on our state. At the moment, it appears that greater benefit is awarded to the largest pressure group and to those putting more pressure on the Government.

Moreover, the Technicians and Mechanics are made to work even on Sunday, yet their Pay-Scale is lower than their counterparts. Besides then, many others are in a similar situation.. So, will their grievances be considered by the Government.?

PU F.LALREMSIAMA : Mr Speaker Sir, are the Reports of the Pay-Commission still a confidential matter ? Can the same be placed on the Table of the House before the final decision is made by the Ministry ?

It is learnt that the Pay-Commission was formed to review and settle the anomalies in the Pay. If so, their Recommendations should be opened to Public Debate, so that the Salaries and Allowances of the Government's Servants be determined without any jurisdictions by the Ministry. As such, is the Public Debate permitted by the Government ?

Moreover, while certain Employees are immensely benefitted by the recommendations of the Pay Anomaly's Committee, the Police Department, engaging in 24 hours duty is greatly deprived by it. Hence, to amend such deprivations, what action is taken up by the Pay Commission ? Apart from the Police, the Nurses and others suffer the same fate. Is there a way of providing special considerations to such deserving employees ?

PU LALHMINGTHANGA : Mr Speaker Sir, regarding the
MINISTER supplementary questions of our
Hon'ble Members, the recommen-
dations of the Pay Anomaly
Committee had benefitted only certain sections, and such
piece meal consideration of the Pay is not agreed by the
Ministry. So, to review and consider the many grievances
of the Government's Employees, the Pay Commission was set
up, whose Reports are being reviewed by the Committee set
up by the Ministry. Besides, the suggested Public Debate
is never conducted as per convention.

PU LALKHAMA : Mr Speaker Sir, as opted by the
Mizoram Government's Employees,
the Central Pay-Scale is adopted
in our state. As the Pay Commi -
ssion is set up by the centre, Mizoram too has set up the
same. Does it mean that Mizoram will adopt a seperate Pay-
Scale and not avail the Central D.A. ? Will the Central
Pay-pattern be totally abolished in our state ?

PU F.MALSAWMA : Mr Speaker Sir, will the grie-
vances of the neglected sections
be considered by the Ministry ?

PU LALHMINGTHANGA : Mr Speaker Sir, the Ministry
MINISTER intends to consider all the
grievances of the Governments
Employees without any juris-
dictions. Besides, the Government has not yet decide
whether to follow the Central Pay-pattern or adopt an
independent Pay-Scale.

S P E A K E R : We shall move on to questi on
No.14, Pu B.Lalthlengliana,
Pu T.Hranghluta and Pu H.J.al-
ruata.

PU B.LALTHLENGLIANA : Mr Speaker, Sir I ask our starred questions number 14 to be answered by the Hon'ble Minister of Relief & Rehabilitation;

(a) Amount of compensation sanctioned by the centre to compensate loss of properties and lives during the insurgency in Mizoram, i.e. between the year 1966-'86 ? what is the amount granted by the state Ministry ?

(b) Are compensation, Relief fund or Rehabilitation provided to those who lost their lives or whose Houses were burnt down by the Indian Army due to the Insurgency in Mizoram ? Is there any intentions to sanction such grants ? If so, why the Villages like Sawhmu, Mampui and Saikah in the Chhimtuipui District, which were burnt down by the Indian Army are not given any Relief Measures till date ?

(c) If no compensations are provided, what are the reasons ?

S P E A K E R : PU P.Lalbiaka.

PU P.LALBIAKA : Mr Speaker Sir, the answers of the questions raised by our Hon'ble Members are as follows :-
MINISTER

(a) The amount of Ex-gratia grants sanctioned by the Centre for loss of lives during the Insurgency is Rs.220 lakhs, which had been distributed by the Ministry. The amount sanctioned for compensation is Rs 10 crores. Out of these, Rs 105,70,100/- is granted to persons affected by fire in the Market Area as per the High Court's Order. The remaining Rs 80,28,8,39/- cannot be utilised as no sanction is given by the centre.

(b) No Relief Measures can be given as there is no sanction from the centre.

(c) The answer is the same as No.(b).

PU T.HRANGHLUTA : Mr Speaker Sir, supplementary question; While many suffered great loss during the Insurgency, why compensation is granted only to the Market Area ? Will the Ministry Pressurise the Centre to make the sanction ?

PU LALKHAMA : Mr Speaker Sir, where is the 10 crores rupees sanctioned by the centre on March 1988 ?

PU B. LALTHLENGLIANA : Mr Speaker Sir, if there is no sanction from the centre, why granting of compensation was the main slogan of Election campaign ? Why the deserving victims of Insurgency in the remote villages are not yet given any Relief Measurer ?

PU P. LALBIAKA : Mr Speaker Sir, regarding the question of our Hon'ble Member from Lawngtlai, Rs 220 lakhs was not sanctioned for the fire victims, but was granted for those killed during the insurgency. The sanctioned fund was handed over to the V.C. and D.C. of Aizawl, Lunglei and Saiha who distributed the same to the deserving victims.

Coming to the question of our Hon'ble Member Pu Lalkhama, out of 10 crore granted as compensation, Rs 195,70,100/- had been distributed, but the centre has not yet issued a sanction order for the remaining amount.

PU LALSAWTA : Mr Speaker Sir, on March 1988, there was a sanction for 1000 lakhs, which was drawn out and later deposited in the Bank with a huge interests. But now, it is alleged that there is no sanction. I demand clasifications.

PU LALHMINGTHANGA : Mr Speaker Sir, on March 1988, our Ministry drawn out Rs 10480 lakhs without the authority of the Central Government. Out of the stated amount, Rs 260 lakhs is for Housing Scheme for MNF personnel, 1000 lakhs as compensation on damaged properties and 220 lakhs for Ex-gratia grants. So for, the centre has issued clearance for the following grants;

Rs 85 lakhs for Housing Scheme for MNF Personnel, Rs.220 lakhs Ex-gratia grants and Rs.195.71 for compensation on damaged properties. In accordance with the Rules, the remaining amount is deposited in the State Bank of India.

S P E A K E R : We shall move on to question No.15, Dr.R.Lalthangliana.

Dr.R.LALTHANGLIANA : Mr Speaker Sir, I ask my question No.15.

P.H.E Department be pleased to state -

'Total Expenditure incurred for Greater Lunglei Water Supply Scheme till this date'.

PU LALHMINGTHANGA : Mr Speaker Sir, the expenditure incurred for Greater Lunglei Water Supply Scheme is Rs 1877.50 lakhs.
MINISTER

Dr.R.LALTHANGLIANA : Mr Speaker Sir, the Revised Estimate for the aforesaid scheme is Rs.2254 lakhs, while the Tender Amount of the Contractor is Rs. 1244 lakhs. The R.E. is higher than the original Estimate by 10 crores. What is the reason ?

As mentioned earlier, selection of Contractor is far from satisfaction. Today, Rs.1414 lakhs could have been saved if the Western Company, who is the lower bidder with Rs.840 lakhs was selected. Why the selected Contractor is incapable of completing the task till date ?

In case of outstanding Bill, the Agreement Text clearly defines that the Government should make financial allotment within 12 days of submission of the Bill by the contractor. Besides, if the Bill involves certain criticisms and objections, 90% of the demanded Bill should be allotted to the Contractor. In case the Bill is not provided by the Government after 15 days, all the Banks interests should go to the Contractor. As such, the amount of Interests collected due to non-clearance of the Bill till February, 1993 is Rs.46 lakhs. Today, I would like to know the present amount of interests and whether the same is provided to the contractor by the Mizoram Government.

Further, is it a fact that the Water pump at Lunglei cannot function due to irregularity of Electric Current? Moreover, lavish expenditure is incurred for purchase of Machinery. For instance, the Electric Motor Crompton Greaves which could be purchased for Rs.6,70,000/- from Bombay is supplied to Mizoram at a cost of Rs.32,00,000/-. Likewise, the cost of a single pump Machine is Rs. 14 lakhs, which is supplied to our State at the rate of Rs.42 lakhs. So, there is a huge loss of Rs.50 lakhs in the purchase of such Machines. In what ground are the rates of the Machines approved?

Finally, there is acute shortage of water supply at Lunglei. I would like to know whether the Government is capable of providing the same immediately.

PU LALHMINGTHANGA : Mr Speaker Sir, as far as the MINISTER Greater Lunglei Water Supply Scheme is concerned, the original Estimate is Rs.1,01,427/- whereas the Revised Estimate is Rs.1,02,254/-. In the selection of Contractors, as per the terms of the Government's Tender, the lowest rate need not be selected, but the duty of the Government is to select the most efficient contractor.

Regarding purchase of Machines financial payment is not made to the Contractor, but such purchasal is included in the Contractor's Work-items. Hence, the rate is not checked or determined by the Departmental Purchase Board.

In matters of Tender - Agreement, all the claims of the Contractor does not necessary be the debts of the Government. So, the claim is first examined by technically expert persons and depending upon the merit of the case, decision is made whether to make the payment or not.

Further, in case of any contract works involving crore of rupees, payment of interests is the prescribed norms of the all Indian Reserve Bank. Hence its inclusion in Tender Agreement is not an illegal entry.

Regarding the Pumping-Machine at Lunglei, two Electric Operated Engines are set up, and in case of current failure, another 2 Diesel Generator Engines are installed here. However, as the whole scheme is not yet completed, the said Engines are not yet made to function.

Coming to matter concerning the scarcity of Water Supply at Lunglei, realising the urgent necessity, the Gravitational feeding system is set up at Pialthlong. However, as winter Season approaches, the main source of water gradually dries up. But as the Hon'ble Member has suggested, water has been supplied by a Truck since the past three days, thereby solving the water problems to a great extent. Thank you.

PU F.LALREMSIANA : Mr Speaker Sir, in the Hon'ble Governor's Address, we find that the aforesaid scheme at Lunglei was partially commissioned. However, the Head and designs of the Machines involves great defects. What is the reason ?

S P E A K E R : As this is a question hour, detailed discussion of this matter will be conducted later.

Dr.R.LALTHANGLIANA : Mr Speaker Sir, this scheme was to be commissioned on 10th Oct., 1992. However, 2 years has passed but the scheme is far from completion. I ask whether the contractor will be Black Listed by the Mizoram Government ?

PU LALHMINGTHANGA : Mr Speaker Sir, I would like to remind our Hon'ble Member that the Head has no technical defects.

Further, a contractor could be Black Listed only if he commits blunder and found guilty by the Government. Besides, as per convention, one can claim his or her right by suing the Government in the High Court on any matters either than the Contract-Works.

S P E A K E R : Question No. 16 - Pu Lalsawta.

PU LALSAWTA : Mr Speaker Sir, I ask my Starred Question No.16, to be answered by the Hon'ble Minister of Education & Human Resources Department.

(a) How many Officers and Staff of the Mizoram Board of School Education have been punished due to leakage of Matriculation Questions in 1992 Examination ?

(b) What are the nature of punishment awarded to such Officers and Staff ?

S P E A K E R : We shall summon our Hon'ble Chief Minister Pu Lal Thanhawla to furnish the answers.

PU LAL THANHAWLA : Mr Speaker Sir, regarding the question of our Hon'ble Member, CHIEF MINISTER eleven (11) persons and 3 Officers were suspended. However, after a long and serious consideration by the Enquiry Committee, all the Officers and Staff, with the exception of the main culprit, Pu Hmingthansiam (Peon) were re-instated. The 3 re-instated Officers filed a case against their suspension and re-instatement in the High Court. No further statement can be furnished as this is a subjudiced matter under Civil Rule 3726/93.

PU LALSAWTA : Mr Speaker Sir, supplementary question; If all the other Staff and Officers with the exception of one Peon Pu Hmingthansiam are re-instated, does it mean that only Pu Hmingthansiam was found guilty by the Mizoram Government in the leakage of question Papers ?

PU LAL THANHAWLA : Mr Speaker Sir, only Pu Hmingthansiam has criminal case, CHIEF MINISTER and person having the said case cannot be re-instated.

S P E A K E R : Question No.17, Pu F.Malsawma.

PU F.MALSAWMA : Mr Speaker Sir, I ask my Starred Question No.17;

(a) Is there any intention to construct a dam over Tuivai river to produce Electric power ?

(b) If so, what are the steps taken up in this field ?

S P E A K E R : We shall call upon the Minister
i/c Pu C.L.Ruala.

PU C.L.RUALA : Mr Speaker Sir, the answers
MINISTER are as follows ;

(a) Yes.

(b) Clearance is obtained from the
Central Electricity Authority on 25.10.1993, and clearance
from the Forest & Environment is awaited at the moment.

PU ZAKHU HLYCHHO : Mr Speaker Sir, it is learnt
that the Mizoram Government
intends to set up a Horticult-
ure Division, where will this
be located ?

PU C.VULLUAIA : Mr Speaker Sir, permission to
MINISTER open the Horticulture Division
is being applied by the Mizoram
Government, and the location is
being considered by the Government.

PU LALREINCHHANA : (a) Whether there is any
financial allocation for Water
supply at Ratu during the finan-
cial year 1994 - 1995 ?
(b) If so, what is the amount ?
(c) Is there any financial allocation
for Water Supply at Sawleng ?
(d) If so, what is the amount ?

PU LALHMINGTHANGA : The financial allocation during
MINISTER the financial year 1994-95 for
the various Villages cannot be
furnished now. The schedule of
work of the P.H.E. Department will be formulated only after
the Budget is passed by the House.

- PU H.ZATHUAMA : What is the progress of Hydel Project proposed to be set up between Kawlben and Selam at Leiva ?
- PU C.L.RUALA : The proposed Hydel Project at Leiva river had been sanctioned by the N.E.C., and we intend to take-up the task within the year 1994.
MINISTER
- PU T.HRANGHLUTA : (a) Mr Speaker Sir, In what manner will the Assistant Employment Officer, posted at Lawngtlai proceed with his nature of works ?
(b) Is there any intentions to upgrade the said Office by appointing the District Employment Officer and Staff ?
- PU C.VULLUATA : (a) Mr Speaker Sir, For the benefit of the prople, the Government intends to up-grade the Sub-divisional Employment Exchange at Lawngtlai.
MINISTER
(b) The answer is Yes.
- PU LALRINSHHANA : Mr Speaker Sir, when will construction of road between Sakawrdai and Zohmun be completed ?
- PU LAL THANHAWLA : Mr Speaker Sir, the said construction is expected to be completed by the month of May, 1994.
CHIEF MINISTER
- PU H.ZATHUAMA : Mr Speaker Sir, what is the decision of the Government on matters concerning the road between Mimbang and Champhai ?

PU LAL THANHAWLA : Mr Speaker Sir, the Government
CHIEF MINISTER will continue its maintenance
of the said road.

Dr R.LALTHANGLIANA : Mr Speaker Sir, What is the
monthly quota of K.Oil for
Mizoram ?

PU C.L.RUALA : 517 MT (664 K.L).
MINISTER

Dr R.LALTHANGLIANA : Mr Speaker Sir, what is the
total expenditure incurred
for purchase of land and
Building by Government of
Mizoram since 1989 till this date ?

PU SAIKAPTHIANGA : Mr Speaker Sir, for construc-
MINISTER tion of Staff quarter, the
Cooperation Department pur-
chased land at Lunglawn, Lung-
lei for Rs 1,98,272/- (Rupees one lakhs ninety eight
thousand two hundred seventy two) only in the year 1989.

S P E A K E R : Question - hour is over, now
we shall take up our Second
Business. We shall call upon
Pu Liansuama to lay on the
Table a copy of the Annual Report of the Mizoram Public
Service Commission for the year 1992-'93.

PU LIANSUAMA : Mr Speaker Sir, with your
MINISTER permission, I lay on the
Table a copy of the Annual
Report of the Mizoram Public
Service Commission for the year 1992-'93, Second Report,
Thank you

S P E A K E R : The Hon'ble Minister has laid a Report on the Table. Let the copies be distributed. Now, we shall invite Pu F.Malsawma to present his calling Attention Motion.

PU F.MALSAWMA : Mr Speaker Sir, thank you for allotting me time to present matters of Public importance. My Motion is concerned with matters arising out of the killing of one person, ran over by a Truck at Kelosib on 26th Feb., 1994. However, the reckless driver was released after he was detained only for a night at Kolasib Police Station, which greatly displeased the people of Kolasib and Bilkhawthlir. Such matter should not be neglected by the responsible Legislators, and I do hope that the matter be duly settled by the Hon'ble Home Minister.

In this connection, a complaint relating to the death of Lalrambuatsaiha was submitted by his mother to the Sub-divisional Police Officer of Kolasib, a copy of which was given to the Hon'ble Chief Minister and the Home Minister. This incident could give rise to a serious trouble unless it is settled equitably by the House. Since, we do not want to instigate any troubles, I present this matter to the highest Legislative body. As such, I call the attention of the Hon'ble Home Minister to take up necessary actions in order to ease the sentiments of the victims mother and the people. Besides, such brutal killing of the rightful son of the soil is strongly condemned by us. Thank you.

S P E A K E R : In accordance with our Rules, there will be no discussion of this matter, only the concerned Minister could present statement as the Hon'ble Member has called for the attention of only the Minister in-charge.

PU P.C. ZORAMSANGLIANA: Mr Speaker Sir, the fateful incident occurred at 11:30 PM on 26th Feb., but ironically, Pi Chawngming-thangi reported the case on 16th Feb.

S P E A K E R : Now, we shall call upon the concerned Minister Pu J.Lalsangzuala.

PU J.LALSANGZUALA : Mr Speaker Sir, regarding the MINISTER Motion of our Hon'ble Member Pu F.Malsawma, according to the Report received by us, Lalrambuatsaiha S/o Pi Chawngmingthangi, Bilkhawthlir was killed by a hit and run driver at 10:20 Pm. on 26th Feb. According, the suspected Drivers of MLJ 2727 and ML 05 - 5178 were arrested by the Police. However, these Drivers were released again as there was no proof whether they were guilty or not. Presently, further enquiry and investigation is being carried on by the Police, but they are not yet able to identify the exact Vehicle. It appears that the Hon'ble Member has informed the D.I.G. and the S.P. of this matter. Hence forthe, such incident should be reported immediately to the Minister i/c, Where prompt actions will be taken up. As far as this matter is concerned, vi-gorous action is being rendered in order to arrest the exact culprit. Thank you.

S P E A K E R : We shall move on to our fourth Business which is consideration of the various three Bills such as; (1) The Mizoram Salaries & Allowances of the Ministers (Amendment) Bill, 1994;

(2) The Mizoram Salaries & Allowances of the Speaker and the Deputy Speaker (Amendment) Bill, 1994 and

(3) The Mizoram Salaries, Allowances & Pension of Members of the Legislative Assembly (Amendment) Bill, 1994.

In order to have a smooth discussion, we shall invite the concerned Minister to furnish detail clarifications of the Bills.

PU J.LALSANGZUALA : Mr. Speaker Sir, as far as the MINISTER aforesaid Bills are concerned, after consulting our Members, we all agree to pass the same in their amended forms. Accordingly, the various 3 Bills are concerned with the various facilities and allowances of the Hon'ble Chief Minister, Ministers, Speaker, Dy. Speaker and Members during their tenure.

Thank You.

S P E A K E R : Are there any, who would like to make statements ? If not, the Bills could be passed now.

PU LALKHAMA : Mr Speaker Sir, there is no mention of A.C. in my copy.

PU J.LALSANGZUALA : Mr Speaker Sir, such facility is reserved for the Ministers.
MINISTER

PU LIANSUAMA : Mr Speaker Sir, the Air conditioned Room is entitled only by the Ministers and the Speakers, and not by the M.L.A.
MINISTER

PU LALRINCHHANA : Mr Speaker Sir, the amended Bills are quite satisfactory. Hence, the same should be passed unanimously. However, I would like to suggest that the Deputy Speaker should be nominated during this Session.

S P E A K E R : Now, we shall call upon the Hon'ble Minister i/c to beg leave of the House to pass the various 3 Bills.

PU J.LALSANGZUALA : Mr Speaker Sir, I would like to thank the Hon'ble Members for their kind consideration of the Bills. Now, with your permission Sir, I beg leave of the House to pass the various 3 Bills such as ;

(a) The Mizoram Salaries & Allowances of the Ministers (Amendment) Bill, 1994.

(b) The Mizoram Salaries & Allowances of the Speaker and the Dy.Speaker (Amendment) Bill 1994 and.

(c) The Mizoram Salaries, Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 1994. Thank you.

S P E A K E R : The Hon'ble Minister has begged leave of the House to pass the aforesaid 3 Bills. Members who agree to pass the same will say 'Agree', and these who disagree will say 'disagree'.

Since all the Members agreed, the said 3 Bills had been passed unanimously by the House. Now, we shall take up the next Bill, introduced by the Hon'ble Minister Pu P.C.Bawitluanga. Let us call upon the Minister to move that the 'Mizoram Survey and Record operation Bill, 1994' be taken into consideration.

PU P.C.BAWITLUANGA : Mr Speaker Sir, with your permission, I move that the Mizoram Survey and Record Operation Bill, 1994 be taken into consideration by the House.

S P E A K E R : The Hon'ble Minister has moved the Mizoram Survey and Record Operation Bill, 1994 for consideration of the House. Do we agree ?

PU T.HRANGHLUTA : Mr Speaker Sir, in my opinion the Hon'ble Minister's Bill should not be considered by the House as it interferes with the powers of the Autonomous District Council if the Bill is to be extended to the whole of the State of Mizoram. As a matter of fact, if we look at the Indian Constitution, Sixth Schedule, Para III, the District and Regional Councils are empowered to legislate Laws.

Let me read out Para 8, Sub-para I - "The Regional Council for an autonomous Region in respect of all area within such region, and a District Council for an autonomous District in respect of all area within the District except those which are under the authority of Regional Councils, if any, within the District shall have power to make law with respect to -

(a) Allotment, occupation or use or the setting apart of land, other than any land which is a reserved forests for the purpose of Agriculture or grazing, for Residential or other none Agricultural purposes or for any other purposes likely to promote the interest of the inhabitant of any village or town". Therefore, if this Bill is considered and passed by the House, the powers and advantages of the autonomous councils will be greatly deranged. For instance, if Laws enacted by the Indian Parliament hamper the welfare and interests of others, the President makes modifications and issue Notification accordingly. Likewise, to safeguard the interests of the minorities as envisaged by the Constitutional Provision, this Bill should not be moved or passed without making the necessary amendments. The Bill should be modified in such away that it shall extend to Aizawl and Lunglei District only or it shall extend to the whole of Mizoram or making the exceptions. Thank you.

S P E A K E R : The Hon'ble Minister has already introduced the Bill and has moved the same for consideration of the House. As all the Members agreed, the Bill will be taken up for consideration. First of all, we shall call upon the concerned Minister.

PU P.C.BAWITLUANGA : Mr Speaker Sir, this Bill is concerned with Survey and Records and it does not interfere with the rights and powers of the au-tonomous District Councils. The task of survey is in the hands of the Central experts, after which a detailed Records of House - site allotment, a reserved forests for the purposes of Agriculture or grazing etc. is duely prepared by them. Consequently, such survey and records are handed over to the District Council. Therefore, this Bill does not hamper the rights and powers of the District Councils nor does it violates the Constitution. On the other hand, Survey and Records are conducted solely for the interests of the autonomous councils without having to utilise their funds. Thank you.

PU H.ZATHUAMA : Mr Speaker Sir, our Hon'ble Minister has furnished certain clarifications. Now, time is opened for discussion and 5 minutes is allotted to each Member.

PU LALSAWTA : Pu Chairman, looking at the staffing - pattern in the Bills, it is advisable to appoint Surveyors under the Survey Officer, because the task is too wide for a single Officer. As such, can arrangement be made by the Hon'ble Minister i/c in order to create the said Intermediate post? Moreover, besides giving Notification in the Gazette, matter concerning the Survey and Records should be widely publicised through daily newspapers, so that the village communication will be informed of this matter.

PU T.HRANGHLUTA : Pu Chairman, the Hon'ble Minister has stated that the Bill will not create any disadvantages for the Autonomous District Councils. Nevertheless, if we look at the various Provisions of the Bill and if the same is extended to the whole of Mizoram, certain problems are likely to crop up. So, is there a way of modifying the word 'extend' in the Bill so that the Bill could be passed and enforced without incurring any disadvantages.
Thank you.

PU J.LALSANGZUALA : Pu Chairman, what our Hon'ble MINISTER Member had stated is clearly written in section 23 such as - 'A state Government may by Notification direct that all or any of the provisions of this Act shall not apply to such Areas, Land or classes of land as may be specified in the Notification'. Therefore, it is not necessary to make any modifications. The Bill, should be considered in its original form as it wrong to exclude certain areas in matters of Laws and Rules.

PU LIANSUAMA
MINISTER

: Mr Speaker Sir, I would like to make statement in support of the Bill. As proper Land Record is lacking in our State, the Ministry intends to have a systematic Record and accordingly this Bill concerning survey and record was moved, which will be of great help and advantage to the whole of Mizoram. So, our Hon'ble Members from the Autonomous District Councils should understand this fact and agree to pass the Bill in its original form. Thank you.

PU F.MALSAWMA

: Mr Speaker Sir, the expenditure in the financial Memorandum is Rs 3000,90/-; where the Central Government agreed in principle to bear the cost of survey operation. We also see that the entertainment of Officers and Staff of the organisation may be met by the State Government under Plan-scheme. Then sentence was concluded by stating that there would be no additional financial expenditure. I would like to know whether such wordings were prepared after a serious consideration.

Moreover, in the statement of object and reason, we see that the survey and record operation in 1994 was brought to the statistical Book of the State of Mizoram. I would like to know whether such Book is available in our State.

PU LAL THANHAWLA
CHIEF MINISTER

: Mr Speaker Sir, the Hon'ble Minister has pointed out the importance and necessity of this Bill, and by now we are all aware of its significance. As stated by the Hon'ble Member, the Bill will not encroach the powers of the Autonomous Councils, but is for their own welfare and interests. Regarding the financial involvement, the expenditures could be quite high as more instruments and materials will be required later. Finally, I would like to assure the Autonomous Councils that their rights and powers will not be encroached by this Bill.

Thank you.

PU H.ZATHUAMA : Mr Speaker Sir, although the present Bill has certain advantages, it is free from defects. If we look at section 12, i.e. Preparation of Survey Map, Field Books, Registers, etc. it is clearly written that - " If at the time of survey, the boundary of any land or field be undisputed and its correction be affirmed by any Village authority, it may be defined and demarcated as pointed out by the owner, holder, occupier or agent of the land-holder". In this connection, I would like to point out the fact that when private lands are assessed by the surveyors, No objection certificate (N.O.C.) is issued without the countersign of the Village - authority in the Assessment-sheet or Map. Under such circumstances, the Surveyors could change the Assessment sheet or Map in their favour thereby indulging in great corruptions. Therefore, I would like to suggest that certain preventive measures should be chalked out in order to avoid any errors in future. Thank you.

S P E A K E R : Will such measures be included in the Assessment Rules ?

PU T.HRANGHLUTA : Mr Speaker Sir, although our Hon'ble Chief Minister has assured that the Bill will not create any problems for the Au-tonomous Councils, a time will come when the Bill encroaches the power and rights of the Autonomous Councils. Where the new Ministry recommends the enforcement of this Bill throughout our State. As such, in accordance with section 29, the Mizoram Government should issue Notification stating that the said Bill should not be enforced in the Autonomous Areas, otherwise, it is extremely difficult for us to pass the same. Thank you.

PU C.L.RUALA : Mr Speaker Sir, as far as this Bill is concerned, there is nothing to fear for the Autonomous Councils. As a matter of fact, the Autonomous Areas right be the first to request for a survey and record. Moreover, as mentioned by the Hon'ble Home Minister, there is a Miscellaneous Provision in saving clause, Chapter III. So, in no way will their status be endangered by this Bill.

PU SAIKAPTHIANGA : Mr Speaker Sir, this Bill is
MINISTER concerned only with survey
and record and the District
Councils have the powers to
make laws with respect to Allotment of lands. So, there
is nothing to fear or doubt. As pointed out by certain
Members, survey should begin from the Villages, because
to carry on their business, the rich communities are
requiring more and more lands in the villages.

Thank you.

S P E A K E R : Shall we pass the Bill now ?

PU LALKHAMA : Mr Speaker Sir, I would like
to raise certain questions
regarding this Bill, we have
heard from the Hon'ble Minister
that Surveyors will be sent from the Central Agency.
If so, can there be any complications when Innerline
Reserved Forests is surveyed by them.

Moreover, there can be excess
land when survey is conducted. At the moment, the pre-
sent holding is assumed to be 5 - 10 Bighas, and in case
the assumed measurement is lower or more, what will be
the Authority of the Surveyor and the Director ?

Finally, as suggested by the
Hon'ble Member Pu Lalsawta, there should be wide-publi-
city apart from the Gazette. On the whole, both the
survey and the Bill are recommended, but the Bill should
be studied thoroughly prior to passing it. Thank you.

PU R.L.VALLA : Mr Speaker Sir, although
leaders of the Autonomous
Councils expressed their
fear and doubts, the survey
and record is extremely necessary particularly in Aizawl
and Lunglei District. If we have proper Record, nume-
rous problems involved in land - settlement could be
solved to a great extent. So, this Bill should be passed
immediately, Thank you.

S P E A K E R : Now, we shall call upon the Hon'ble concerned Minister to move that his Bill be passed by the House.

PU P.C.BAWITLUANGA : Mr Speaker Sir, with your
MINISTER permission, I move that the Mizoram Survey and Records Operation Bill, 1994 be passed by the House. Thank you.

S P E A K E R : The Hon'ble Minister has moved that the Mizoram survey and Records Operation Bill, 1994 be passed by the House. Members, who agree to pass the same will say 'agree' As majority of the Members agreed, the said Bill is passed by the House. Now, the Meeting is adjourned till 18.3.94 (Friday).

Meeting Adjourned at 12:40 PM.

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