

Destruction of ferry-boat in Tuichang river.

72* PU C.LALRUATA

Will the Honble Minister in-charge of P.W.D. be pleased to state -

- (a) Whether Government is aware of the destruction of a ferry-boat in the Tuichang river at xaitum Kai.
- (b) If so, whether any enquiry has been made about the cause of the destruction of the ferry-boat ?
- (c) The result of the enquiry ?

PU CH.CHHUNGA
CHIEF MINISTER:

Mr. Speaker Sir, the Government is aware of this fact, the Executive engineer is making an enquiry which is still in process, and the report is still awaited.

PU LALKUNGA

Mr. Speaker Sir, supplementary question: May I know when was the enquiry made, the exact date ?

PU CH.GHHUNGA
CHIEF MINISTER.

Mr. Speaker Sir, enquiry was made which proved that it was sabotaged to delay the function; the matter is still under process.

Allotment of Contract Works to M.L.As. and Govt. Servants.

73*. PULALSANGZUALA: Will the Hon'ble Minister in-charge of P.W.D. be pleased to state-

- (a) Whether it is a fact that the P.W.D. has given Contract works to M.L.As. and Government Servants.
- (b) If so, whether any person of the above categories have been registered as P.W.D. Contractors in Mizoram ?

PU CH.CHHUNGA
CHIEF MINISTER

Mr. Speaker Sir, the Government have not heard of this.

PULALSANGZUALA: Mr. Speaker Sir, supplementary question: There are some Government Servants allotted P.W.D. Contract works. Is it permissible that M.L.As. and Government Servants should do P.W.D. and other Government Contract works ?

Is it permitted that Government servants and direct dependant should be Government Contract works ?

PU CH.CHHUNGA
CHIEF MINISTER

Mr. Speaker Sir, there are no Government Servants registered as P.W.D. Contractors. In the Service (Revised) Rules, Government Servants and the direct dependant are not allowed to do Government Contract works. However, if the Contractor is not the direct dependant, there is no prohibition only because they stay together under one roof. The same is the condition of M.L.As.

PULALSANGZUALA: Mr. Speaker Sir, supplementary question: Is the Government aware that Government Servants do P.W.D. Contract works under different names spending much time and energy ? Many Government Servants direct dependant are given P.W.D. Contract works; how is the Government going to take action on such men ?

PU CH.CHHUNGA
CHIEF MINISTER

Mr. Speaker Sir, the Government is not aware of this. If such men are found, their contract shall be scrutinized. It is difficult to ascertain that Government Servants

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do Contract works by other person's name, as they would not declare so, and the person concerned shall do neither. It is in such cases that we need help from the public, we shall be able to do this with their help. What the Hon'ble Members said about the Government Servants who are doing Contracts may be a fact. However, on verification there are no Government Servants registered as Contractors

PUZALAMA: Mr. Speaker Sir, supplementary question : Our Hon'ble Chief Minister said that Government Servants Conduct Rules binds M.L.As. and Government Servants equally. He said both are bounded regarding Contract, but which part of the Rules govern and treat them as under same category? Is the position of M.L.A. a profession? Does the Service Conduct Rules bind us? Will it not be prohibited or binding only when M.L.As. and Ministers exercise undue influence regarding Contract work?

PU J.THUNGHUAMA Mr. Speaker Sir, I think you clearly understand the Hon'ble Member's question. There is Government Servants Conduct Rules, which prohibits that Government Servants and direct dependant, whether the wife or the children, from doing Contract work. I want to know whether the Mizoran P.W.D. is not going to follow or should we call it law-violating Government or is ignorant of it? Suppose the Government is aware of this fact, how is the Government going to take action if it find out the wife of Government Servants doing Contract works? If proof is sought for, a register is available from the West Division Mizawl East where P.W.D. Contractors are registered. Will action be taken?

PU CH.CHHUNGA Mr. Speaker Sir, nobody can foretell
CHIEF MINISTER how action shall be taken; we cannot issue order from here, circumstances or time will tell. Hon'ble Members raised questions, which, I said, will be pursued. (Fu J.Thanghuama: Mr. Speaker Sir, there is somebody's wife, whose husband is an U.D.A. in the P.W.D., who regularly get works. How long will it take to pursue?). The past is the past, after we form the Ministry we have not heard of such thing. If we want to enforce this Rules we have already considered it before the Session. Although I can not say the number of section of the law, the M.L.As. are prohibited from doing Contracts since the time of candidature for M.L.A.

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PUZALAWMA: Mr. Speaker Sir, I request the Hon'ble Chief Minister to differentiate M.L.As. from Government Servants. What is the similarity on this subject? Is being M.L.A. our profession? In the Election Rules it is unfair for those having Government agency. Is there any principle in the P.W.D. Code prohibiting the carrying on of Contract works by M.L.As. If undue advantage is not exercised what is the harm?

PU CH. CHHUNGA CHIEF MINISTER: Mr. Speaker Sir, I have said that the prohibition of Government servants from doing Contract is in the service rules and not in the P.W.D. Code. The P.W.D. Code does not concern the case of M.L.As. But since the Candidate for M.L.A. they have to surrender all such things. It is the clarification of their position rather than the P.W.D. Code. The M.L.A. himself may know the inconveniences better. The question as to the harm if the M.L.A. does not exercise undue influence, that is the dangerous point of M.L.As becoming Contractors; suppose the M.L.A. does contract, people will suspect him to use undue influence and this suspicion is undesirable for the M.L.A. himself too.

PUZALAWMA: Mr. Speaker Sir, Hon'ble Chief Minister have not yet replied my question regarding whether it is our profession being a M.L.A.? Do we consider Contract as trade? If a M.L.A. can carry on business (trade), why should a M.L.A., without carrying on trade, be prohibited from Contract?

PM SAPRAWNA: Mr. Speaker Sir, I would like to reply if you could allow me. If I am not permitted I shall sit down.

SPEAKER: If you are not going to ask question at the same time, I do not allow, the Minister should reply.

PUR. THANGLIANA: Mr. Speaker Sir, I shall clarify Pu Zalawna's question, we should think that it is not a profession being a M.L.A. or M.D.C. Trade has no connection with Contract or Government Servant. Being non-profession M.D.Cs. are exempted Professional Tax. I think the

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governance and prohibition of M.L.As. by Rules can be found in the Peoples' Representative Act, if I am not profession, why should a M.L.A. be debarred from Contractor? Profession is another thing. In a Contract with Government, the said Rules prohibited M.L.As. from Contract. Students get stipend, which is no profession, as it is neither Salary. I think it is a bit different.

PU J.THANGHUAMAM: Mr.Speaker Sir, Hon'ble Chief Minister said that they have Servant and direct dependant doing contract, after one and half year Ministry. It can be clear from registration. We are tired of informing them and even intended to move them down. Suppose the registration book is called for and checked in the Office, and found some still working, how and in what manner action will be taken on them? We demand cancellation of their present work. We have to exercise strong dealing. Mr.Speaker Sir, I requested Unstarred Question on P.W.D. and P.H.E. Department along with detailed statement, Question No.4, 5,6 - when will I get the answer? After session we shall have no time for discussion.

PU LALKUNGA: Mr.Speaker Sir, supplementary question: Are Minor(under-17) allowed to do Contract?

PU CH. CHHANGA: Mr.Speaker Sir, there is no fixed age for Contract. (Pu Lalsangzuala : CHIEF MINISTER Mr.Speaker Sir, does it not mean Minor age according to Government is contemplate punishment of the wrong doers before being detected like Government Servants working Contract. We shall detect and if we happen to find out any, the manner to take action shall be considered later on.

PU SAITHAWA: Mr.Speaker Sir, my question on P.W.D. sent on 3rd September, 1973 was admitted by the Assembly Secretariat on 10th September, 1973, will the Hon'ble Minister in-charge tell me the reason why the reply is not yet given?

PU C.LALRUATA: Mr.Speaker Sir, I have learnt from Offices like E.E., Aizawl East, Aizawl West, Building Division etc. that reply was given to what I mentioned yesterday, which has not yet appeared till today. I would like to know where it is kept pending.

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(Pu J.Thanghuama: It is just became our Ministry is too weak and cannot do any work).

SPEAKER: Nothing can be done if the reply is not given. As you have refered to the Ministry they shall see to it we should not kill the precious time. We have 2 Bills for today. (Pu Saitlawma: If they had informed as the reason why replies are not given, it is well. But it is unfair to give no reply.

PU C.LALRUATA: Mr.Speaker Sir, the Rules provides that the reply should be sent back by the Department within 10 days from the receipt of the question from the Assembly Secretariat. Does it not mean they disrespect the Assembly ?

PU CH.CHIHUNGA: Mr.Speaker Sir, we have an enthusiastic CHIEF MINISTER. and warn blooded youth we may better take him as merry making than trouble making. There are vast questions on P.W.D. of which the replies given do not satisfy the Minister concerned. In their search for better point of reply they have to cover wide range. Our Session period is limited, we may not finish some, we are not sure of it.

SPEAKER: There may be difficulty, but as you said Assembly Questions are given top priority, But somewhere there may be deadlock. You mentioned your desire to practice it in future although it cannot be done in this Session.

PU C.LALRUATA: Mr.Speaker Sir, it's not our mere desire, it is provided in our Rules of Procedure and Conduct of Business. The Department should give priority to it.

SPEAKER: Is it that Pu Thanghuama demand detail statement on Unstarred Question Nos.4, 5,6 and 9 ? The reply is here, 43 on No.4(2) "Differant Heads of Department and Officers 43, the statémont is laid on the table of the House". For Question 4(c), " the statémont is laid on the table of the House".

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For the Question No. 5(b) on "What is the total quantity of rice, atta and sugar sent to each Centre from Aizawl and Silchar for the period between 1st January, 1973 and 8th September, 1973", the reply is "The statement is laid on the table". For the reply to question No. 6 and 9, there is no detail statement and we shall not have it. As this detail is a long one, under process, we shall not be able to take up in this question hour.
(Pu J.Thanghama: Pardon me, this 'detail statement laid on the table' appears to be already finished.) That is just the copy which should not be given to you all;
(Pu J.Thanghama: Will you please give me that today?) We shall be able to give in the afternoon.

PU C.LALRUATA: Mr.Speaker Sir, Will you please give me detail statement on my Unstarred Question No. 4 on Vehicles ?

SPEAKER: That was under preparation: You should have said the exact question number, instead of saying 'What papers do you place on the table ?' There is no help in such quarry.

PU SAITLAWIA: Mr.Speaker Sir, our Rules provided that we should received the reply to Starred Questions within 3 days after the Session is over, which if fulfilled will be grateful. As they said before, a person in any Department who shows no respect to this August House should not work in the Department.

SPEAKER: The Ministry shall take note of it, as it is provided that Starred Questions to which replies were not given during the Session should be Circulated. We shall take up the next item.

WRITTEN REPLIES TO UNSTARRED QUESTIONS :

PU LALSANGZUALA : Mr. Speaker Sir, Unstarred Question Serial No.11 is not my question, will you please check it up. I don't put this question, there may be a mistake.

PU J.THANGHUAMA : Mr. Speaker Sir, this is my question.

SPEAKER : Should it be written Pu J.Thanghuama instead of Pu Lalsangzuala ? In such minor matters is possible from the Department concerned and the Assermbly Secretariat. Your pointing out mistakes is invaluable for them and is welcomed.

Double payment for road portion between Chawngtlai and Khawhai.

11.PU LALSANGZUALA : Mr. Speaker Sir, Will the Hon'ble Minister-in-charge of the P.W.D. and P.H.E. Department be pleased to state -

- (a) Whether it is a fact that the P.W.D. has billed for the second time for the road portion between Chawngtlai and Khawhai which has already been billed under E.G.S. by the A.O. Khawhai two years ago.
- (b) If so, whether Government has taken action for the recovery.
- (c) If not, why not ?

PU CH.CHHUNGA : Mr. Speaker Sir, Unstarred Question
CHIEF MINISTER. No. 11 (a) & (b) and (c)-

(a) No. (b) Does not arise.
(c)

SPEAKER : We shall discuss the Mizoran Excise Bill.

Fourteen Members have talked on the Mizoran Excise Bill, and I think we all need not make statement. We should rather take the opinion of the Minister-in-charge of the Bill.

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CONSIDERATION OF MIZORAM EXCISE BILL, 1974 - Continued.

PU LALSANGZUALA: Mr. Speaker Sir, will you please give me time as I have not made statement yet.

SPEAKER: Those who have not said may say now.

PU CH.SAPRAWNGA: Mr. Speaker Sir, I have not yet finished my statement on the other day. I still want to say more.

SPEAKER: Yes, it was so. Pu Saprawnga shall continue his speech, and Pu Lalsangzuala will follow.

PU CH.SAPRAWNGA: Mr. Speaker Sir, when we discussed this Bill some suggestion arose like taking public opinion, which I am not sure will stand or not.

SPEAKER: When we read our Rules 79, 82 and 88 together it will be clear. For such proposal amendment is needed, which requires (2) two clear day's notice. When the Member in-charge submit the Bill for consideration amendment must be attached. But Rules 82 demanded (2) two clear days' notice, if the Speaker does not waive the Rules we should have proceeded like that. there was no notice. Was it Pu J.Thanghuama's suggestion or of Pu Zalawna's, I think both mentioned.

PU J.THANGHUAMA: Mr. Speaker Sir, we have not separately submitted notice, but we opened that as this Excise Bill has not yet been practiced and can effect the future of Mizoram, we should

take the opinion of public, Church, Social Organisation. Instead of discussing and taking responsibility on our shoulders let us defer it to the next year session, and in ~~the year~~ time, take the opinion of the public. You then said that it must be decided by taking vote.

SPEAKER: Vote can be taken. As provided by Rule 79 no Member ^{except the Member} in-charge of the Bill can move it. But there is possibility and that is "in the form of amendment". Rules 88 demands (2) two clear days' notice for the amendment. As you have not followed the requisite procedure, I think we better follow the Rules. Since you have not given notice as per rule. I suggest we better continue discussion.

PU J.THANGHUA/MA: Mr. Speaker Sir, it means we request him to withdraw, the Bill.

SPEAKER: It is not necessary to take public opinion for withdrawal of the Bill.

PU CH.SAPRAWNGA: Mr. Speaker Sir, we sometime wanted to proceed violating our Rules, inconvenience should be inconvenience. We have discussed our Excise Bill the other day, I too have said some. But we create some deadlock here, I am confused of what I said, and I may make repetition. However, some of us are of the opinion that this Excise Bill introduced by our Ministry should be placed for public opinion, and also it is published in some of local daily newspapers. We have waited long time for this Bill, Zu (or liquor) creates trouble in Mizoram which is land of the Christians, many of us want to have Zu (or wine) in the least possible quantity, we want to control Zu (or wine). But there is difficulty to do so due to the absence of any Act. (Pu J.Thanghuama: Then on what basis of Act they issued Licence ?) May be they issued Licence without Act, which was the usual practice from the past. We usually controlled without Act. It is not a new practice after we have Union Territory Government. All we can do is to issue permit, we cannot make prohibition, we can only issue permission. As there is no Rules, of course, we take advantage and issue permit. We now want to have controlling power. We badly need power to control brewing and selling of Zu, otherwise we could control only the poor classes.

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We could control only those we could influence, while we could not control some, there was no alternative. We need not take public opinion, it is clear already. The Churches of the whole of Mizoram dislike Zu. Zu is the root cause of juvenile delinquency. We want to impose strict control. We want to control availability of Zu in large quantity. This is not Rules or Act for permission, if there is permission there must be restriction. They will not brew Zu if we control it, we have needed this Bill long time ago. The people of Mizoram have needed the power of controlling Zu. I am of the opinion that proposal delay of this Bill should be put aside; we should do it quickly. Some of our Members have not studied the provisions of this Bill, the contents of the clauses, before they suggest taking public opinion. When we study carefully, we have to consider whether we shall achieve our aim. I cannot accept the suggestion of delaying this Bill. I cannot accept the killing of the Bill. If we look, there can be total control in page 11, clause II (import also is prohibited.) (He reads out). These are good provisions which can enforce complete control, and import also. It also provided power to prohibit import in any particular place. It is not necessary to frame rules for prohibition because this Bill covers all such requisites. The prohibition provided in this Bill is strong enough.

In Clause 17, Sub-Clause 3, there is complete controlling power, "Notwithstanding anything contained in Sub-Section 1 and 2, the Administrator may by notification prohibit." There can be total control and partial control. There is provision to control some particular area. Some people think and say this Bill as only permission for sale of Zu, this may misguide us. Instead complete control is provided. I want to remind and request our Members to carefully study the Bill as there may arise need to make amendment in the next Session after this Bill will be passed from Chapter 7 and what I have said. Clause 32 said the Excise Commissioner "... examined Account" I wonder whether the Village Council will be adequate and may be empowered to verify when a report comes that some body sells Zu in the village.

Will the Village Council be competent to do such inspection? In this particular portion only high Officers are authorised to inspect and verify. Village Council have to take part in the business. Otherwise, I am afraid we shall fail in villages in this matter.

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I don't understand the provision of Clause 19 at page 16. I wonder why the Administrator is authorised to enjoy power to grant ~~Exclusive Privilege~~ to any seller of Zu. If the Government wants to select and show favour to any particular person, it is also provided. For example, I don't understand why there is a separate Clause which enables the Government to favour a particular person to enjoy ~~Exclusive Privilege~~ while prohibiting others. I don't understand the necessity; it seems we open way for favouring particular persons. I wonder if that will be fair. Page 16, Clause 20 reads like "Within the limit ofCommanding Officer", meaning without prior permission of the Commandant, no permission for selling liquor cannot be issued. This may be good for the Army, but it gives an idea that they shall make liquor in the Contonment Area in large quantity. If such is the case it will create difficulty towards prohibition of liquor if it is available from the Contonment area as much as one may like to take. Mr. Speaker Sir, I favour passing of this Excise Bill. There may be unsatisfactory provisions, which we can do later on by amendment.

PU LALSANGZUALA: Mr. Speaker Sir, will I be permitted to read out a few portion of an extract ?
We call Mizoran a 'Land of the Christians', nobody can deny that liquor is our main problem. I consider myself experienced among the Members in this House to know the problem since my childhood days and the bad result it can bring in a family, and physically. In order to do away with the liquor problem, Social Organisation like Young Mizo Association, the Church and the general public tried hard, we also got help from the Govt. also.

The introduction and presentation of the Excise Bill, which shall legalise selling of liquor, instead of the prohibition Bill surprises me. This reminds me three things, in 1968 or 1969 I met one non-tribal at Aizawl during Christmas, who visited many foreign countries, and said drunkards and liquor are common in all Christian lands. When I see this Bill I conclude this may be right. One person delivered a sermon on the subject of road to Heaven. He said, "If we drink liquor we become drunk and become sleepy. A sleeping man cannot commit sin, and those who do no wrong shall go to Heaven, therefore, the nearest and shortest way to Heaven is by getting drunk". I wonder whether our Government intends to go like this.

The Evangelical Team composes a song which appear as if it were meant for the discussion of this Excise Bill. In song No. 41, " The Great Judgment Day " runs like this"; "Gamblers, drunkards and those who sell drink to them, and those who issued permission to the sellers went to Hell". If we decide to go to Hell together it does not matter much. Liquor is a secret business in Mizoram. Even with the help of Police we could not do any effective thing, at least we frightened some. We consider drinking liquor is shameful. I think we all know that doing such thing never brings happiness, drinking secretly doesn't bring pleasure; snocking secretly doesn't bring the flavour. In the same manner, we are going to display beautifully what people have done scretly.

Clarify the distinction between doing things secretly and openly. In the past, prostitutes carried on their trade secretly in Lahore, which the Government legalised. I visited in 1942 to see for myself (without getting inside), where women sold themselves as we sell good in our Bazar. They displayed themselves, and the Clients appeared like going on shopping. Neither the clients nor the prostitutes felt ashamed of their business. If we ask the reason why, it is a Government legalised business. In Calcutta there are call-girls who carry on their trade fearing the Police as well as their clients do. Doing things openly and secretly have basic differences. For example, a Wine Shop is opneed here at Mizawl, where as much quantity as desired is available, as our Bill does not provide restriction regarding purchase, though it restricts getting drunk. An addict will not feel shameful to drink liquor in Wine Shop or any tea stall where wine is sold. He will take it as light as drinking tea. In States like Punjab, Hinachal Pradesh, Kashmir etc. if a wine dealer pay excise duty he sells it like tea. For them it is neither shameful nor risky. Because the Government legalised it. This Bill, if passed, means that the secret and shameful practice of selling Zu will become legal and lawful. I find the introduction of the Bill premature because there are many new converts who have given up drinking of Zu and their mischivous life.

The new converts are mainly liquor addicts. Now the Street of Kulikawn is calm which was formerly infested with public-nuisance makers; the reason is that the converts were formerly anti-Social and public nuisance makers. There are no more Anti-Social group. They were nuisances because they were drunk,

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when they get drunk they became addict and do wrong things.

Hon'ble Member Pu Saitlawna favours this Bill provided we can use it effectively. How do we hope we can use it in a good way if we could not use the Bible as such? I have no hope. As I am much concerned about the liquor, calculated the propable and approximate expenditure which came up to around ~~two~~ ~~lakhs~~ ~~fourty~~ thousand (2,40,000/-) in the whole of Mizoram. After Union Territory Government came into existence and Deputy Commissioner issued permits it has risen up and the amount spent in Mizoram for liquor comes to the tune of 6 lakhs though my calculation is very rough and based on the mere report of the liquor sellers. The Finance Minister who presents the Bill expects to receive around 6 lakhs from taxes on liquor. ~~While~~ the Government gets Rs.5 lakhs from Excise duty, the selling cost will come to around one million five lakhs (1,500,000) Rupees. It appears, therefore, that our Ministry desires to increase liquor three-fold. It seems that the Ruling Party Members intend to come over to our side; the Congress Party likes no business regarding liquor. It is written even in our Constitution. In almost all States, the Excise Act is enforced, during the British period. I am surprised at the presentation of this Bill while consideration for coming over to our side is under way. Congress at Delhi and we are joined even from the Unit level.

Hon'ble Members Pu Saitlawna and Pu Saprawnga said that restriction can be made in a particular area, which is quite right, We all know that Goa was under Portuguese Government; before Bombay province, (Maharashtra Province) was placed under Prohibition, but as Goa was under foreign Govt, the Govt. of India could do nothing to enforce Prohibition. Liquor addicts went to Goa to drink and come back. Even if we concentrate in a certain locality within Mizoram we cannot the drunken state of men if they purchased from the permitted area.

Regarding public opinion, if we ask who would like to locate permit holders to sell liquor in his locality, none of us would like to locate permit holders to deal in such business.

In this Bill, there are provisions for sale, manufacture, possession and prohibition of Zu. But how many licences have been issued lately? No prohibition! I think we should not allow this Bill for Mizoram. It only means that our enemy No.1 is magnified.

Thank you.

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PU R.DOTINAJA: Mr. Speaker Sir, I would like to say few words on the Mizoram Excise Bill, and support the suggestion of passing it. Hon'ble Member Pu Lalsongzuala said the introduction is premature or untimely. I think it is the most suitable time. There are many converts which is quite true. We want to have complete control of liquor, in the Doctrines of Christians the permission to drink is not written, rather drunkards are to be given discipline. Hence, it is clear that the Churches have no mercy for liquor. In Villages Village Council and the Social Organisations try to prohibit liquor, the majority wanted to control it. In Biata Village the organisation is so strong that even if the Deputy Commissioner had brought in even one bottle they will fine him. But if a person challenge them in the Law Court, they will be helpless due to the absence of the law. Now we are going to have an Act. I think it is the exact suitable time to introduce this Bill while there are many new converts who want to drive away liquor from Mizoram, who will not permit bringing in to their respective locality but there is no Act for doing so. New convert-boys and girls will know the evil of liquor, I hope they will make this Rules successful. It is the favourable time.

I think taking public opinion is not necessary as it appears quite clear. In every Village we hate liquor, but in order to arrest and punish the drunkards we have not yet Excise Act to justify the action when they shall challenge us in a Law Court. We can request for prohibition by Law if the general public demand; we can do this through the Administrator. If we don't have Act, even if we want to declare Mizoram as dry area it cannot be done as we like. Some Hon'ble Members opined that if we pass Excise Act, liberate sale of liquor, school students will run away from school and turn to drinking. This was learnt long ago; school truants run away from school and get together in a liquor den. Though we want to stop that, we can do nothing. I thought that Members who spoke before no wish to abolish liquor. Do we allow secret drinking? Do we consider secret drinking unsinful? As we have no Act, we drink, sale and get drunk. Do we consider not sinful and pay no heed? If we still consider this important we shall make a success as soon as we pass this Act. I think it is fair to drink and sale as permitted by the Act instead of drinking secretly and selling secretly. We call Mizoram Land of the Christians, and we should stand fast for truth, we should appear as we are, before

God and men. Do we consider ourselves better when we drink and get drunk when there is no Act to prevent us ? That cannot be ! We shall enforce Act to prohibit secret drink and getting drunk, even selling. Licenced dealers shall sale to those who drink as permitted by the Act. We know that Civilized Country bring about this thing. We too are going to have popular Government. We know that other States too have problem on liquor, but other States authorised licenced dealers to sale, and make checking of the condition; the drinkers drink as the fixed time, if they become drunk the Police can arrest them and punish them according to the provision of the Act. We are going to come across such condition and utilise our position. As we are going to have this Act we shall have better way of drinking, selling and conducting it in a proper way. At present, some drink the whole night, get drunk and make noise because we do things secretly. If Government appoint licenced dealer, we shall be enable to appoint proper place and time to drink, like bar or Club. In such manner we shall improve our manner. In big cities, they fix drinking time upto 9 P.M. or more, beyond which it is closed by order. Nobody can force them. At present, the drinkers search and drink as their own will and make trouble, which we cannot challenge at a Law Court, because we don't have Excise Act to strengthen our position. We are sorry for this, even the Churches. When we shall have to this Act, it will help us solve the problem of liquor. It shall also provide complete prohibition for those who hate it. This is the right time to pass this Bill.

PU VANLALHRUAIA: Mr. Speaker Sir, I take this Excise Act seriously and even presented in 1970 or 1971 to the District Council, which was unluckily outside our purview. I feel we are going to utilise and make profit of Union Territory Government. When we happen to discuss the Mizoram Excise Bill, as it can be supposed to be the duty of the Christians, I don't understand our Opposition Members' idea as outside the duty of the Christians. The Christians are supposed not to drink and sell Zu. Though Land of the Christians, we happen to be the one where liquor is consumed and sold in largest quantity. It is regretful that we don't have Excise Act or any Act of the kind by which we can exercise control. I conclude that due to not getting this Act earlier we are drowned in liquor. If we ask the reason why widows who cannot earn their livelihood by other means turn to brewing wine which is quite troublesome. They need

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not take permission. They can get at any time, even at the cost of Rs.1/2, or even at low quantity. They influence and tempt even young children to drink. If we pass this Act some people may suffer. I think that complete abolition of liquor is impossible which we should never hope. I once had discussion with one fellow regarding prohibition of liquor. My opponent said that even in the Bible liquor is quoted and the problem and is impossible to abolish it. I nearly agreed with his on that point. It will be an uneasy task to abolish liquor though we all hate it. Even till today we cannot abolish it in our Mizoram, or cannot control the business. All we can do is make an Act to control it. I wonder whether it is the duty of the Christians to refuse making of an Act while we can do. As we have said, if they sell liquor under the Act, non-local is costly around Rs.20/30. Many persons may not afford to buy the foreign liquor ~~which~~ which costs Rs. 20 or so. Government will fix the time for selling and drinking, only during which liquor will be sold, even from the licenced dealer. We shall control our youth from searching the homes of widows. I am waiting for such time impatiently. I think it is because they have this Act that we don't see drunkards roaming the streets of big cities. Suppose we roam the street of Calcutta getting drunk, I think we won't go far. Such is the result of the control in other cities. But we don't care whether it is broad daylight or night, some drink from the morning throughout the whole day and continue till night. Even when we see them roaring and making noise we don't do them any harm though we hate it. Our Mizo elders' proverb is "Drunkards' words are meaningless just as Crab is no meat".

We can't help forgiving because we don't have Act till today, which emboldens the drinkers. Even if we cannot abolish, we want to really control it, we better pass this Bill earlier. Our Mizo boys who went to play in Bombay said that they wanted to drink, searched and brought liquor from a Bar and brought home to their residence. But the host did not permit them to drink in their lodge. They brought to one Restaurant where they tried to drink, but the owner did not permit them to drink and they found no place to drink. They drank in their lodge cover their heads and said that it makes no pleasure and enjoyment. I wish such will be the condition in Mizoram too, Drinking will not be permitted in Hotels, Restaurants if they are not licenced dealers. Without careful study one may think that this Bill is only a permission for selling of Zu and that liquor will increase

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and may be taken as liberalisation to sale. But we have to have an optimistic idea. If we don't pass this Bill liquor will not be driven away from Mizoram, it will remain in the same condition as we cannot control it. We shall have much trouble as we have now. If we pass this Bill we shall force them to sell according to this Act, and action will be taken. We shall try to force them not to sell openly. We have mentioned Biate Village, if they really want to have control they shall report to us, informing us not to issue permit for their particular village and we shall not issue as their wish. You have challenge the issue of permit to sell now, but I wonder whether the people of the locality where such permit was issued complained or requested not to give such permission. We should pass this Bill. A certain person tried to buy liquor at Gauhati where they formed long line and lined up himself among the persons. When his turn came, the seller demanded Doctor Certificate of prescription. It is clear that in dry area, only the Doctor's prescribed persons can buy liquor and such Act is enforced. We have to make such kind of Act, earlier the better. Pu Lalsangzuala read out a song which is an ordinary song. If we are to say a song many other songs can be said. We should not think it to mean and point Heaven or Hell. They may oppose me as they are Opposition Members. I know very well they think our idea is right and support it in their inner minds. I think they reserved it to be done when by chance they shall happen to form Congress Government. It is good that we do it prior to their becoming as such. They are concerned and included. Anyhow, we have to think it carefully, the time of taking public opinion will come, after passing it we shall ask whether they want to appoint liquor dealer for their locality? If they don't agree, it's well and good. I think we need not take it prior to doing anything.

I have wanted this thing to be done and would not let pass the time without saying my idea. We shall pass it without much discussion. Will it not be better to call our Ministers?

SPEAKER: If we cannot make conclusion earlier, we still have one Bill. It seems we say the same thing over and over go to the point. I would like to call Pi Saptawni to represent women. Pu Hrangvela have waited long ago, I thought he had spoken but he did not. Now I shall give him time. Don't waste time.

PU HRANGVELA: Mr. Speaker Sir, I do feel it necessary to pass this Excise Bill for our country. Now, every one who manufactured liquor willingly, and does not realise the importance of a licence. But, if we pass this bill, we can control the manufacture. Our Senior Members like Pu Saprawnga and Pu Hrangaiia tried hard for this bill long ago, but as it is beyond the jurisdiction of the District Council it can not be done yet. Now as we become Union Territory I feel it to be passed. If we have this bill, we can be able to have proper seller or agent, and we can control it to great extent also.

As we all know, we faced many difficulties because of liquor in our country. And we had tried much for its prohibition. I would like to say one thing on this point that we punished the poorer section of the people which we dare not to do upon those who were more privileged. So, it is necessary to have strong act for every one. I would like to declare once more that this Bill include sale of liquor as well as its prohibition. Therefore, we must pass this Bill.

SPEAKER: I want this to be finished before noon. Let Pu Rochama speak.

PU K.L.ROCHAMA: Mr. Speaker Sir, according to my assessment from what we have said, the opposition member admit the bad effects of liquor upon our religion and society but refused to pass its prohibitions. As honourable member Pu Sangzuala had said the Congress wanted to prohibit liquor which is also mentioned in their Constitution. If so, it seemed that they had already adopted this bill but rather oppose to pass here.

The case of public opinion is already mentioned in clause 27 at page 20 but I do request the Minister in-charge to note one word which runs, "Before licences are granted in any year" which seems to be, "..... in any area", because as it goes ".....ascertainment of local opinion". The Collector or Officer incharge is to take public opinion before licences are granted in that area. Again, the punishment on Clause 76 at page 54. Besides this, there is a provision at Clause 36 & 37 in which the Administrator have the power for its success. Therefore, we can make additional rule.

One point which I would like to say that they charged the Ministry as trying to establish capitalism while socialism is the object of Indian Govt. But now, anyone who wished to sell liquor, sells it at their own rates and there is no competition at all. But if we have this bill, we can have its price controlled as mentioned in Clause 76 at page 54. Therefore, it is the benefit of the people to have this bill. It is rather a disgrace not to *levy* tax on what we condemn while we *levy* taxes on essential commodities. So, it is really necessary to have and adopt this bill.

PI SAPTAWNI:

Mr. Speaker Sir, Firstly, it is very important to think carefully on such a Bill which concerns the whole country. I do myself strongly oppose liquor as I really know its bad effects. So, I only want its prohibition. It will be very good if this bill can solve the problem. But I am afraid that it may bring about the bad side as this has never ~~been~~ adopted in our country. Although there is a strong rule it depends very much upon the executing. Good rules may become a source of trouble if there is no strong and good execution. This bill includes both prohibition and sale of liquor; therefore, it is necessary to have strong executive for it. Besides these, we are more busy with the drinkers than with the sellers. If we have no rule to limit the sale to one person, it seems that many people will become drunkards. Therefore, I feel that we should have more rule to control the drinkers, Thank you.

SPEAKER:

Now, we shall call upon the Finance Minister.

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PU KHAWPINKHUMA: Mr. Speaker Sir, I would like to
MINISTER. define some points regarding this
Excise Bill. I do introduce this
bill in the House in order to fulfill the public demand
to stop liquor as far as possible.

In Clause 19, which ~~was~~ this "....
...exclusive privilege of manufacturing or of supplying
or both to the licensed vendors" means to limit
the manufactures in a certain areas. As it is improper
to sell liquor within cantonment areas, it can not be
done without the permission of Commanding Officer. Pu Chana
had pointed " in any year " at clause 27, page 20 was
correct, which means licence is to be given for one year,
which needs renewal every year. It is not the way to have
Prohibition Bill earlier than the Excise Act. Again, I
don't think the legalisation of prostitution and liquor be of
same type. Prostitutes can be punished by immoral act whereas
we have ~~no~~ such act. As Pu Dotinaia had said, it is the right
time to consider this bill in the House. Besides liquor it
also includes Opium, Ganza, LSD, Marijuana etc., Every other
states in India have this Excise Act, to control Liquor.

So I also do introduce this in the House.
In its aim and objects revenue is only a mere reason. In
calculating the current sale of liquor we hope to get Rs
50,000/- which is not certain. Again we have given temporary
license on baseless act or rule. Therefore with the hope of
having such act, we introduced the Bill. So I do request
the House to pass this Excise Bill.

SPEAKER Now, 20 Members had spoke on it so far.
The main opinion, as it appears, is
for its prohibition. Those who did not
speak may have opinion from those speeches. (J. Thanghuama :
It can be done in the next session also). It is not necessary
to have clause by clause examination because there is
no amendment. We have got 1st and 2nd schedule, statement of
objection, and reasons, financial memorandum and subordinate
delegation etc., which were all included in the Bill. So,
taking all this together, those who like to pass may say "Aye"
(Members "Aye"). Any objection? (Members kept silent).
So we have passed it.

Now, we will recess till 2 P.M.

2 P.M. (10.10.73)

SPEAKER: We have one more bill "The Mizoram Sales of Petroleum & Petroleum Products (including Motor Spirit and Lubricants) Taxation Bill, 1973". Let the Minister incharge move the Bill.

CONSIDERATION OF MIZORAM SALES OF PETROLEUM & PETROLEUM PRODUCTS TAXATION BILL, 1973

PU KHAWPINKHUMA: Mr. Speaker Sir, I beg to request that the Mizoram Sales of Petroleum and Petroleum Products (including Motor Spirit and Lubricants Taxation Bill, 1973" be considered to be discussed in the House.

SPEAKER: Anyone who would like to say can do now.

PU CHAWNGKUNGA: Mr. Speaker Sir, I do appreciate this bill, for I know that the taxation is less in different oil products.

In the present condition, motor owners charged the cost as much as they liked. So, it is very good to introduce such bill which is out the whole public matter. Therefore, I do suggest to be passed without much further discussion.

ZALAWMA: Mr. Speaker Sir, I don't appreciate this Bill, as Mizoram is a poor State. It is not right to levy tax which the Central Government is ready to give financial help in an interior country like ours. Including Central sale tax, 10 paise per litre is taken now. Therefore, I don't think it right to realise tax upon public in such condition. Truly speaking, this bill concerned the whole public. If tax risen the cost of travelling and freight charges will increase. If that is the case, I don't think this bill should be passed.

Lastly, if we propose 10 or 2 paise, I can appreciate it. But 7% is too high. So, I believe it to be better to think it over again by the Select Committee. In Tripura and Nagaland also, they do not impose such tax. Therefore, it is not yet time to pass such bill in consideration of backwardness. But this will be inevitable when we become full fledged state. Though honourable member Pu Chawngkunga regard this concerned only Motor Owner, but it is clear enough that the sufferers will be the public. So, I don't want this bill to be passed now.

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PU SAPLIANA: Mr. Speaker Sir, It is quite true that our State is very backward but when shall we be able to develop our country if we go on begging ? It is not right to think only for the exemption of taxation and only depend on Central Government. We must do what we can do for ourselves. I feel that we are thinking to raise tax in this bill. But it is rather less by 9P. than what we give in Assam Act. So, there is no reason that our market price will be higher if we pass this Bill. It is also very important to guide the people in a right way of thinking. And I believe that we can make down the morale of the people if we teach the way to enjoy the Government property feeling in some way or other. As we now step out from Assam, we must stand by our own legs not teaching the public only to depend on the Central Government.

This Bill also aimed to that point, so I do support it to be passed.

PU NGURDAWLA: Mr. Speaker Sir, it can be considered that whether the people in such disturbed country can be able to give such direct taxes. But, if we considered the fact, this bill is quite better if we can lower this tax, without full exemption which is not correct in principle. I think that opinion of the majority will be the decision. But, this bill will be effective on those motor vehicles owners. However, this bill will eventually be effective in future. This bill will be great instrument in order to fulfill the policy of 'Guribai Hatou' in the path of socialism. But, it is not correct to oppose its principle. So, I want, the opposition party not oppose in its principle as it is the way to move poverty. If we look Punjab and other State, we can find that they were self sufficient because of taxation. Therefore, it is very important to find out such way for our own development. Moreover, taxation is one of the qualification for a good citizen.

Therefore, this bill must be passed for the betterment of new generation and for Mizoram.
Thank you.

PU LALKUNGA: Mr. Speaker Sir, the speech which we have listened now was so great but it reminds ~~us~~ that in the beginning of Union Territory, some of us taught the people that they shall be exempted from all taxations. So, I feel that we have led the people in a smooth way but now in a rough way again. However if we follow Tripura Pattern, Tripura is exempted from Petrol tax. And I regard ~~our~~ Government should learn to copy this pattern. It is learned that this bill is referred to the Central Government, without mentioning 7p. per litre, but who filled it up like this? And those who support it, really are not satisfied with this. But, without having the courage to support their conscience, they simply support it here. It is also clearly mentioned that Tripura & Manipur were exempted from this taxation ~~which~~ they were Union Territory in this Statement of objection and reason. And this is not to be compared with T.R. & G.R. If there is any taxation on motor, how cannot it affect the public? So, I do not regard this to be passed.

PU J. THANGHUALIA: Mr. Speaker Sir, I do appreciate, what the Ruling Party had said as not to depend much on the Central Government, and to be self-supporting. I do not accept that the increase of taxation means the self sufficiency of the Country. If so, why don't we fix Rs.5/- per litre? Our Minister had never set example to be self-supporting. Let him use more petrol if one works (Speaker: just go to the point of objection or support). I am now again to say the points. In this Ministry, I am really despair in our development. The honourable Finance Minister said that by this, the price of petrol will be decreased by 9p. per litre, If so, we get one litre by Rs.1.69p., we can get by Rs.1.60p. But let me read out one passage from last Budget Session which goes thus: "As regard Petrol we no longer need to pay Assam Sales Tax, receipt Central Sales Tax one litre of petrol would come down to Rs.1.37p. order would soon be issued by the Government on this". There is difference between Rs.1.37 and Rs.1.60. However, what we demand was, why don't we be exempted from this tax like Tripura and Manipur while they were Union Territory. But the source of finance in Union Territory is mainly Central Government and we have no much responsibility like a State. It seemed that we don't care spending the Government money in an extravagant way. In our use of *Vehudus* building, it is extravagant. Therefore, it is truly lucky hopeless in the way our Ministry guide us.

(Speaker: Just go to the point. It is taxation bill, and just say the point of your objection for there is no much time). It is inevitable to some extent for our Ministry is a young one. This Ministry is only to ~~kill~~ the time. Truly speaking we are despair upon our Union Territory Government. If this taxation cannot be exempted, we can have an idea, but, we cannot understand the proposal. If this taxation can result to the self-dependent our people, it will be very good. But there is a great loop-hole for embezzlement. Therefore, we demand for its exemption which it can be done. The responsibility is laid on our Finance Ministry. This tax will never be paid by the petrol dealer or the vehicles owner but by the ~~lower~~^{poorer} class. If the price goes up, the cost of communication will surely goes higher. Therefore, because of all these, I do object this bill to be passed. Thank you.

PU CH. CHIUNGA:
CHIEF MINISTER. Mr. Speaker Sir, It will be very important to examine this rate carefully. The tax for Mizoram are these- Motor Spirit-7p., lubricant-8p., diesel oil-5p. Some Members often pointed out 7p. which is not correct. The reason why the tax in diesel oil became lower is due to some effect it had on public. The honourable Opposition Leader said that he regard 7p. as too high. But, 5p. could not meet the expenditure. (J.Thanghuana: I also do demand clarification on the point that the Finance Minister said Rs.1.37p. per litre, and Government Order is to be issued.) In case of state-to-state trade we need to pay Central Sales tax or other taxes. The Minister incharge will clarify whether we are to pay state sales tax on petrol.

The reason why they increase tax on petroleum is that some rich people used a lot of petrol. But they decreased on diesel which is meant for passengers' buses and public carriers in every state. They fixed at 7p. in Assam, 7p. in Nagaland and 5p. in Mizoram. Therefore, I would like to say, 7p. is not for trade purpose.

PU LALSINGZUALA: Mr. Speaker Sir, I would like to say taxation is not yet to be imposed. We are pleased in the beginning when we became Union Territory, when the Honourable Finance Minister also made a statement for exemption of petrol tax.

But, we do not understand when it became imposed after sometime. Since it is an indirect taxation of the ~~pass~~ people, it will not be suffered by the vehicle-owners or the dealer, but only by the public indirectly. I think that honourable member Pu Sapliana misunderstood this point. Again, the honourable Chief Minister also misunderstood the point that diesel is meant for public. But, yet, the Government itself used much of petrol and diesel. Diesel is uniformly used in India, the rate is the same everywhere which there is difference in a State tax, but it is not transport subsidy. For example, if we purchase diesel here at Silchar rate, we have to pay for its transport. Though the difference may be 2p. yet, the actual difference may rise up to 20p. The high cost of transportation and the exemption of such taxes in Manipur and Tripura are mentioned in this Ministry statement. Truly speaking, Manipur and Tripura had been Part three state for 5 years and long 9 years in Union Territory, so, they enjoyed a lot of financial help from Central in comparison with our country they were more developed. If it can be exempted in such a country, I do believe it can also be done in our country.

As, the Government also pay this petrol tax, a lot of money had got instead of development. Again, honourable member Pu Ngurdawla said that we oppose this only because we are opposition party, but that was not so. Truly speaking, there are many who support it, only because of Ruling Party.

The Ruling Party really used to propagate for the exemption of taxes. Thank you.

PU SANGKHUMA: Mr. Speaker Sir, It is not right to tell a lie as Pu Lalsangzuala did in saying that the ruling party propagated for tax exemption. During the Election Campaign, they propagated for the exemption of tax but dared not to sign on it. As such, Mizoram became worse. And I don't regard it to be wise to oppose this Bill totally. It is quite right to say that our country being backward, this bill may not be practicable. But we have to study clearly the objects and aims of the bill. The meaning is rather that we are to decrease .13p which we pay for Sales Tax and the cost of communication will be decreased. As Mizoram is our own, it is good to pay tax to our own Govt.

Now, moral development is essential for the development of Mizoram. So, if we pay this tax, the common people will realise the finance, and everything is our own, which is not to be mispent.

PU SANGREITHUM: Mr. Speaker Sir, The slogan in America was "No representative, no taxation". But now, we have representative in the Central Government of India and we have our own Government. But I wondered and regretted to hear that opposition arises against our self development. Taxation is one of the means for the realisation of our own Government. So, I regard taxation as inevitable for our country. It seemed that we are now envious of Tripura Union Territory. But, if we say why the Legislative Assembly of Himachal Pradesh have more members, it will be meaningless. As this bill is an indirect taxation, we will surely have to pay in future. The price of petrol will surely increased. In future, we will have to collect more taxes because if we look more developed state, there is a huge taxation. If that is the case, we are now beginning towards development. That is true, Mr. Speaker, we have to start from small thing for a great result. Therefore, I do really want this bill to be passed.

PU CH. SAP AWNGA: Mr. Speaker Sir, in all these taxations we are about to start. We were spoilt in this regard in the past as we were taught in a wrong way. So, we are punishing ourselves only. Therefore, it is right to teach ourselves in the matter of all taxation of direct and indirect kind. But it will be important to fix the possible rate. It is therefore necessary to realise that the Government money is our own.

If we can have such realisation, we can check those corrupt L.O.'s, Agricultural Officer, etc. and those irregularities mentioned is that no-confidence motion. We may say the rate is too high or so, which we can alter in future. The most important thing is to have the mind as to realise the Government finance is our own.

SPKAKER: Now, we shall call upon the Minister.

PU KHAWTIKHUMA: Mr. Speaker Sir, The Hon'ble Member MINISTER. Pu J. Thanghuama often mentioned the speeches of Finance Minister. The speeches were these - We are exempted from Assam Sales Tax which includes Petroleum tax, and the cost of petrol was really low. But according to the section 77 of N.E.R. Act, we have to follow Assam Act, before we have our own Act. So, we pay .13p. per litre under Assam Act. As we feel that was heavy so, we do introduced this bill. The Government of India increased the cost of petrol twice recently. We are introducing for the decrease from 13p. to 7p. rather. And the Central Government hardly accepted for its approval which is necessary. We are trying to fix at 5p. which Assam pay 9p. So, we do not introduce taxation but for its decrease. There was no such taxation in Tripura and Manipur as some members had said. This is due to the fact that they were legislative state but when they became full fledged state they had such taxation. In Nagaland, they have such taxes, which are fixed at 8p. in petrol, and 7p. in diesel. The common people do not suffer much, but the rich people pay heavy taxes in petrol. And this bill is prepared here and put up at Delhi. Therefore, I do introduce this bill to be passed in the House, as it will decrease the taxes.

Again, the cost of communication will never decrease automatically.

Therefore, Mr. Speaker Sir, I do request this Petroleum Bill to be passed in the House.

SPEAKER: Now, as there is no request for its withdrawal and request may not be made as in resolution and motion as it is a bill, but member who is in charge of the bill will be responsible for it.

As a whole, it appeared there is no much opposition in principle but, from opposition side there is an opinion for the exemption of all taxes. So, we shall take ~~as~~ its financial memorandum, reasons and objections, enacting formula, as there is no amendment.

Now, those who want to pass this Mizoran Sales of Petroleum and Petroleum Products including Motor Spirits and Lubricants taxation, Bill, 1973 may say 'Aye' (Members say 'Aye'). Any objection? So, we have passed the Bill.

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PU J. THANGHUMA: Mr. Speaker Sir, I heard that you promised us to get the detail statement of unstarred question before we adjourned.

SPEAKER: It is under preparation. Pu Ruata also wanted to have it.

PU J. THANGHUMA: Mr. Speaker Sir, Can we get before the next Session, March next year?

SPEAKER: You will get it tomorrow. We could finish our Session in time, this time, I think our opposition party were too tired. I think I had given them enough time as the rules permits. But I could stop them when they tried to press me illegally.

We know that we have one kind of motion, but I do hope there will never arise any misunderstanding from it. I do want and hope we shall unite more and more for the betterment of our country.

Now, we are approaching the prorogation of our Session not adjournment sine die and we have the order of the Administrator also. So, let me read it out: " In exercise of the power conferred by clause (2) of sub-section (2) of Section '6' of the Government of the Union Territory's Act, 1973, (Act No. 20 of 1963), I, S.P. Mukherjee, Lieutenant Governor, (Administrator) of the Union Territory of Mizoram, do hereby prorogue the Fourth Session of the Legislative Assembly of Mizoram at the conclusion of its sitting on the 10th days of October, 1973 ".

Therefore, our Session has been prorogued.

Meeting prorogued at 3:30 P.M.

(N. C. HANDIQUE)
Secretary,
Mizoram Legislative Assembly,
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