

PROCEEDING OF THE 6TH SESSION OF THE MIZORAM LEGISLATIVE
ASSEMBLY HELD AT THE ASSEMBLY HALL FROM 17.9.1974 TO 14.10.1974.

10th Sitting of the 6th Session on 11.10.1974.

P R E S E N T.

Shri H. Thansanga, M.A., B.T., Speaker in the Chair, Chief Minister
Four Ministers and Twenty Seven Members.

B U S I N E S S.

1. Questions
2. Announcement of Committee Members.
3. Calling attention.
4. Consideration of Government Bills.
5. Half-an-hour Discussion.
6. Private Members' Resolution.

SPEAKER: "Violence covers the mouth of the wicked.
Hatred stirs up fights: but love cover
all sins".

Now Question No. 105. Pu K.L. Rochama.

E D U C A T I O N D E P A R T M E N T.

Government's decision to Provincialise Lunglei College. :

PU K.L. ROCHAMA: Will the Hon'ble Minister i/c of the
Education Department be pleased to state -

(a) Whether it is a fact that Government of Mizoram has made a
decision to Provincialise Lunglei College?.

(b) If so, when?.

PU VAIVENGA: Mr. Speaker, the Mizoram Government submitted
MINISTER: proposal for Provincialization of Lunglei
College to the Central Government. The
decision of the Central Government will be final.

PU K.L. ROCHAMA: Mr. Speaker, Supplementary question: Is it
true that the Mizoram Government met (90%)
ninety percent of the expenditure of the
College?.

PU VAIVENGA: Mr. Speaker, about 90% of the expenditure
MINISTER: is met by the Government of Mizoram.

PU SAITLAWNA : Mr.Speaker, how much is spent for the College and how much the Government spent ? When was the proposal made and how long is it pending now ?

PU VAIVENGA
MINISTER : Mr.Speaker, the proposal was submitted on 9.8.1974 but no response is received from the Government. Rs 60,000/- for Recurring Grant-in-Aid, Rs 30,000/- for special Recurring Grant-in-Aid especially for Science. Rs 4774/- for Furniture, Non-Recurring Grant for construction of Work (buildings etc) Rs 275,000/+ For Non-Recurring Grant Rs 7,000/- for one month.

PU K.L.ROCHIMA : Mr.Speaker, Supplementary question: Since March, 1974 these Recurring Grant are given as Salaries of teachers of Private Institutions (Schools, College). Is it a fact that the Mizoram Government has not given grants ie Lunglei College since March, 1974 ? Non-Recurring grants for various items repairs, Science, Library, Games and Sports etc. are not given till now. Why ? When will it be given ?

PU VAIVENGA
MINISTER : If it has not yet been done, I shall see to it.

PU SAITLAWNA : Mr.Speaker, I want to know the requirement of the College to be met by the Government. The proposal for provincialization was submitted on 9.8.1974. But is not this done only as a result of the demands of students' Union, All Mizo Students Federation and other Associations made

PU SAITLAWNA : Mr.Speaker, is it not that the authority keeps silence to avoid public pressure and appear to have done it as demanded?

PU K.L.ROCHIMA : Mr.Speaker, the Hon'ble Minister said the College authority shall prepare proposal for payment of recurring grants, non-recurring grants for consideration, and the same was done already. Rs 7,974/- as Grant-in-Aid Typewriter; Rs 10,000/- as Library Grant; Non-recurring grant for repair of College building Rs 65,367/-; enhancement of recurring grant for Arts Rs 5,000/+ and Rs 2,500/- for Science; raising of the rates for Arts and Science from the present rates of Rs 5,000/- and Rs 2,500/- to Rs. 8,000/- and Rs.5,000/- respectively has been demanded. For excursion of 35 students Rs.20,140/-, for Games and Sports Rs 7,000/-etc. This proposal was submitted between August and September but none had been implemented till today. I demand assurance of the Hon'ble Minister for payment at an early date.

PU VAIVENGA
MINISTER : Mr.Speaker, I cannot give assurance, We want provincialization of Lunglei College. We shall not be able to fulfill all the requirements, it shall be treated as an Institution. The Central Government shall be reminded of the matter.

PU SAITLAWMA: Mr. Speaker, I am told that 90% of the College requirements is met by the Government, but how can knowing the exact amount required?

PU VAIVENGA: Mr. Speaker, requirement will increase when teachers and subjects are added and resulted in demand of non-recurring grants. Instruments etc. will increase when the College will be fullfledged.
MINISTER.

PU K.L.ROCHAMA: Mr. Speaker, provincialization of Lunglei College is desired but it is meaningless to withdraw or detain all the grants; even their salaries had been detained for about 8 months during this difficult time. We should give it first. If provincialization had been finalised such grants shall come back to Government; this does not stand in the way of provincialization. It is meaningless to withdraw all the grants just because it is to be provincialized.

SPEAKER: Question No. 106.

EDUCATION DEPARTMENT.

Filling up of the posts of L.P. School Teachers.

*PU K.L.ROCHAMA: Will the Hon'ble Minister i/c Education Department be pleased to state -

(1) Whether it is a fact that the following posts of the L.P. School Teachers have been filled up?

- (a) One post of Lunglei Chardmary L.P. School vide resignation of Pi Nuengi?
- (b) One post of Mualthum (N) L.P. School vide retirement of Barringaia.
- (c) If so, whether these are permanent posts?
- (d) How were they filled up and who were appointed to these posts?

PU VAIVENGA: Mr. Speaker, the said vacant post is transferred to Vairengte and filled up with a Khasi teacher where there is small community of Khasis who we have to look after.
MINISTER.

One teacher of Vairengte School was about to go on pension and this Khasi teacher was posted in the vacant post in anticipation; but the former teacher's term was extended by the Government and the Khasi teacher had to vacate again. This Khasi teacher was posted in the seat vacated by Pi Nuengi.

All resultant vacancies are collected without arrangement for a particular Places. This vacant post also must be included in the vacant post to be filled up.

Pi Lalengmawii's post was temporary while Pu Barringaia's was permanent. I need not explain (d).

: (3) :

PU K.L.ROCHLMA: Mr.Speaker, it is a pity that Pi Lalengmawii has resigned. The concerned MLA and public leaders requested the authority not to transfer this vacant post but it has been transferred to Vairengte and filled up with Khasi teacher. Is it true that the vacant post at Lunglei Chandmery has been filled up?

PU SANGCHHUM: Mr.Speaker, supplementary question: it is not the question of transfer of the vacant post. The female teacher resigned due to family hardship. Why did the Government transfer the vacant posts? Is it that Lunglei Chandmery School no longer need it?

PU VAIVENGA: Mr.Speaker, it is not so. Posting other teachers in Lunglei Chandmery School shall be considered in consideration of students.

PU SAILAWMA: Mr.Speaker, one teacher from Saha High School and two teachers from Lunglei Government School could not undergo prospective L.P.School Teachers Training. Is it that the sanctioned posts are withdrawn to Aizawl District?.

PU SAPLIANA: Mr.Speaker, why was the vacant post at Lunglei Chandmery L.P.School transferred to Vairengte and filled up with Khasi Teacher? Could not new post be created for the Khasi teacher to avoid such transfer?

SPEAKER: Pu Sapliana question only is relevant, you may leave the rest.

PU VAIVENGA: Mr.Speaker, Primary Teachers are for whole Mizoram, not for particular area. If more is needed for Lunglei Chandmery School it will be considered.

SPEAKER: Now Question No.107. Pu Hrangvela.

GENERAL ADMINISTRATION DEPARTMENT.

Deduction made by Administrative Officer, Vaphai from money sanction for Land Reclamation.

PU F.HRANGVELA: Will the Hon-ble Minister i/c G.A.D. be pleased to state -

(a) Whether it is a fact that the A.C. of Vaphai deducted Rs 15,000/- from the total sanctioned amount of Rs 47,000/- for Land Reclamation at Vaphai as recovery of Agricultural (Distress) Loan?

(b) Whether it is also a fact one L.D.A. of Vaphai (now serving at Chhiantlang G.C) had taken Rs 1,600/- from this sanction amount?

(c) If so, why?

...5/-

FU LALSANGZUALA: Mr. Speaker, for (a) no report received till today; for (b) reported to Government the L.D.A responsible is Sikulpuiliana and investigation and allegations are going on. A certain Porter authorised this L.D.A. to draw his salaries, but the latter squandered and would not refund. The said L.D.A. is also reported to have stolen one quintal of rice from Chhlichtlang Stores. He was also reported to have pocketed Government money left on a Cashier's table and investigation is going on. The clerk is under suspension.

FU K. SANGCHUM: Mr. Speaker, supplementary question: I am not mistaken that Land Reclamation was given in kind while in the past it was in cash, was that in cash or in kind, which kind?

FU C. CHAWNGKUNGA: Mr. Speaker, from the Hon'ble Minister's reply the A.O. was not said to have spent the money for refunding Agriculture Loan. How the Government could not know that Rs 3,000/- has been spent for refunding Agriculture Loan?

FU LALSANGZUALA: Mr. Speaker, fertiliser, insecticide, widicide etc. are given in kind to villagers by Government for Land Reclamation. I have replied Pu Chawngkung's question as it was originally asked.

FU F. HLANGVELA: Mr. Speaker, supplementary question: could the government kindly tell me how much E.G.S. and Land Reclamation money has been utilised for recovery of Agriculture Loan? In Mizo Aw dated 2.8.1974 four persons of Bungzung Grouping Centre, who did not draw Agriculture Loan were deducted their salaries from E.G.S. money for recovery of the said Loan. Has the Government seen to the matter?

FU LALSANGZUALA: Mr. Speaker, as the detailed allotment sanction is not relevant to the question I shall need notice. The Government has not received the case of the four persons.

SPEAKER: Question No. 108. Pu Lalkunga.

SUPPLY & TRANSPORT DEPARTMENT.

Use of the vehicle allotted to Vehicle Enforcement Inspector by Director of Supply and Transport.

FU LALKUNGA: Will the Hon'ble Minister i/c of the Supply and Transport Department be pleased to state-

(a) Whether it is a fact that one vehicle has been allotted to the vehicle Enforcement Inspector?

(b) If so, whether the vehicle has been actually used by the Officer?

(c) If not, why not?

PU LALSANGZUALA:
MINISTER.

Mr. Speaker, for (a) vehicle is not allotted to Motor Vehicles Inspector I need not reply (b) & (c).

One Jeep is placed as Directorate for MVI and Supply Department. ^{Pod}

PU LALKUNGA:

Mr. Speaker, supplementary question: ZRG-5 had been (placed) allotted to Motor Vehicles Inspector some time in August last year, after obtaining Financial concurrence, but it was with drawn later and the latter could not make on-the-spot verification of Police Motor accident. The vehicle was not returned to the concerned Branch and placed at the disposal of the Director. On the 21st September, 1974 the Director made it available to his friend (who later made it available to his other friend) Is the Government ~~whikim~~ aware that it is now lying off-road after bumping with Police Post near Assam Rifles Canteen?

PU LALSANGZUALA:
MINISTER.

Mr. Speaker, the vehicle No 15 ZRG-5 MVE ., M.V. Branch etc. are under one Directorate, and vehicles are placed at the disposal of the Director case is going on for the accident.

PU J. THANGHUAMA:

Mr. Speaker, under what Act or chapter the vehicle is placed at the disposal of Officials?

PU C. CHAWNGLONGA:

Mr. Speaker, I want to know the Act and Chapter etc.

PU J. THANGHUAMA:

Mr. Speaker, specification is made for use of Govt. vehicle; if not on official duty, petrol etc. shall have to be supplied. We should have specification for use of Mizoram Government vehicles based on ~~govt~~ order etc.

PU LALSANGZUALA:
MINISTER.

Mr. Speaker, Government's order for use of vehicles is being observed. I am afraid Pu Thanghuama is mistaken in referring Army Case. Army have two system for use of vehicles, one for general duty and another for community Transport at reduced rate for hire.

PU J. THANGHUAMA:

Mr. Speaker, there are some rules behind it. There is no control of Government vehicles from Govt. side though there are some orders/rules etc. which should have been enforced. What is that particular order of Mizoram Government?

PU LALSANGZUALA:
MINISTER.

Mr. Speaker, there are some rules of Govt. restricting issue of petrol etc. to officers, reliable when on tour. Investigation is going on regarding the accident.

PU SAITLAWLA:

Mr. Speaker, has the government placed before the House the statement showing consumption of P.C.L.?

PU LALKUNGA: Mr. Speaker, this vehicle has been allotted to the M.V. Branch after obtaining Financial concurrence. Is it a fact that the M.V.I. asked for this Vehicle to inspect Motor accident near Ngur Village but the Director did not allow resulting in the failure of inspection ?

PU LALSANGZUALA: Mr. Speaker, the Govt. is not aware of this matter.
MINISTER.

PU NGURDAWLA: Mr. Speaker, have the rules made by Finance Minister for restriction of Motor Vehicles been circulated to all Departments ?
If some person does not follow the rules, who will check the misuses or will the Govt. know violation of rules only after occurrence of accident ?

PU LALSANGZUALA: Mr. Speaker, for Govt. Officers restriction on consumption of Petrol has been made. Formally specific restriction on use of Govt. Vehicles has not been maintained only limiting Petrol consumption. As an Officer is a responsible person his use of Vehicles also should be reasonable.
MINISTER.

SPEAKER: Question No. 109.

PU LALKUNGA: Mr. Speaker, my question No. 109, 'a' & 'b'.

PU LALSANGZUALA: Mr. Speaker, Motor parts had been imported from Calcutta once at the rate prescribed by the manufacturer for the Company/Agent. One vehicle has thousands of parts. Our Govt. have many different kinds of Vehicles and if we were to store all the parts it will be too costly. The manufacturers supply the parts to their authorised dealers at list price (Company rate).
MINISTER.

Motor parts is one problem in whole India. Mizoram Govt. sent representative, sometime in July, to Industrial Development Ministry, Heavy Industry Ministry and Transport Ministers Conference to refer our difficulties in Motor parts and consider as special case. The Central Ministry also is very cooperative. The Iron and Steel Ministry released order to make 7,000 Motor parts, and we may expect to benefit by it.

PU LALKUNGA: Mr. Speaker, most of our Transport Vehicles are off-road now. The reason appears to be that the D.D.T. of Transport Wing sold the old parts to some Company Agents who repainted and sent back here. Is this a fact and that they generally never last long ?

PU LALSANGZUALA: Mr. Speaker, such is not heard by the Govt. Many parts, mainly tyres were not delivered. It was referred to the Central Govt. who is supplying us 400 tyres and 178 are arriving.
MINISTER.

The Mizoram Government is considering direct purchase from Tate Company and sent an officer to the Company and is being processed now in Bombay and we may expect to benefit by it after some time.

SPEAKER: Now, Question No.110

HOME DEPARTMENT.

Villages of Chakmas and Riangs within Mizoram and their claim of land.

* 110:PU LALKUNGA: Will the Hon'ble Minister/c of Home Department be pleased to state -

(a) How many unauthorised Villages of Chakmas and Riangs are within Mizoram.

(b) Whether it is a fact that Chakmas are claiming Western Belt of Mizoram From Tlabung to Tuipubari.

(c) If so, what the Government proposed to do?

PU LALSANGZUALI: Mr.Speaker, one person named Silichuri infiltrated to Phuldungsei. The Chakmas claimed Western part of Mizoram when we were about to be offered U.F.Status. They want to have their own District instead of being within the Fawi Lakher District, and they would not agree to Central's proposal for reorganisation and demarcation of boundary.

Some time in the past of Krishna Mohanta Chakma, Demagiri D.C.C. Pu S.P.Devan, honourable Member and Pu Nilmali Chakma, E.E.M. of the District Council proposed to the All India Congress President and Prime Minister to include the Western belt of Mizoram in the Chakma District Area. The Central Government in turn consulted the Mizoram Government and we did not agree to it.

Mr.Speaker, for Honourable Member's information, in 1941 Mizoram Census, the figure of Chakmas was 5,088 and in 1971 Census the figures came to 11,003. In their report to the Central Government they reported themselves to be 35,000/-.

The case of Pu Silichuri is under consideration. Our Government have sent its disagreement to the claim to the Central Government.

PU C.CHAMNGALUNGA: Mr.Speaker, in the beginning of 1966 there were about 27 houses of Takams in Tuipubari Village which come upto about 700 houses now. In Kualvawn village also they are preparing to have their Village Council with the consent of the L.I.Department, allowing to have two village councils in one village, such chances had never been given to Mizos. Will not the Government stop this illegal practice?

FU K.L.ROCHAMA: Mr. Speaker, the Hon'ble Minister appeared to have said that "unauthorised Village" of the Chakmas and Riangs is in Silichuri and Government have to see to it. In order that our Chakma brother develop themselves they should have their own village and for census purpose also. Our census figure and the figure quoted by them in their memorandum differed greatly but the exact and correct number may be difficult to make out; some will go to other place and deforest our land that is not good for themselves too. If we follow Sazep River from Tichung village we find sukusuri with 100 permanent houses near Bughmur; in Haulongsara also there are 70 houses and in Udasuri etc. Where the Chakmas settled permanently but they are not Grouped and the Government is not also aware of it. Should we call them Bangladesh refugee also is not known and infiltration is frequent. The Government should make their permanent settlement for development and Census purposes and to also safeguard our virgin forest. We may also check infiltration.

FU HRANGGLA : Mr. Speaker, the Chakmas come from outside Mizoram and by whose permission? The present Chakma District has been the dominated area of Mizo Sailo Chiefs where there never was a Chakma as I personally knew while I was Circle Inspector. Has the Government taken steps to check infiltration and by whose permission the presently settled Chakmas came to Mizoram? Is the Government aware that the area was Sailo Chief's dominion?

FU NGURDAMIA: Mr. Speaker, Hon'ble Member Fu Chawngkung's question regarding Village Councils is under consideration, and placed before the House by the Minister concerned. The Government is not aware of other unauthorised village beside Silichuri and no authority has authorised settlement. Those who infiltrated from Bangladesh violated Passport Act and cases are pending with the Magistrate.

^{that} Hon'ble Member Fu Hranggia stated the fact that the Chakmas occupied erstwhile - Sailo - Chiefs lands. When traced from past history, the Chakmas came from Chittagong Hills Tract, present Bangladesh, after about 8 years since the British established administration of the area in 1900. In 1941 Census there were about 5088 Chakmas, after 41 years of their entry to Mizoram, but since then during 20 years the figure came to 11,435. The Government should count its figure but in 1971 Census they claimed their figure to be over 35,000 with the difference of 23,500.

As the figure differed so much the Government is investigating who and how many infiltrated since 21st March 1971.

FU C.CHAWNGKUNGA: Mr. Speaker, is it a fact that Chakma District Council and Village Council issued certificates to other Chakmas from Bangladesh certifying them to be permanent resident of District. Our Govt. deployed the B.D.F. to drive back those who infiltrated from Bangladesh driving back our poor Mizo brothers leaving the Chakmas as I have personally witnessed and reported to the Government but what further action has the Government taken on it?

PU LALSANGDOLA:
MINISTER. Mr. Speaker, the government is not aware of the shifting and settlement, but regarding drawing back the entrants government is considering as explained earlier. Case has been registered with the Police regarding illegal infiltration of 30 Chakmas and Riangs.

SPEAKER: Question No.111, Pu Salliana-

AGRICULTURE & ANIMAL HUSBANDRY
DEPARTMENT.

Power Tiller, belonging to Agriculture Department lying idle at Lawngtlai.

* 111: PU SALLIANA: Will the Hon'ble Minister i/c of the Agri & Animal Husbandry Department be pleased to state -

(a) Whether it is a fact that Power Tiller belonging to Agriculture Department is lying idle at Lawngtlai ?

(b) If so, since when ?

PU R. TRANGLIANA:
MINISTER. Mr. Speaker, yes, since July, 1973.

PU SALLIANA: Mr. Speaker, why is it lying idle? Is the Tiller out of order or the Agriculture Department do not know how to operate/ utilise it?

PU R. TRANGLIANA:
MINISTER. Mr. Speaker, it is due mainly to absence of operator.

PU SALLIANA: Mr. Speaker, should the Government purchase many costly machines without having expert operators?

PU R. TRANGLIANA:
MINISTER. Mr. Speaker, no, withdrawal is considered as power Tiller can do work only at specific season. Operators are employed as Muster Roll labourers, even then they are not available.

PU SAITLAWMA: Mr. Speaker, was the Power Tiller stationed at Lawngtlai with the knowledge that operators are not available or in anticipation?

PU R. TRANGLIANA:
MINISTER. Mr. Speaker, exactly YES, in anticipation.

PU SAITLAWMA: Mr. Speaker, should that be how the Government/Department work?

PU R. THANGLIANA:
MINISTER?

Mr. Speaker, to search before stationing
the machine is no use.

SPEAKER:

We shall proceed to next items, No. 2 the
term of various Assembly Committees has
expired after one year, the following will
be the Members of the Committees for the new term -

BUSINESS ADVISORY COMMITTEE

- 1) Speaker - Chairman
- 2) Pu Sangkhuma
- 3) Pu Lalsangzuala, Minister.
- 4) Pu Ngurdawla
- 5) Pu K. Sangkhum
- 6) Pu F. Hrangwela.

ASSURANCE COMMITTEE.

- 1) R. Zoliana - Chairman
- 2) Pu K. Sangkhum
- 3) Pu R. Dotinaia
- 4) Pu Vanlalhruaia
- 5) Pu K. L. Rochama
- 6) Pu Lalminthanga.

PRIVILEGE COMMITTEE:

1. Lalhunga - Chairman
2. Lalrinliana
3. H.K. Chakma
4. K.C. Thakuri
5. Saitlawma
6. Vanlalhruaia
7. C. Lalruata.

HOUSE COMMITTEE:

1. Ch. Saprawnga - Chairman
2. C. Chawngkunga
3. H.K. Chakma
4. L.P. Thangzika
5. Vanlalhruaia
6. Lalhira

RULES COMMITTEE:

1. Speaker - Chairman
2. Lalsangzuala, Minister
3. Lalhira
4. Sangkhuma
5. Saitlawma
6. Ngurdawla
7. Sapliana
8. C. Lalruata
9. S.P. Dewan

SUB-LEGISLATION COMMITTEE.

1. K.L. Rochama - Chairman
2. R. Dotinaia
3. Ngurdawla
4. K. Sangkhum
5. Lalhunga
6. Sapliana
7. R. Zoliana.

LIBRARY COMMITTEE:

1. Pu R. Dotinaia :Chairmen
2. Lalminthanga
3. Lalrinliana
4. Sapliana
5. Septawni

COMMITTEE ON PETITION.

1. C. Lalruata - Chairman
2. C. Chawngkunga
3. F. Hrangwela
4. S.P. Dewan
5. K.C. Thakuri
6. Septawni

These Committees with the new Members will function for one term excepting Estimates Committee and Public Accounts Committee. A committee is important as it can function effectively more than the House itself, in some respect, as it can deal with detail and minute matters. Not only our performance in the Committee is recorded in detail but our sincere and effective performance is the interest of the land.

We shall proceed to Item No.3, Calling Attention from Pu Saitlawma as provided for in our Rules 57.

PU SAITLAWMA: Pu Speaker, thank you for admitting my Calling Attention. I give the notice because in the daily News paper Zawkhawpui dated 14.9.1974 it is published under the caption, "Disrespect to the Indian National Flag".

Pu P.B.Nikhuma, Deputy Minister returning from tour to Lunglei, flying Indian National Flag on his Car was checked by a certain Army Captain and people demanded severe punishment be inflicted on the Captain for his disrespect to the Flag, as reported by Zawkhawpui Newspaper.

Mr. Speaker, the Security Forces harassed and created difficulty for the people beyond their duty and beyond order I want the Government to be alert and watchful to stop and check the Security Forces in exercising their power beyond orders and outside duty. Besides what I had mentioned, How do the Govt safeguard the liberty and freedom of people when a Security Force acts outside order? and harass them?

If we had one wrong ^{to} other people or the Government we should be punished according to the law/order, or even killed. But when Security Force harass people and act outside, how do the Government take action to remedy the sentiment of the people? Have they instructed them to act according to order and to improve themselves? Now the Mizoram Govt. ordered this Captain to stop and check our Deputy Minister with flag flown on the Car? I have witnessed this incident personally and saw the Captain showing no respect to the Flag. What should be the severe punishment? If no action is taken on the matter the safety and liberty of people will be in danger. If even Ministers are not spared direct action should be taken by the authority.

SPEAKER: The Chief Minister is ill but has authorised Pu Lalsangzualo to give reply.

PU LALSANGZUALO: Mr. Speaker, it is a pity that the incident pointed out by Hon'ble Member Pu Saitlawma occurred. On 13.9.1974, the Army Headquarters received report that a certain important underground personnel was going to visit Hnabthial from Lunglei. The Army Headquarters at Lunglei duly sent out petrol ~~xxxxxxx~~ ~~xxxxx~~ party with the order to stop and check all vehicles plying between Lunglei and Hnabthial. At the same time the Army Headquarters (Lunglei) received report that Pu P.B.Nikhuma, Dy. Minister was going to Aizawl leaving Lunglei on that day, and sent message to petrol party to leave him alone. But unfortunately, a certain Captain, Platoon Commander happened to stop and check the Hon'ble Deputy Minister.

The message did not reach the Platoon Commander (Captain) and he carried out his previous order and checked all the vehicles plying between Lunglei and Hnahthial amongst which the Hon'ble Minister's car was included. Regarding disrespect to the National Flag and the Minister, he saluted him.

(Pu Saitlawm: Mr. Speaker, Captain did not salute him as I saw it. Ministers should not support the Captain in this House as I am the who personally saw it)

Mr. Speaker, we received report that the Captain saluted the Hon'ble Minister and investigation is going on. Regarding disrespect to the National Flag, in disturbed areas respect to the National Flag cannot be properly shown as in peace time; even during world war enemies deceived each other using Flags. In the same manner, if respect is to be shown to all Cars/Vehicles flying National Flag some person may misuse it; since there is scope for such misuse showing respect to the Flag cannot be strictly enforced.

The Army Headquarters also regretted that this incident occurred and also sent instructions to their men to give cooperation as far as practicable to Minister going on tour.

Hon'ble Member Pu Saitlawm's question of unnecessary harassment and execution of duty outside order by the Security Force can be checked by our rules. If any report of such harassment is reported to the Government shall be awarded to them according to the rules.

PU C. CHAWNGAUNGA:

Mr. Speaker, the Hon'ble Minister told us that checking on Ministers cannot be done by Security Force, but is there provision authorising them to check?

PU J. TRANGHUAMA:

Mr. Speaker, the Hon'ble Minister said that there is scope for misuse of Ministerial cars, but since 1-66 disturbance has any incident other than this occurred for the Army to base its points?

Their behaviour is too humiliating. Not only I but all the Hon'ble members of this House consider it as the best point for the Ministry to resign. If Ministers are not spared I dare not imagine how the general people will suffer.

SPEAKER:

If you want to put question make no more statement.

PU SAILLAWM:

Mr. Speaker, we know that Arm Forces Power (Assam and Manipur) is applicable to Mizoram but there is no provision to ~~xxxxxxx~~ check Ministers and disrespect the National Flag, not even in the Assam Maintenance Order. If the Security Forces had acted according to the order/rules, they shall receive people's cooperation. If our Ministry is suspected we shall have no chance and hope.

SPEAKER:

Let the Minister-in-charge reply.

PU LALSANGZUALA:
MINISTER.

Mr. Speaker, I have explained how this incident occurred. Hon'ble Members said there is no provision in the order to check Ministers; they will neither find provision not to check. The Military and our Government is jointly conducting investigation of this incident telling the Hon'ble Minister involved of all the details and he is convinced.

SPEAKER:

If you are not satisfied, let the Minister explain the details of investigation.

PU LALSANGZUALA:
MINISTER.

Mr. Speaker, as soon as this incident was reported joint investigation was conducted by our Government and Military authority and I told you what information the Military furnished.

The Captain involved in this incident checked all vehicles because he did not receive the specific order of the Army Headquarters. The Army requested our Government's pardon and further sent instruction to all outposts to give cooperation to all Ministers going on tour as I have stated earlier.

SPEAKER:

It is regretful that our Hon'ble Minister is involved in this incident witnessed by honourable Member Pu Saitlawma. Investigation is conducted by the Army. The Ministers give reply from the information furnished by the Army. It is not that the case is neglected. You want that this kind of incident should never happen to our leaders.

PU K.L.ROCHAMA:

Mr. Speaker, there is one point I do not understand in the report. After the occurrence of the incident, on 13th Hon'ble Member Pu Thangzika and myself had a talk with Brigade Commander Sam Sher Singh who told us that the Captain did not follow the instruction of the Headquarters. But we have just heard the Captain carried out his former instruction and checked harrassed Hon'ble Minister. If that is a fact they contradict themselves in the point. If 'shoot first and question later' method is to be applied we have no chance and hope.

Fortunately that day, the Ministers showed his Christianity and did not order his Escort personnel to let loose bullets.

SPEAKER:

Inquiry has been conducted from our side without knowing the position of the Army. Respect should be shown to Civil Officer, Army Officer, Legislation etc. if the latter are doing the right thing. I have written to the Brigadier telling them that I am the custodian of the rights and privileges of the members and also enquired if the report is a fact, who in turn furnished the required information. If Members while performing duties within the specified area met obstruction from some other people, it is difficult to forget, mainly these that concern all the Members. Our Ministry should safeguard the rights and privileges of the Members and the masses in such difficult cases.

In this kind of Case our Govt. authority give instruction to Civil Authority and also Military authority. We have asked for the practices of other States in this kind of incident. The Andhra Pradesh Govt. furnished information in which whenever a Member come to offices and public meetings how they should be dealt with has been given clear instruction. I think that is necessary in our case too, the Govt. should examine it. If they need the information copy I think I shall be able to supply.

As we are starting things from the bottom relation between the Civil and Military had to be maintained. The Hon'ble Members too should know how to behave to receive respect; it is the interest of the country if we know how to behave to safeguard our honour.

Let that be enough as the Calling Attention is not meant for discussion.

PU SAITLAWMA: Mr. Speaker, how will they safe-guard our liberty? They cannot tell me how action had been taken, false information had been furnished (as we have personally witnessed) and I challenge it. If the Govt. should take this as truth, it means the Members' statement is wrong. Who will safeguard the liberty/rights of the people of Mizoram?

SPEAKER: We shall proceed to Item No. 4 The Chief Minister has introduced the Mizoram Official Language Bill, 1974. I promised to relax the time for making amendments etc. The Supply Ministers authorised by the Chief Minister shall move it for consideration.

PU LALSANGZUALA: Mr. Speaker, with your kind permission, I move the Mizoram Official Language Bill, 1974 for consideration, please.

SPEAKER: The Bill has been moved for consideration. I suppose the Hon'ble Members have studied the Bill minutely as we had been given the copy on 7th Notice for amendments etc. is not received, so we shall discuss it in general. Instead of examining clause by clause, we may examine what we considered important.

PU LALKUNGA: Mr. Speaker, I did not expect the Govt. to prepare this Bill. I also expect the people will be benefitted by this Bill. As present, the Official language is English and the villagers face great difficulty in interpreting the meaning. Every Govt. order is in English and the Village Council authority do not understand the meaning. If we have our own language as Official Language, that problem will be greatly solved. As we are not expert in writing petition in English, the meaning could not be seen. A petition in Mizo language is generally neglected by some Officers. If our language is to be official language, important matters will be understood by the general masses.

We have to be aware of the fact that difficulty can arise when an official language Bill is to be enforced in every matter. The Govt. can face difficulty when language Bill is introduced. The people also have to be led step by step to utilise it.

If the Bill is introduced, its usage in every institutions may also be demanded. False activity from some organiser may also arise. If such precautions are not taken, the Bill may lead us to wrong way than its usefulness.

The language will be most useful for development and Planning purposes. Community Development has not been utilised as it should have been; we are still thinking of getting government money at free cost. If Mizo language had been used, in departments like Agriculture, Soil & Forest, the problems of the villagers will be greatly solved. Non-Mizo officials shall have to learn Mizo language, like Community Development Director who d. to lack of the tongue faced difficulty. If an officer is too ignorant of the tongue, his duty to develop the Mizo people will not be fulfilled. The Government also should see how useful it is and compare with the other Side. Knowledge of usage of the good and bad sides is important in learning. The people also have to compare the usefulness and the bad side instead of simply using to our benefit. Otherwise, there is probability that both the good and the bad may be equal without usefulness for the people.

PU HRANGAIA:

Mr. Speaker, I am glad that we could consider our own language Bill. Before introduction of the Bill, I compared ourselves with a

Assembly of distant corner of England. If the Bill shall be passed it shall confirm our Membership of the Mizoram Legislative Assembly. *proceedings of the erstwhile District Council were published in Lorum Hriattirna where from the people know the names of Members. The people and village Councils subscribed to it to know the ruling of the House. The proceedings of our Assembly are very thick but the witnesses are few.

After passing the Bill, I expect the Gazette will be half English, half Mizo, so also our Proceedings in the House. Will be in Mizo language. During the British period, we had separate administration under Superintendent/Deputy Commissioner and our regional language was given importance. I myself had conducted examination of Non-Mizo Officers on Mizo language. But after having our own Government, few officers are there with whom we can talk in Mizo language.

Our MLAs and people face difficulty because they cannot express themselves clearly in English. Even if they cannot talk, they may know that it is important for them.

I do not see points to criticise^{as} the Bill is a short one. I expect that the Bill will bring good result. As English is the official language, we dare not use our knowledge of English in making amendments etc. Afterwards I expect that we may have important notices in our own tongue.

Thanking you.

PU VANLALHRAUJIA:

Mr. Speaker, we have been expecting this Bill for long time. We should thank our Ministers for having brought it here. There are other States who still do not have language Bill, while we after having only two-years old ministry could pass it.

Other Members have said precautions to be taken, but I opine that if it is passed it should be used as far as possible. I think that if we had done manythings in our own tongue, it will be the glory of our land. We should use in ~~instans~~ titins and offices as far as practicable. I am afraid that after passing we shall let it lie unused.

All correspondences in our Assembly is in English and some of us face difficulty. Our villagers face difficulty in understanding the meaning of B.G.O. sanction orders; they cannot carry out the orders of the government due to *lack* of knowledge of the language. After passing the Bill, the government should use it for important matters.

I have nothing to criticise in it, I suggest that we should use it as soon as possible. I have been anxiously waiting for usage of our own language as official language.

Some Members expressed their fear that if we neglect other language, we may not progress in educational and competitive lines, but I am not aware of that. Our Bengali neighbors have used their own language as official language since lang time ago, but they are progressing very much. I expect that we too shall get nebenefit instead of Graw backs. As other Members have said we should use in Offices and compel our Non-Mizo officers to learn the tongue. I also think that we may pass the Bill as it is.

PU K.SANGCHHUM: Mr.Speaker, I am glnd we can consider language bill and I request all Members to vote for passing. But if the people and the government do not take step to safe uard the people and the land it will be nothing even if it had been passed.

PU F.M.LANGVELLA: Mr.Speaker, I am glad the government could bring the Bill for passing after long time. As I am personally poor in English, I do not find any point to criticize. We cannot do narythings at present without knowledge of English as our own language is not enough to deal with important matters. It is es ential tha twe should have official language Bill for improvement and progress of the State.

Sometime in the past, one Director of Information, Public Relations & Tourism told me his past experience, while serving as Secretary of the Block in Assam. In Committee I could not explain matters in Assamese and spoken in English, some Members could not understand what I said though few understood. After the Committee was over, one Member complained that since I do not understand Assamese I should resign my post. I started learning the tongue and could explain the Agenda of the next meeting and retained my office. I suppose that we should deal matters with our own tongue within our own area. -AsHseen-as As Hon'ble Member Pu Hrangia stated, our Gazettes in English very difficult for us to follow without careful examination. I have received a letter from one State of India praising their company. It was written in their own language with English version at the bottom which struck me as odd. I suggest that we should put our language first and supply English version for those who do not understand it. I hope this will be one step for the progress of our Government.

This Bill may also be considered as one result of the merger of the Mizo Union with the Congress Party. Had we not merged, I think this Bill would not have been brought up. When we criticise our Ministry it means we wish them to improve much more for the benefit of the people. I wish we shall be able to consider this as a result of our joining the Indian Congress.

I think it will be meaningless to do nothing after other States could do things with their own languages. We should practice it as far as practicable and supply English version for those who do not understand. Without leaving it unused after passing we should practice it in issuing letters to village councils wherever practicable. The members of village councils are elected on democratic principle. We should stop sending letters meaningless to them and rather send them in our own language.

SPEAKER: We shall rest and resume discussion at 2:00 P.M.

RECESS TILL 2:P.M.

11.10.1974 - 2.00 P.M.

SPEAKER: Let the Minister i/c explain.

**PU LAISANGZUALA:
MINISTER.**

Mr. Speaker, honourable Members appear to accept without criticism. Regarding its usage, provision 3 appears to be the criteria.

I request the Members to pass this Mizoram official language bill, 1974 as it is.

SPEAKER: The Mizoram Official Language Bill, 1974 has been considered. Members in favour of passing say "AYE" (Members - AYE) Any objection? (Members - Silent). It is passed.

We shall take up Item No.5 Let the Revenue Minister move the Mizoram Trading by Non-Tribal Regulation Bill, 1974 for consideration.

**PU VAIVENGA:
MINISTER.**

Mr. Speaker, with your permission I move the Mizoram Trading by Non-Tribals Regulation Bill, 1974 for consideration.

SPEAKER: Is there objection? If not, we shall consider it as there is no notice for amendment; if the mover desires to change/substitute some lines?

**PU VAIVENGA:
MINISTER.**

Mr. Speaker, I have no such amendment.

SPEAKER: If so, clause by clause ~~con. is not~~ necessary in the discussion

Advisory

PU LALEMINGTRANGA: Mr. Speaker, as the Business Committee considers the Non-tribals Trading Regulation Bill important I would like to discuss it in detail.

First, clause number 2-2 "Trade" means 'the wholesale or retail purchase of any commodity for sale or the wholesale or retail sale of any commodity purchased for sale'. Since the clause concentrates on one thing only, I would like you point out what we, the businessmen feared will be excluded. The non-tribals, in their desire to have Trade Licences, did contracts without aiming to gain profits. It would be better if Trade and Contract could be differentiated. If our executive authority do not make specific and proper rules even after passing I am afraid it will not be safe enough. If the trading is contracted making sale, it appears to come under contract. I would like to remind them of the probable consequences after considering all the clauses. Since many took undue advantage of contract and enter Mizoram I would like them to be careful while preparing the rules.

During the crisis of the disturbances, many Trading Passes had been issued to non-tribals and we felt exploited.

During the erstwhile District Council period, it appears to be only for renewal of existing pass only, but this rule demands that all non-Tribals shall have to acquire new passes. This appears to be the right time for screening issue of licenses. Page number 2, Grant of licence contains conditions a, b, c, d, e, f, that shall become effective. If careful consideration is taken, the Bill itself is acceptable.

First of all, clause 'a' "the experience," but what does it mean? Knowledge of Mizo language and interest in it is not experience. It rather appears to mean Electronics, accounts etc. which line we lack most of all. For instance, our Non-Tribals Traders' sale of Sacs, Cigarettes asbestos cement etc. is no longer experience. Our Mizo Traders too could do it. I wish that "experience" shall be properly applied at the time of making/inviting applications.

I suggest that antecedent with the applicant have to be minutely examined to see if they are expert in it.

We may ask what is "the expertise" I would like to say my opinion of it. The Govt. of India authorises us to screen those that do not possess technical knowledge. To renew their terms after expiration of the previous term will not be right. We should give them passes only on what we cannot manage by ourselves as provided for by the Govt. of India.

I would thank all those responsible for bringing about this bill. The Law itself is good depending upon the ones who exercises it.

It was meant for 10 years term, and I suggest that it be renewed after the expiration of the term.

Thank you.

PU K. SANGCHHUM: Mr. Speaker, the short title, extent, duration and commencement of this Bill provides that "It extends to the whole of the Union Territory of Mizoram". The Indian Constitution, Sixth Schedule clause 10 reads "District Councils to make regulations for control of money lending and (by non-tribals?)

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"The District Council of an Autonomous District may make regulations for the regulation and control of money lending or trading within the District by persons other than Scheduled tribes in respect in the District" appears to contradict it constitutionally. The whole of the Union Territory of Mizoram includes the three Autonomous District Councils of the Chhittuipui District. When we see Definition 2 'b' it reads: "licensing authority" means such authority as the Government may, by notification in the official Gazette, appoint. The licensing authority for the purpose of this Act and different licensing authorities may be appointed for different areas". It further reads: "Provided that in relation to the areas falling within the jurisdiction of the District Councils of the Autonomous District of Chakmas, Lakher and Pawi, the Executive Committee of the respective District Councils shall be licensing authority".

It appears to have included small items in comparison with the Constitution, but is this necessary? Definition should be made excluding the Autonomous District Councils as provided by the Constitution and there is nothing to be aware of.

I do not know the opinion of the government but it appears to be "beyond the purview of the Mizoram Govt", which I found improper. It is, as a whole good for the whole of Mizoram as we had been anxiously waiting for it. There is another way to make it in conformity with the constitution while we go the other way round avoiding its suitability with the constitution.

C. LALRUATA: Mr. Speaker, on page 9 we read "Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly while it is in Session for a total period of thirty days" but inconvenience may arise regarding fixation of the time.

We all know that Session period is generally short. This time due to unavoidable circumstances the House is adjourned and it appears that it lasts long. Generally we never take more than 10 days. Though "every rule made under this Trading by Non-Tribal Regulation is to be laid before the Legislative Assembly while it is in Session for a total period of thirty days", I am afraid that we shall not be able to sit for (30) thirty days even within one and half years, and as such alteration may be unavoidable. For instance, the Trading by Non-Tribal Regulation may be passed. With the Government making rule under these clauses, a total period of thirty (30) days may be required for the Legislative Assembly to consider while it is in Session. While considering it in the Assembly, we, the Members may want to criticise the rules made and suggest its non-enforcement. At such time difficulty will arise. The rules may be left un-enforced for a long time. Even if it had to be finished within one or two successive Sessions, and if only 5 days sitting are held within one Session and another 5 days sittings in the next session, we shall have to hold 5 or 6 Sessions within a year.

But generally, we hold Session at the interval 6 months within a year. Rules made within our term may not be enforced till our term will be over. Hence, as provided by our Rules 82, I suggest amendment to substitute "a total period of thirty days" by "seven Days".

Regarding its relation to the constitution, one Member stated that rule making is the purview of the District

Council, outside the purview of the Mizoram Government. The Central and State Government have common power to make rules in the Seventh schedule, list 26 reads - "Trade and Commerce within the State subject to the provision of entry". Trade and commerce list 2, 'entry thirty three' reads - products of any industry where the control of such industry by the Union is declared etc.etc. Hence, I do not accept his statement that it is outside the purview of Mizoram Government. It is within our purview. It is not that I claim it. Though the rule is made to cover the whole of the Union Territory of Mizoram, the three District Councils are licencing authority in the respective Districts.

Though it mentions "every rule" but under this Trading by Non-Tribal Regulation, not only rules but orders etc. could be made as page 8 reads - it may by order and for reasons to be mentioned therein, exempt such person or class of persons from the provisions of this Act". It mentions Govt's order for exemption of fees. This House may also want to examine and consider such rules/orders. In other States too, every regulatory rule, notification and order under the Act has to be laid before the Assembly. I also suggest that instead of only 'every rule' it should be "every rule and order". I have proposed amendment to page 9 "thirty days" to be substituted by "seven days".

PU CH. SAMPINGA: Mr. Speaker, I am glad the government could introduce this Bill. This Bill was passed during erstwhile District Council period, but due to some reason it could not operate properly, might be due to its flexibility. Its ineffectiveness prove that rich businessmen from outside could be very dangerous. The District Council issued pass/licence to Mr. Sarda, a rich businessmen from outside. When the pass expired, many complaints were received from the public stating that these rich businessmen could be dangerous for Mizoram and the District Council did not renew it. Mr. Sarda registered a Case had in the High Court against us and we had to contest employing pleader, and we won. Mr. Sarda sought many allies here and submit joint petition to the Supreme Court, but we did not contest and he won. The Supreme Court Judges had different opinions on the case, but we lost.

The District Council did not make amendment after the case. We come to the Status of Union Territory and it was said all rules etc. made in the District Council shall stand effective as it was. Then another order came stating that the rule could not be amended as the High Court eliminated the important points. We were afraid that we might not have this Trading by Non-Tribals Regulation Act. I personally contacted important Government officials concerned in the matter and concluded that political pressure have to be employed, but during such critical time the Government could introduce before I expected and I am surprised. As I said, rich businessmen are dangerous and it is essential that we should protect ourselves from them in trades and many other things.

It may not be to our satisfaction. I would like to suggest that we shall pass as it is for the present, and later make amendments in other Session.

(21)

When I read section 3, I feel there must be presumption. It appears that these had never been act of this kind in the past but it is not so. The District Council had enforced it in issuing passes and collecting taxes but this act appears to declare such illegal, and I feel that if that should be the effect it is not favourable. Though the Supreme Court dropped the main provisions of the Act of the District Council, some provisions are still existing like collecting fees in such

and such manner. I wonder how this will affect actions taken in the past and I request our Ministry to see to it carefully.

Hon'ble Member Pu Sangchhum appears to have said that this Act deprived the District Council of their autonomous powers. The sixth schedule provides the District Council with power to make regulations, as such it appears that instead of depriving the power it doubles it. Hence, this shall exist and the District Council shall have the power to make its own regulations.

PU K. SANGCHHUM: Mr. Speaker, I would like to know by what section of which rule the power could be doubled? It is clearly written that it cannot be doubled.

PU CH. SAPRAWNGA: Mr. Speaker, I rather meant by what rule it cannot be doubled.

PU K. SANGCHHUM: Mr. Speaker, we can find it in clause 10 of the Sixth Schedule.

PU CH. SAPRAWNGA: Mr. Speaker, yes, it is clearly written there. What I mean is suppose this Act is enforced, will not the District Council too be able to make regulation the Non-Tribal Trading Bill? But if that power is blocked by this Act, I don't know which is more constitutional. The Sixth Schedule to the Constitution provides power to the District. The licensing authority should be the Executive Committee, but if the District Council had appointed other person as licensing authority other than the Executive Committee, the former should have survived. As long as the Regulation of the District Council and this regulation do not contradict each other, it should be effective. If both the regulations contradict each other, the regulation of the District Council should be ineffective and dropped. I am asking whether this regulation deprives the District Council of its power to make its own regulation?

PU R. THANGLIANA:
MINISTER.

Mr. Speaker, if you see constitution Rule page 148, 12 it reads - "Application of Acts of the Parliament and the Legislature of the Union Territory of Mizoram to Autonomous Districts and Autonomous regions in the Union Territory of Mizoram: notwithstanding anything in this Constitution" while (a) reads - "if any provision of a law made by the District Councils or Regional Council in the Union Territory of Mizoram with respect to any matter specified in sub-para (1) of paragraph 2 of this schedule or if any provision of any regulation made by a District Council or Regional Council in that Union Territory". There is no harm in it for the and the Constitution also empowers us:

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Under paragraph 8 or paragraph

10 of this schedule is repugnant to any provision of a law made by the Legislature of the Union Territory of Mizoram with respect to that matter than the law or regulation made by the District Council or, as the case may be, the Regional Council, whether made before or after the law made by the Legislature of the Union Territory of Mizoram shall to the extent of repugnancy ^{be void} and the law made by the Legislature of the Union Territory of Mizoram shall prevail".

PU K. SANGCHHUM: Mr. Speaker, the District Councils are deprived of all their powers by this regulation.

PU CH. SAPEAWNGA: Mr. Speaker Sir, the Hon'ble Minister confirmed my point. The District Councils are not deprived of their powers, they can make their own regulations; but if there arise any contradictory provisions, the District Council's will not prevail. They shall have to take this as an example and in conformation to it, otherwise it shall become what we experienced in the District Council. I hope they shall take this as an example and benefit by it.

Section 13 reads - "nothing in this act shall apply to any trade carried on in connection with any fair or festival" but I am afraid this section will be misused/mis-exercised in carrying on any trade, and the government have to be vigilant in it.

In clause 14, 'power to exempt' it reads - the nature of the community in which any person or class of persons trades in the Union Territory" we can exempt non-tribals doing trade here for long time, but will this be right? The criteria to decide exemption has to be properly decided; should we exempt these old non-tribal traders without issuing licences? As long as they are non-tribals, doing whatever trade, should not they get licence without fail? If that is so, how will we exempt some of them? But we should not fail to pass this. Care should be taken when exemption is to be made, otherwise some will complain demanding that they have stayed here for long time to deserve exemption. I want to remind the government to be careful in exercising its power wherever it is exercised, to avoid any complication.

Some members are not clear about clause 15, sub clause 3 "thirty days" and confusion is easy as the line is a bit long. During sitting of the session, rule made shall be laid on the table; the "thirty days" is meant for us to study to suggest modifications or decide its enforcement. If it had been only "Seven days" I am afraid time available will not be sufficient to study.

PU NGURDLAWLA: Mr. Speaker, this regulation is based on the Indian Constitution, I think it is mainly the Sixth Schedule, which provides the Autonomous District Councils to protect themselves from trades by non-tribals. After coming to U.T. status, adaptation is introduced, as provided in the North Eastern Reorganisation Act based on the Indian Constitution. I think the mentioned Trade List is superceeded by the Fundamental Rights. As Pu Sangchhum said even if this regulation is to be enforced, since contradiction is there, which will survive? We base our regulation on the Sixth schedule

just as the autonomous District Council base its regulation on it. As the Hon'ble senior Member said, even if this regulation is to be enforced, some people may challenge it in the Court and make it ineffective, but I am not aware of that. As Pu Sangchum said, if the autonomous District Council base its point on the Sixth Schedule, we may not neglect it. But amendments will be made as circumstances demand, it is favourable that we should have. As it has come out as an act after anxiously waiting for it, we shall make amendment as circumstances demand.

Section 3 of the act provides that non-tribals without possessing trade licences will not be permitted to do trades; but considering our practical problem care should be taken with the active action taken by the government. We know that there are rich businessmen among our Mizos and checking them carefully is essential. Though our regulation may be good we are economically poor from the materialistic point of view. Hence ~~it~~ careful and effective. *the enforcing authority has to be*

Many clever non-tribals would not hesitate to have our Mizo women as 'commercial wives' so that they may do trades in their wives' names. We are practically facing such problem at the present. Many tribals whom we do not think as rich businessmen are doing trade in such matter. If such practice is not checked, there is loophole practically.

As one honourable member said, regulation of trade and commerce as provided in the Concurrent List of the Indian Constitution is cancelled by the Fundamental Rights of the Indian Constitution which permits all Indian citizens to do trade in every part of India. The Sixth schedule makes classification of tribals too and as such careful consideration is essential. It is not based on any act particularly, but rather on the provision mentioned by Pu Sangchum. As the Sixth Schedule to the Indian Constitution is the criteria, its inconsistency has to be considered to avoid unnecessary trouble.

PU HOPHEI; Mr. Speaker, this Bill is the most important
BY. SPEAKER. Bill of all the Bills considered by the
Assembly and concern of the whole of Mizoram
and main public interest. I am glad we could consider it in
the nick of time.

In order that the whole of India may progress equally the Indian Constitution is there, and it is called 'Lawyers' paradise' and we cannot agree about it. Since the policy of the Central Government is to develop the whole of India, mainly the backwards, we could consider this Trading by Non-Tribals Regulation Bill to protect ourselves from outsiders. I praise the Central Government for permitting us to have this Bill to protect and develop ourselves.

I wonder what will be the opinion of our people had not this Bill been introduced, I am afraid they will have no trust in the government. But among that joy, as honourable Members said, there is one problem: contradiction between two constitutions. If we had argued about it we would not come to positive conclusion as the Indian Constitution is the most lengthy one. Hon'ble senior Member Pu Saprawnga stated that the erstwhile Mizo District Council enforced Non-Tribal Trading Regulation but failed to function/operate effectively and that made us think

that the State Legislature too can pass this Act. Had it not been possible, it might be due to the fact that the Sixth Schedule empowered the District Council to exercise its power in passing such regulations. I think the Central Government will interpret like this.

PU CE. SAPAWNG: Mr. Speaker, the Assam Government need not have this Non-Tribal Trading Regulation as they are not-tribals. But we need it to protect ourselves from them, even the Chhittuipui District need to have it. Besides, our Assembly has the power to enforce it as well as the District Councils.

PU HIPHEI
BY. SPEAKER.

Mr. Speaker, the Assam Government cannot interfere in this case as they do not need it. But the District Councils also are provided

provisions to make regulations but to pass it in this House without consulting the District Councils authority is unfair. I wonder if we shall harm their feelings in carrying out what they considered their purviews. But we should pass it but what will be their feelings if we finalise it here? The Mizer District Council failed to enforce it as it did not contact the appropriate authority and failed to contest the ~~act~~ in the Court. Since they have separate autonomy outside our control they should have it separately. The Hon'ble Revenue Minister told that the provision of the Sixth Schedule shall prevail even after passing while the Development Minister interpreted that the State Legislature's power shall prevail meaning this regulation shall prevail. If so, they should have it separately subject to our modifications if not to our satisfaction. But if we interfere in what they considered their purview their feelings might be hurt though our power should prevail. To pass this Bill without the consent and agreement of the District Councils might bring sad feelings.

I am aware of the fact that some complication ~~may arise~~ might arise and result in registration of case in the Courts and also might result in mal-administration of the District Councils if some person interpreted the act in different meaning. I would like to suggest that instead of writing "it extends to the whole of the Union Territory of Mizoram" it should read "excluding the Chhittuipui District or ~~Mizoram~~ Autonomous District Council Areas" if there be no harm, so that the integration and unity of Mizoram might be better and improved.

PU SAPLIANA: Mr. Speaker, our businessmen would like to have it enacted as soon as possible just as we are anxious to have it. I am glad the Indian Government practically and economically develop the backwards. Our need of this act increases since Union Territory Government is formed as the former one enacted by the District Council was annulled due to challenge in the Court by some persons. The Sixth Schedule of the Constitution provides the District Council with power to make its own regulation, and Hon'ble senior Member stated that this Trading by Non-Tribal Regulation do not deprive the Council of their power to make the same regulation but ~~if not~~ I feel that is not right. But as the State Government is more powerful than District Council of Village Council we may pass without their consent.

The Sixth Schedule of the Constitution may empower, ~~the District Councils~~ the District Councils with any power, the U.T. or State Government, should prevail as defined in the application of act of Parliament. This Bill is drafted without considering the powers of the District Councils as provided in the Sixth Schedule. This Bill calls the Executive Committee of District Councils as licensing authority meaning the provisions of the Sixth Schedule is not taken into consideration.

Pu Lalruata's point did not concern trading by non-tribals, it rather mentioned trade and commerce with foreign countries, Inter-State Trade etc. under the purview State Govt. and according to the Sixth Schedule provisions.

The State Govt. is concerned with Trade while the Sixth Schedule to the Constitution empowers the District Councils to concern itself with Trading by non-tribals. As the Hon'ble Deputy Speaker stated, I am afraid that some feelings might be hurt and we should be careful. For us who represent Chhimituipui District it is uneasy to pass this Bill without considering the powers of the District Council as provided in the Sixth Schedule of the Constitution, to make Rules Regulations. Formerly, the P-L Regional Council did not have power to make rule or regulation and the rules etc. of the District Council prevailed. Even at present, the District Councils do not have any standing rule and it means if we are to pass this regulation to be applied/imposed as compulsory, we have to consider modification. The Executive Committee will be only licensing authority without power to make rules/regulations with the ones made by this U.T. Government to prevail and will be the basis of issuing licences.

As the Sixth Schedule provided, why should not the District Council authority be the authority (empowered) to make rules and regulations at the least? Without mentioning its "extension to the whole of the Union Territory of Mizoram", the Sixth Schedule provided the District Council should have power to make rules and regulation besides being the licencing authority.

Our Senior Member thought that "Seven days" period will be too short, but I say that whether it be 'fifteen days' or thirty days before introduction of any Bill, we shall not gain much even if it is "seven days", "thirty days" or "six months". As the period shall be too long, amendments shall have to be made. There are rules, order and regulation connected with it, and to enforce them without considering what is the basis of the act hurt my feeling. Suppose public face difficulty in interpreting and demand clarification from us, legislators who passed it I am afraid we will not be able to satisfy them. I suggest that besides the rules, order, notification be laid on the table of the House so that we shall share the problem. I support Pu Lalruata's point in that matter

26/-

People may complain the licensing authority as seen in page 6, and it appears that appellate Court have to be established, but what will be the Government's intention and what will be the extent of its power; will it be equal to the power of District Session Court?. I would ask the Ministry if there will be high court to appeal to for those who are not satisfied with judgement of the appellate Court.

Though we are to pass the Bill most anxiously waited for, those of us who represent the Southern District are in awkward position; hence we should allow the District Councils to enjoy the powers provided in the Sixth Schedule.

The autonomous body is not deprived of its powers, it rather retains its authority as Licensing authority; but if it is not given power to make rules, regulations etc. as provided in the Sixth Schedule, and be named as licensing authority only it may mean that the Sixth Schedule is not given importance. The Constitution could be interpreted in different ways though our interpretation too may not be right. If we simply pass this Bill, the three autonomous District Councils may feel differently, from administrative and political views and might appeal to some authority.

PU LAISANGZUA-LA:
MINISTER

Mr. Speaker, I am afraid that Hon'ble Member Pu Hipei, Pu Sangchhum and Pu Sapliana are not convinced and I would like to make clarification. At the time of framing this Bill, care has been taken in regard to constitutional aspect according to article 14, 19-G, 304 Sixth Schedule paragraph 10, 12 B etc. Whereby implications might arise. But to exclude Chhintuipui District or any particular area from the main body of Mizoram from the extension of this Trading by Non-tribal Regulation is not proper; it is shown separately in this Bill in paragraph 1, sub-para 4 reads - "It shall come into force on such date as the Government may, by notification in the official Gazette, appoints and different dates may be appointed for different area".

(Pu Sapliana: Mr. Speaker, instead of mentioning its enforcement, the date and area of enforcement only is mentioned).

Paragraph 3 also reads : "On and from such date as the Govt. may, by notification in the official Gazette, specify in relation to any area in the Union Territory". The provision of the Sixth Schedule is not contradicted by this Bill, there is some way it could rather safeguard it.

PU LAISANGZUALA:

Mr. Speaker, many members discussed the rules of page 8. Whenever there is an act, generally there is provision to make rules framed by the Government to be place before the House to be examined by the Subordinate Legislation

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Committee as done some days back. The House may not pass these rules and orders, but they are effective from the date they are framed if there be no recommendation for amendment/modifications from the Subordinate Legislation Committee. If the House recommends for amendment/modification and carryout the proposal, the rules, orders etc., are in force/effective as amended from the date amendments are made. Similarly, as provided in Sub-para 3, paragraph 15, after passing this act the Government shall frame rule that will be effective from that date, but it should be placed before the House at the first Session and "thirty days" period will be given to suggest amendment/modifications. It shall be effective and in force if no amendment be suggested, but if the House make amendment to that rule, it shall be effective as amended and enforced from that date onwards.

PO SAITLAWMA:

Mr. Speaker Sir, I am confused with the title "This Act may be called " the Mizoram Trading by Non-Tribals (Regulation) Act, 1974" An

act is a act, regulation and regulation but what does this Regulation Act mean?

The "period of validity" is only for 10(ten) years, but from which date and upto which year is vague? Suppose it is effective from 1st April, 1974, in Aizawl and Lunglei Districts we can imagine the specified ten(10) years. But if different date is fixed for Chhimgu District for its effective date, the validity will be vague. Hence "It shall remain in force for a period of ten years" has to be clarified to make clear its date of effectiveness. Could not it be extended to "15 years"? I don't know which article of the Constitution mentions Official Language. When English was to be declared as official language, a separate draft made for the Tribals, 15 years was fixed for validity while we fix only 10 years for validity.

Penalty is mentioned, but in which court judgement is to be made? Should be Court penalise or the licensing authority?. I consider this to be a Revenue Court.

Whether the Civil Court, Criminal Court, or Subordinate Court will have the power to exercise this act?

I think the "thirty days" is too long while in Assam, Meghalaya, Manipur etc. it is generally "14 days" none of our acts passed was given only "7 days" time considering the short duration of Session during which amendments could be made. In sanctioning "thirty days" without much difference in the act, uniformity is not maintained.

In clause 16, there is only "Repeal" without "savings"; but it seems to repeal Trading by Non-Tribal, 1972. Then, what will be the validity of the trade licence? It is good at a glance, but it is imperfect to be passed by this House. It appears that from the date of its effectiveness, case may arise.

The points of Chhimgu District M.A.s are reasonable. Where will the licence fee be saved, through the Executive Committee is to be the "Licensing Authority" Where will the collected fees go, to the Mizoram Government or the District Councils?. It should not be passed before reasonable clarification is made.

Formerly, there was application fee for licence, but it is not mentioned in this Bill. Whether the licence should be permanent or temporary is vague.

It appears to be temporary, to be renewed after expiration, but that is not favourable. If you suggest passing I do not object, but it is too imperfect to be passed by this August House.

PU R. THINGLIANA: Mr. Speaker, Clause 15, sub-clause 3 period of thirty days' seems to be our main point, as we all think it to mean to be placed in the House for a period of thirty(30) days. We all seem to interpret this 'before' to mean 'before' the House' or 'before the Table' but it rather means the time, 'before thirty days'. After passing this regulation, the Government shall make rules to be placed before the House in the next Session within thirty days from the Commencement. All the other Acts passed are done in this manner. If it should be placed for 30(thirty) days, it will be too long, hence it means 'before the expiration of thirty days'. The thirty(30) days' may be within one Session or if necessary continued in the next Session. If the 'thirty days' time is exhausted within one Session, placing the rules within the specified time, amendments made in the next Session shall be effective, as amended and ~~from~~ from the date it is in force. We may then send - "every rule made under this section shall be laid, as soon as may be after, it is made..... (imagine there is full stop here) before the Legislative Assembly while it is in Session for a total period of thirty days" therefore, the Government should place the rules in the House while it is in Session for a period of thirty(30) days.

PU R. L. ROCCAMA: Mr. Speaker, I feel that is not the intention. To our full stop (.) ~~Text~~ after the line "as soon as may be after it is made" does not appear to be the intention of the English and "before" seems to express/explain "the Legislative Assembly" It may be within one Session or continued in the next Session.

PU K. T. KHUMA: Mr. Speaker, the English construction is right but 'coma' (.) should be put after the word 'Session' as Honorable Member Pu Lalruata suggested like 'in Session for a total period of thirty days', it means after the Rules are framed, to be placed in the House while it is in session and the "thirty days" is the maximum period. It does not mean that it should be placed in the House for a total period of thirty (30) days, it rather means that a "total period of thirty day" should be available for consideration of the Members; after that we may take only 7 days for passing. But if we want to consider and study for a period of thirty days, we may continue in the next session if the prescribed period is not available in the current session.

SPEAKER: As amendment might be essential. I shall explain it this way. I have seen whether the Grammar is correct, any basis in the Parliament Act, but I have not yet found.

I support the explanation of the Finance Minister. If we shall not make modification, it shall read - "Every rule made under this Section shall be laid before the Legislative Assembly while it is in Session" and eliminate 'as soon as' and further read "shall be laid for a total period of thirty days" shall read 'maximum period of thirty days' that shall mean 'less than thirty days' ~~that~~ is more favourable. It further means that before thirty days it should be cleared. Though it is written "which may be comprised in one Session - "which ~~may be~~ we may not clear within that period, hence "in two successive Session" is provided; if not cleared 'in two successive Session' the 'third Session' is not allowed. It therefore reads - "before the expiry of the Session in which it is so laid" permitting consideration in the next session but before the expiration of the period but without mentioning the duration of the sitting.

PU C. LALRUATA: Mr. Speaker, the Finance Minister's explanation seems to be right. I was confused with "while it is in Session" and supposed coma(,) should be inserted, or there is typing mistake or probably the word construction is wrong. The duration of one Session never reaches 30 days right from the beginning, the current session is the longest as we have come to 25 days. If it is not cleared within one Session, next Session is generally held at the interval of 6 months; hence will this 'thirty days' be relaxed or included during this interval? Otherwise, we shall not have sufficient time to study the rules.

SPEAKER: I shall read the Parliament Act, Contract Labour Regulation and Abolition Act, 37 of 1970 - "every rule made by the Central Government under this act shall be laid as soon as may be after it is made, before each House of Parliament while it is in Session for a total period of thirty days which may be comprised in one Session or in two successive Sessions, and if before the expiry of the Session in which it is so laid the Session immediately following". It is similar from that onward, and I shall explain how it is interpreted. If this "while it is in Session for a total period of thirty days" means duration of the Session, the House shall have to sit for 30 days. But that is not applicable to us, one Session may last only 14 days and the next Session only 7 days which totalled only 21 days but that is not the intention and not applicable for us. Finance Minister's interpretation to insert coma(,) after the word Session is right, and take the 'thirty days' as the maximum period. The finalisation depends on your readiness as less than thirty days is allowed. If such is the case, amendment may not be necessary.

PU SAPLIANA: Mr. Speaker, there is much to discuss though we are glad to consider it. As Pu Saitlawma stated, its period extent for enforcement is vague as well as the title itself. The power of the Autonomous District Council as provided in the Sixth Schedule is encroached upon. The period of 'thirty days' is confusing. Some Act must have been repealed, but without savings.

This Bill has to be given another careful consideration, as provided in our Rules 95. I request permission to move adjournment of our debate.

SPEAKER: None other than the Bill-in-charge can postpone the debate.

PU NGURDAWLA: Mr. Speaker, the Member who suggested amendment seem to accept the clarification. I hope honourable Member Pu Lalruata can accept after putting coma(,). I think there is nothing much to debate.

SPEAKER: Suppose 'thirty days' is fixed but the Government after getting the rules ready to be laid on the Table of the House, do not lay at the beginning of the Session but rather lay it at the close of sitting so that it may not be cleared/finished. In such manner, advantage could be taken to be taken up in the next Session. I think it is quite clear.

PU C. LALRUATA: Mr. Speaker, it is not mentioned that after it is ready for laying in the House, it should be compulsorily placed in the first Session. It is simply mentioned that it should be placed in the Assembly Session after framing it.

SPEAKER: 'as soon as' means (in) the first Session of the Assembly.

PU K.L.ROCHAMA: Mr. Speaker, I feel each of us are forcing our interpretations. I don't mind if it is 30 day or 7 days. we may interpret the maximum period of stay on the Table of the ~~Table~~ House.

PU NGURDAWLA: Mr. Speaker Sir, what is the intention? Can anyone explain the spirit?

SPEAKER: The 'thirty days' is not meant as the duration of the Session, the 'total period' rather means its maximum stay on the Table of the House, during which modifications or notice of objection should be made clear as provided "before the expiry of the Session". The time extended copying the practice of the Parliament In Nagaland Assembly (14) fourteen days time is given, while the Subordinate Legislation Committee recommended 7 days time. If I am not mistaken, in the Assam Assembly 15 days time is given. The practice of Parliament is followed in this case, 'thirty days' time.

PU NGURDAWLA: Mr. Speaker, I don't mean adjournment, but if we are not clear, the enforcing authority may also be confused. I don't want to extend it for longer time, but I want to be clear about it.

SPEAKER: Should we take vote or what is the Govt.'s opinion? The Members are still confused and demand to continue on Monday, do the Government object? As three(3) more Items are there, we may take vote if you want to finish it today. If there is no objection from the Government, we shall continue on Monday so that you may have time to think over.

11:00 A.M. We shall meet again on Monday, at

Meeting adjourned at 4.10 P.M.