

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

5th Sitting of 6th Session on 23rd September '74
at 11 A.M.

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.

SPEAKER: Read Plasm 23.

Now, Question No. 57, Pu Lalkunga's question.

STARRED QUESTIONS TO WHICH ORAL ANSWERS WERE GIVEN

APPOINTMENT DEPARTMENT

Promotion of Superintendent of Political Department to Under Secretary.

PU LALKUNGA: *57. Will the Hon'ble Minister i/c of the Appointment Department be pleased to state -

(a) Whether it is a fact that the Superintendent of the Political Department has been promoted to Under Secretary?

(b) Whether it is a fact that he was not holding the post of Under Secretary in his parent Government prior to joining the Mizoram Government ?

(c) If so, why was he promoted ?

(d) What is the period of his deputation to Mizoram Government ?

PU K.T.KHUMA
MINISTER:

Mr.Speaker Sir,

(a) Yes, it is a fact that the Superintendent of Political Department has been promoted to Under Secretary on 1.4.74

(b) Yes, it is a fact that he has not hold the post of Under Secretary in his parent Government.

(c) Two posts of Under Secretary have been reserved for Secretariat Service Officers. The criterion for such promotion laid down by this Government was as follows :-

That a total service of minimum 15 years of which 5 years should be in the Supervisory capacity that is from Assistant Superintendent onwards in Secretariat scale of pay may be fixed as the minimum qualifications for Secretariat Service Officers for promotion to Under Secretary. According to this criterion Shri N.N.Palit, Superintendent of Political Department was found most suitable and eligible for appointment as Under Secretary.

(d) His deputation period in the first instance was for two years from 1.8.1972. On expiry of two years, it has been extended for another one year up to 31.7.1975.

According to Recruitment rules one has to serve at least 15 years in Supervisory capacity. As such Shri N.N.Palit was the only Ministerial staff who had such efficiency, that is why he was given officiating promotion. His deputation period is two years which has now expired, but it is now extended again up to 31st July 1975.

PU LAIKUNGA: Mr. Speaker Sir, supplementary question -
Is there any Under Secretary's post in his parent Government? Has this promotion been done with the approval of D.P.C.? And how can he be promoted to Under Secretary's post while the Minister said that they have not yet had recruitment rules, in his previous statement? I also would like to know whether those rules, may be adhoc rules he read were for his personal use?

PU K.T.KHUMA
MINISTER: Mr. Speaker Sir, Shri N.N.Palit was not an Under Secretary in his parent Government. As for his promotion, it was approved by the D.P.C. Recruitment have also been drafted for approval. So, the appointment was done on adhoc basis before the Recruitment rules are approved.

PU R.ZOLIANA: Mr. Speaker Sir, supplementary question -
As an Ex-E.C.O who had recently been appointed as Under Secretary served for 15 years in Secretariat? And what is the percentage that can be promoted from the post of Superintendent to the post of Under Secretary in the Government of Mizoram? Is it also a fact that Under Secretary who is now in Political Department has taken charge of Law, S.A.L. and Home Departments?

PU K.T.KHUMA
MINISTER: Mr. Speaker Sir, the case of an Ex-E.C.O. was different for, he was not a Ministerial staff but an executive staff who had been promoted to Under Secretary.

Under Secretary whom we are talking about is a Ministerial staff who had served for 15 years in Secretariat. Therefore his appointment is different.

Also, I would be glad if our hon'ble Member could repeat his question.

PU R.ZOLIANA: Mr. Speaker Sir, I will repeat it. Is it true that Under Secretary who is now in Political Department has taken charge of Law, SAD and Home Departments officially without and official order? Another supplementary question, I wish to make is that our hon'ble Minister mentioned about draft and adhoc rules which he said were to be used for the present. If it is so, will it not be against the Indian Constitution Article 311?

PU K.T.KHUMA
MINISTER: Mr. Speaker Sir, due to the inadequacy of officers, there is a time when one has to look after two or three Departments at a time. Right now, I could not say how many Departments had been left in charge of Political Under Secretary, but this can be known from the office. However, it is possible for an Under Secretary to look after two or three Departments at a time.

SPEAKER: Question No.58, Pu Ngurdawla's question.

Number of persons so far appointed to M.C.S. Class II

PU NGURDAWLA: *58: Will the Hon'ble Minister-in-charge of of the Appointment Department be pleased to state -

(a) How many successful candidates for the last Mizoram Civil Service Class II examination conducted by the Govt. of Mizoram have been given appointment up till now?

(b) Whether the past service of those who served as Gazetted Officers under the Govt. of Assam posted in Mizoram be counted for seniority in the Civil Service Class II, if appointed?

PU K.T.KHUMA
MINISTER:

Mr. Speaker Sir,
(a) Twenty candidates have been given appointment

so far.

(b) The past services as Gazetted Officers under the Government of Assam or under the Government of Mizoram prior to their appointment in Civil Service Class II will not be counted towards their seniority in Civil Service Class II. Determination of their respective position in the merit list of competitive examination conducted for the purpost.

SPEAKER:

Question No. 59 Pt Ngurdawla's question.

SUPPLY AND TRANSPORT DEPARTMENT

Issue of G.C.I.Sheets only on the basis of seniority of the Applications.

PU NGURDAWLA:

*59: Will the Hon'ble Minister i/c of the Supply & Transport Department be pleased to state -

(a) Whether it is a fact that the Government of Mizoram is issuing G.C.I.Sheets to the applicants on the basis of priority in receipt of applications.

(b) Whether the Government has ever enquired whether the applicants are really in need of G.C.I. Sheets.

(c) If not, why not ?

PU R.THANGLIANA
MINISTER:

Mr. Speaker Sir,
(a) Yes, and according to the urgency of the needs.

(b) Yes, needs of the applicants are verified by Inspector/Sub-Inspectors of Supply prior to allotment of G.C.I.Sheets.

(c) Not applicable.

PU NGURDAWLA:

Mr.Speaker Sir, supplementary question - The other day, I had a talk with one Supply Officer concerning the allotment of G.C.I.Sheets. There I was told that the allotment depends on the seniority of applications which is not at all fair. When did they adopt this kind of allotment ?

PU R.THANGLIANA
MINISTER:

Mr.Speaker Sir,
Due to inadequacy of G.C.I.Sheets at a time, it is inevitable to allot in seniority of application. If we could have had enough sheets for all needy applicants, at a time we would not have done it this way.

NGURDAWLA:

Mr.Speaker Sir, the minister might have not realized that it is not only in seniority of application, but also on the importance of an individual that the Minister request the Department to allot it justly ?

PU R.THANGLIANA
MINISTER:

Mr.Speaker Sir, what had been said by our Hon'ble member would have some basis. But, there can also be senior and not senior applications. Although before allotment, applications that had come from Churches, Schools and Private Institutions are given priority. If it is for the use of an individual, verification is needed. But, as there can be many applications at a time, it is quite confusing to know as to which application would first need verification. Besides, as the ones who did verification are also just human beings like us, there must have been some who could report it urgently and influentially. In such a case, the Director would just have to give in.

PU SAITLAWMA: Mr. Speaker Sir supplementary question - We know that Supply Advisory Board has been initiated which had also been recommended by Consultative Board. So, has the Government implemented this ?

PU R.THANGLIANA:
MINISTER: Mr. Speaker Sir, yes, it is already implemented. Here, we decided to place D.C. as a Chairman, but since there is a Director in Supply & Transport Department, a Director is permitted to issue 25% allotment where he thinks necessary whereas the remaining allotment is placed in the hands of Supply Advisory Board which has been initiated in every District. Although previous allotment was not yet done this way, I see no reason why we should not do as decided in new allotment, that is if the Government could get allotment for the people.

SPEAKER: Question No. 60, Pu Sangkhuma's question.

Non receipt of salaries by employees of Supply & Transport Department.

PU SANGKHUMA: *60: Will the Hon'ble Minister i/c of the Supply & Transport Department be pleased to state -

(a) Whether it is a fact that some employees of Supply & Transport Department did not get Salaries for the years 1971-72 and 1972-73.

(b) If so, why.

PU R.THANGLIANA
MINISTER:

Mr. Speaker Sir,

(a) To the best of our knowledge there is no such case in the Transport Wing.

(b) Does not arise.

PU SANGKHUMA: Mr. Speaker Sir, supplementary question - In my question, I thought I included the year 1974. Anyway, it is related to my question concerning the salaries of Supply & Transport employees.

On 23rd October, 1973, six(6) drivers were appointed in D.C. Office Transport Wing. While they were employed, another five (5) drivers from Assam State Transport were again appointed without any post sanctioned. On 20.7.1974, the previous 6 drivers were given an order to continue in their post. Of the six, three of them have not got their salaries since March 1974 whereas the newly appointed five could get although there was no post sanctioned. Some of those who could not get their salaries were Car Drivers who have to travel here and there without any pocket money in their hands. For them, 6/7 months without pay !! This should not be the way. Here could the Government see to it and set it right ?

PU R.THANGLIANA
MINISTER:

Mr. Speaker Sir, it is a fact that there is certain difficulty in this establishment. In Transport Department there can hardly be a vacant post of driver, because of the advancement of the Department due to which some drivers accept and are employed without pay to be regularised when there is vacancy. As for those who entered from Assam Corporation - there had been a talk with Assam Government in which ~~the~~ we were requested to absorb their drivers who are here in this territory. Since they were released from Assam, we cannot possibly reject them, in fact priority is given to them.

The cases of those drivers who wait for their appointments from other Departments are also considered by the Govt.

and Government would also see about the salaries of those three drivers.

PU SANGKHUMA: Mr. Speaker Sir, the case of those three drivers I talked about was different. They got their pay for about 5 months and after that their salaries had been shifted in favour of the new employees.

PU R. ZOLIANA: Mr. Speaker Sir, according to my knowledge the reason why 4th Grade employees of Supply and Transport Department could not get their salaries is because of one rule, draft service rules they framed which seems to cause chaos among them. Supposing service rules is framed by Directorate of Supply could they straight away use it? Supposing the rules are used before Government's approval, could the blame be put on those who exercise it?

PU R. THANGLIANA MINISTER: Mr. Speaker Sir, after they are approved, Service Rules or Recruitment rules are to be exercised straightaway but not for turning out the old employees. If there are not enough posts, certain numbers would have to be retrenched. And, if there are some who cannot be regularised at all, their cases are specially considered. At any rate, Service Rules or Recruitment Rules are to be used as soon as these are approved.

As for the salaries matter to the best of our knowledge from the Department it is only Ramcheuva who could not get the salary.

PU K. SANGCHHUM: Mr. Speaker Sir, what the Minister said about Ramcheuva was a thing of long past, or should I say the thing that had happened 3 years back. Many times, his salary was demanded but was not given. I want the Minister to tell as the reason why one's salary could be withheld for so many years.

PU NGURDAWLA: Mr. Speaker Sir, as far as my knowledge is concerned, service rules that has been framed would have to be first referred to Sub-Ordinate Committee for further study before these are enforced. Before that, is it possible for the Government to readily accept it?

SPEAKER: Let me answer that, Sub-Ordinate Legislation could study it whether the rules are laid or not on the Table of the House. They are also empowered to make rules if it is based on certain acts or Constitution. If there has to be any alteration the House could do so, even after it is enforced. As long as the rules are based on statutory provision, it can be enforced straightaway.

PU NGURDAWLA: Mr. Speaker Sir, if it is so troublesome as that, could they be requested to submit it immediately?

PU R. THANGLIANA MINISTER: Mr. Speaker Sir, regarding Pu Ngurdawla's question - I think there is nothing wrong in regarding Sub-Ordinate Legislation as Government to study the formed rules.

As for Pu Sangchhum's question - concerning the salary of Ramcheuva who has not drawn his pay for 3 years - Just now I cannot answer it. If it is so necessary to know, I think we can find it out again.

SPEAKER: Question No. 61, Pu Saplana's question.

Number of vehicles belonging to Transport Department disposed of by Public Auction.

PU SAPLIANA: *61: Will the Hon'ble Minister i/c Supply & Transport Department be pleased to state -

(a) Whether it is a fact that some vehicles belonging to Transport Department of Mizoram had been disposed of Public Auction in the year 1973-74 ?

Public Auction ?

(b) If so, whether any date was fixed for the highest bidders.

(c) Whether the vehicles were handed over to of by public Auction ? (to be shown type-wise).

(d) What is the number of vehicles disposed

PU R.THANGLIANA
MINISTER:

Mr.Speaker Sir,

- (a) Yes.
- (b) Yes.
- (c) Yes.
- (d) 11 Jeeps and 9 Fargo.

PU SAPLIANA: Mr.Speaker Sir, supplementary question - if the date was fixed, I would like to know the day and month. Is it also true that there was re-auction after Public Auction was done ? If it is true, I want to know, the date, month and year, when re-auction was done. And have the vehicles been handed over to the bidders ? If not, why ?

According to the Minister, the number of vehicles disposed of by Public Auction was 11 Jeeps and 9 Fargos. If it is so, I want to know the whereabouts of 28 Bedford.

PU R.THANGLIANA
MINISTER:

Mr.Speaker Sir, the highest bidders was Vanlalhrunia, Chaltlang from whom Rs.2,7500/- for 11 Jeeps and Rs.6,2101/- for 9 Fargos, is expected. To prevent the possible unfair means adopted by united bidders, Government reserved a right not to give only to the highest bidder. So, 28 Bedfords were auctioned on 18.2.1974 in which the highest bidder Sangkar Ajoy Sadder Sarma offered Rs.8,5000/-, but his bidding was rejected by the Government. Afterwards, on 20.3.1974, there was a re-auction, in which the highest bidder offered Rs.3,5000/-, much less than the offering of the previous highest bidder. But as the Government had a right reserved not to give away the property easily, those Bedfords are not yet disposed of.

PU C.LALRUATA:

Mr.Speaker Sir, while our Transport and Supply Minister said as of disposing those Bedfords, our ex-Minister of Supply and Transport said in other way that is as of not yet disposing them. So, which one to believe ? One of them must be wrong. Why have the Ministers given to the House wrong information ? Is it not contempt of the House ?

PU SAPLIANA:

Mr.Speaker Sir, supplementary question - The explanation given by the Hon'ble Minister as Pu Ruata said was completely wrong. Is it not true that the reason for re-auction was due to one person, who later on in writing expressed his willingness to offer higher amount for the property than the amount offered by the highest bidder ? Was it not because his case was considered that there was a re-auction ?

.....7/-

It is also evident that 28 Bedfords were included in the auction even though the Minister stated them as of not included. It has also been known that the rate offered by the former bidder was higher than that of the latter bidder. So, was it because of his higher rate that the first and former bidder was re-offered although the case of the latter bidder was considered? Is it also a fact that the Government regards the property as not yet disposed of till today due to the refusal of the first bidder to lift the property because of their rejection of him before? Could not all these mean that the auction is in a mess?

PU J. THANGUAMA: Mr. Speaker Sir, in previous session, one question came up regarding the vehicles we now talk about. There the Minister replied and said that the case was handed by Central Motor Bureau of Investigation. Hence, what is the present condition of the investigation? Has investigation been completed? I would also like to know the persons involved and caught by C.B.I. And, did C.B.I. give permission to hold auction?

SPEAKER: I don't think it will be possible to explain the law-side of the case.

**PU R. THANGLIANA
MINISTER:**

Mr. Speaker Sir, I don't think it will be difficult to answer our Deputy Leader's question. It is true that previously we cannot auction the property due to the investigation taken by MBI, but afterwards there is no problem that I know of. As for the persons involved, I don't think it would be right to mention them even if I know. Our members seemed to misunderstand the way 28 Bedfords were auctioned. It is like this, that the property was auctioned on 18.2.1974 and the highest bidder A.S. Sarda who offered Rs.8,5000/- was rejected, the reason of which I could not say now. Then, the property was again auctioned on 20.3.1974 where the highest bidder bid for Rs.3,5000/- which is much less than the previous bid.

As such was the difference in the two bids the Government then decided to offer to the previous bidder. But, before the previous bidder, A.S.Sarda was re-offered, his security deposit was already released due to which he too rejected the offer.

PU LALKUNGA: Mr. Speaker Sir, it seemed that an auction was held after Government assessed the value of the property. But, what I don't understand is the reason why the highest bidder was re-offered if his bid Rs.85,000/- did not reach the assessed value decided by the Government.

**PU R. THANGLIANA:
MINISTER:**

Mr. Speaker Sir, I don't think I said that the highest bid was rejected because it did not reach the assessed value decided by the Government. I think I only mentioned how auction was handled. Perhaps the highest bid did not reach the assessed value, which I don't know. When Ajoy Sarda rejected the offer (Lalkunga - How was the auction been sorted out? and how can there be re-offering?)

I don't know how it was sorted out, but they must have sorted it out somehow, otherwise how can there be a re-auction. Those 28 Bedfords were also already auctioned.

SPEAKER: This question has been much discussed even in our previous sittings. So, I request the members to understand each other since the Minister i/c Supply and Transport is absent.

PU NGURDAWLA: Mr. Speaker Sir, I would be glad if the Minister could explain the reason as to why the highest bidder was again offered, after his bid was rejected.

PU R. THANGLIANA
MINISTER: Mr. Speaker Sir, among the Mizos, auctioned property whether big or small, mostly goes to the highest bidder. But, that is not the case in Supply and Transport because of so much money involvement in it, as I have said before. Also it won't be a surprise if the Government gives the property to the Rs. 8,5000/- bid. But, since the offer had been rejected - (Sapliana - Mr. Speaker Sir, why there was a re-auction? Was not anything wrong in it?)

PU R. THANGLIANA:
MINISTER: Mr. Speaker Sir, we know that the highest bid Rs. 8,5000/- was not accepted by the Government. But, as the second bid was only Rs. 3,5000/-, the former bidder was re-offered. But, he too rejected the offer due to which there was a re-auction. Hence, I don't think there is anything wrong in particular.

PU J. THANGHUAMA: Mr. Speaker Sir, I don't understand the meaning of all these. Usually, an auctioned property is given to the highest bidder. But, by what rule the highest bidder is not given here in this case?

PU R. THANGLIANA
MINISTER: Mr. Speaker Sir, first of all an auction order is taken from Finance Department, after which the property is auctioned accordingly. Then the Department is informed of the rate of the highest bid. If Finance Department could not dispose of the property for that much rate, there is no other way, except to search a higher bidder so as to be able to dispose of the property.

PU SANGKHUMA: Mr. Speaker Sir, let me ask a question. According to the hon'ble Minister it seems that the highest bid was not accepted because it does not cover the assessed value decided by the Department. But, viewing what had been said could it be that the Second bid was not now below the assessed value?

PU R. THANGLIANA
MINISTER: Mr. Speaker Sir, I will answer the question. It is like this that the Department expected above Rs. 8,5000/- bid, but the second bid becomes much less than they expected. Not only that, it did not reach even half of the first bid. And when the first and highest Bidder rejected the offer, there was no alternative for the Government except to accept the lower bid.

PU K. L. ROCHAMA: Mr. Speaker Sir, I would like to know the amount of the assessment value decided by the Government and also the reason as to why Rs. 8,5000/- bid could not be accepted. Lastly, I request the Minister to inform the House the reason why Sarda, the highest bidder can be re-offered.

PU K. T. KHUMA
MINISTER: Mr. Speaker Sir, in an auction, the auctioness used to have a reserved price. In this case, don't know the exact amount fixed for reserved price but I know that the highest bid Rs. 8,5000/- did not reach the reserved price fixed by our Transport Technician. After all was said and done, there was another bidder or as to say a person who in writing reported his willingness to give higher price than the highest bid. But, as it is not according

to the rule to give the property to a person/bidder who is not present on auction day and as the highest bid Rs.8,5000/- did not cover the reserved price fixed by the Department. There was a re-auction, in which the highest bid was Rs.3,5000/-, much less than the first bid. As was the case, it is going to be a great loss for the Government. So, to save the Government from this situation, the first and former bidder, Sarda was re-offered.

SPEAKER: Now Question No.62, Pu Sapliana's Question.

Issue of G.C.I. Sheets outside the concerned District.

PU SAPLIANA: *62: Will the Hon'ble Minister i/c of the Supply and Transport Department be pleased to state -

(a) Whether it is a fact that allotment of G.C.I. Sheets is made by the Government district wise ?

(b) If so, whether the same have to issued only to the public of the Districts concerned ?

PU R.THANGLIANA MINISTER:

Mr.Speaker Sir,

(a) Yes.

(b) It is to be issued to the public as well as to Government Departments and Public Institutions of the District.

PU SAPLIANA:

Mr.Speaker Sir, supplementary question - Is the District-wise allotment applicable for others, who reside in other Districts ? For example - I am from Chhimbau District and applied for G.C.I. Sheets from Aizawl District allotment. So, can I be given supposing I did like that ?

PU R.THANGLIANA MINISTER:

Mr.Speaker Sir, the arrangement is made in such away that the D.Cs of each District is detailed to distribute the allotment from their respective Districts. For example - Pu Sapliana is from Chhimbau District and he applied for G.C.I Sheets from Aizawl District allotment. So, there is no hard and fast rule that he cannot be given. I don't think there is such a strict rule attached to this.

PU SAPLIANA:

Mr.Speaker Sir, I thought that they were very strict since I was not given even after applying for so many times.

SPEAKER:

Perhaps that was before you have a House of your own. If you have a House of your own here in Aizawl District, it won't be necessary to take G.C.I.Sheets from Chhimbau District.

PU SAPLIANA:

Mr.Speaker Sir, is that mean only those who have houses are to be given and those who have not are not to be given ?

PU R.THANGLIANA MINISTER:

Mr.Speaker Sir, G.C.I,Sheets are mostly used for roof, and the people who are really in need of it are given. But, of course, there might have been some mistakes.

SPEAKER: Now, question No.63, Pu Sapliana's question.

Individual wise allotment of G.C.I.Sheets allotted for Chhimbauipui District.

PU SAPLIANA: *63: Will the Hon'ble Minister i/c of the Supply and Transport Wing Department be pleased to state -

(a) Whether it is a fact that some quantity of G.C.I.Sheets out of Chhimbauipui District quota have been allotted addresses of persons of Chhimbauipui District ?

(b) If the answer to question (a) above, is in affirmative what were the quantities allotted ?

PU R.THANGLIANA MINISTER:

Mr.Speaker Sir,

(a) The Chhimbauipui quota of G.C.I.Sheets 295 bundles was sent to D.C. Chhimbauipui District for distribution there.

(b) Does not arise.

PU SAPLIANA: Mr.Speaker Sir, I think appropriate answer is not given. What I questioned about is whether some persons, who do not belong to Chhimbauipui District, but used Chhimbauipui District addresses, and who have no pass nor houses were given G.C.I. Sheets. Perhaps the Minister does not understand my question fully.

SPEAKER: The question was not very clear either, but it is alright now since it has been clarified.

PU R.THANGLIANA MINISTER:

Mr.Speaker Sir, I have no knowledge of such thing.

PU SAPLIANA: Mr.Speaker Sir, how comes the Minister do not know about this ? Why it is not possible for the Government to know Government letter No.SSA.26/74/116 of 26.6.1974 which is G.C.I allotment issue ? Why can't the Minister in-charge give the information as to whether there were such persons? Will not Minister take action ?

PU R.THANGLIANA MINISTER:

Mr.Speaker Sir, since the question was not very clear, may be the Department do not understand properly. Unless and until recommended and certified by responsible officer, there never was such an allotment even if there really were some persons who applied the allotment in the name of Chhimbauipui District. If such thing really exists, may be it was done with the recommendation of responsible officer or someone who could have voice. Anyway, it won't be difficult to find it out.

PU SAPLIANA: Mr.Speaker Sir, in G.C.I. Sheets allotment Sl.No.1, I stated above, Chalhlira, Zohnuai was allotted 4 bundles. In Sl.No.16, Dr.Thanglura, Lawngtlai who is a newcomer was allotted 3 bundles. It is a surprise that we, Chhimbauipui District now have a Doctor who needs G.C.I. Sheets. Therefore, Government must see about this. If the Minister prepared the answer of my question, how comes he was not given any information of the thing I mentioned just now ?

SPEAKER: Now question hour is over.

PU SAITLAWMA: Mr.Speaker Sir, is it possible to have Supplementary question from Unstarred Question ?

SPEAKER: There is not time even to finish Starred Question.
It is only that there is no time otherwise
it is possible.

PU K.L.ROCHAMA: Mr.Speaker Sir, is it not alright to extend
the time for supplementary question as well
as for unfinished question since it is what we the members wish ?

PU SAITLAWMA: Mr.Speaker Sir, as for as the extension of
time is concerned, it is you who could have
voice as provided by our Constitution 2nd. When the copy of Unstarred
question is given to us, no one seems to study it. But, today we
study them and find the necessity of making supplementary question,
out of them. So, it is very necessary to extend our time for question.

PU NGURDAWLA: Mr.Speaker Sir, we would be very glad if our
prayer is granted, for these are important
questions in which we have much interest.

SPEAKER: If no-one objects then let us go on. Now
question No.64 Pu Lalruata's question.

H O M E D E P A R T M E N T.

Number of case registered in Aizawl, Champhai and Kolasib, since
1.1.1974 upto date.

PU C.LALRUATA: *64: Will the Hon'ble Minister i/c of the
Home Department be pleased to state -

(a) What is the number of the following cases
registered in Aizawl, Champhai and Kolasib Police Stations since
1st January 1974 upto date ?

- (1) Robbery.
- (2) Theft.
- (3) Murder.
- (4) Rape.

(b) How many of them are detected (the culprits) ?

PU SANGHEHHUM: Mr.Speaker Sir, let us spend the time purposefully
so as to have clear answers even if we are to take longer time.

**PU K.T.KHUMA
MINISTER:**

Mr.Speaker Sir,

(a) Number of Cases registered:

- | | | |
|-------------|---|-----|
| (1) Robbery | - | 27 |
| (2) Theft | - | 136 |
| (3) Murder | - | 17 |
| (4) Rape | - | 10 |

(b) Number of Cases detected:

- | | | |
|-------------|---|----|
| (1) Robbery | - | 9 |
| (2) Theft | - | 47 |
| (3) Murder | - | 1 |
| (4) Rape | - | 4 |

PU C.LALRUATA: Mr.Speaker Sir, what I intend to ask is the
number of cases and number of cases - detected in
Aizawl, Champhai and Lokasib separately.

PU K.T.KHUMA

MINISTER: Mr.Speaker Sir, what I said was the number of cases and number of cases detected as a whole. I cannot mention the cases in number of different stations just now. Anyway, I would be able to give later on.

PU K.SANGCHHUM:

Mr.Speaker Sir, supplementary question - Is this increasing rate or decreasing rate taking the percentage from the record in Mizoram ?

PU K.T.KHUMA

MINISTER: Mr.Speaker Sir, I don't know the exact, but it is an increasing rate.

PU K.L.ROCHAMA:

Mr.Speaker Sir, as stated by our Hon'ble Minister, the number of cases has been increasing in Mizoram. But, it is very disgraceful to have many long pending cases. So now also, I want to ask how many pending cases are in Aizawl.

PU K.T.KHUMA

MINISTER: Mr.Speaker Sir, I too accepted the fact that, Police cases are too gradually processed as mentioned by our hon'ble members. The sooner cases are cleared the better, which is also in public interest. As for the number of pending cases, right now I could not tell you, but I would be able to give later on.

PU R.ZOLIANA:

Mr.Speaker Sir, just now our Hon'ble Minister mentioned the performance of our Police which is not upto his expectation. If their performances are unsatisfactory, then what did the Government do about it ?

PU K.L.ROCHAMA:

Mr.Speaker Sir, For reason of pending cases. the Minister put the blame on Police. But the Police try their best to catch culprits. While some of the culprits wanted to make a confession of their quilts in front of our Police Officers, their cases are handed over to Magistrate. But, the Magistrate simply sent back without making any further enquiry. So, the culprits are imprisoned for a long time without clearing their cases. True, that the Police would have some drawbacks in their performance. But, does the Government know that the reason why there are so many pending cases is due to the negligence of the Magistrate and shortage of Magistrate in our Government ? Is there any intention to increase the post of Magistrate ?

PU K.T.KHUMA

MINISTER: Mr.Speaker Sir, Regarding long pending cases only the Police could not be blamed as our Member had said. When Police cases are entered in the Court, these are placed in the hands of Magistrate. But, due to the inadequacy of Magistrate it has been decided to empower Mizoram Civil Service Officers with Magisterial powers and also to have more Class I Officers above them so as to be able to solve the problem of pending cases. It has also been intended to institute separate Battalion as we have no sufficient Police Forces at present.

PU SAIELAWMA:

Mr.Speaker Sir, does the Mizoram Government really have Civil Service Officers ? If yes, when was Mizoram Civil Service created ? And, does Mizoram have Public Service Commission ?

**PU K.T.KHUMA
MINISTER:**

Mr. Speaker Sir, Central Government has been approached to make certain rules and conditions for Mizoram Civil Service. As for Public Service Commission, none of the Union Territory Governments have this thing, and there is also no provision in the Constitution. If we are permitted to have a Mizoram Civil Service, recruitment will be done through Union Public Service Commission. But, D.P.C. body would have recommendation, so there would not be much difficulty in recruitment. As a matter of fact, the Mizoram Government have not had any M.C.S. Class I. The only officers we now have are those of A.C.S. who served here in deputation and those M.C.S. II we have recently appointed.

PU C.LALRUATA: Mr. Speaker Sir, supplementary question - We know that there are 19 murder cases from 1st January - September 1974. So, I would like to know the persons who were murdered and the murderer who had been detected.

The Hon'ble Minister said that 4, - out of 10 Rape Cases had been detected. If so, are the assaultants and the victims both Mizos in these 4 cases? And is there any case filed in Police or Court in which the rape is committed by the Army?

**PU K.T.KHUMA
MINISTER:**

Mr. Speaker Sir, I am sorry that I could not give the fact and figure asked by our Hon'ble Member. But, I can give him from the Office.

SPEAKER: Now, Question No.65 Pu Rochama's question. When we make supplementary questions, let us try not to ask things that can be known from our common sense so as not to waste our time.

Superintendents of Police under Lunglei and Chhimituipui Districts authorised to appoint Class III and IV Employees.

PU K.L.ROCHAMA: *65: Will the Hon'ble Minister i/c of the Home Department be pleased to state -

(a) Whether it is a fact that the Superintendents of Police, Lunglei and Chhimituipui Districts are authorised to appoint Class III and IV employees?

(b) If so, whether it is a fact that appointment for such posts have been made by the Headquarters (Aizawl).

**PU K.T.KHUMA
MINISTER:**

Mr. Speaker Sir,

(a) Superintendents of Police, Lunglei and Chhimituipui Districts are authorised to appoint Grade IV Staff but not Grade III.

(b) The Superintendents of Police Lunglei and Chhimituipui Districts are directed to make selection from the local candidates for filling up vacancies of Class III post in Lunglei/Chhimituipui Districts by observing usual procedure and to submit their recommendation to Police Headquarter for obtaining approval of D.P.C./Government of Mizoram.

PU K.L.ROCHAMA: Mr. Speaker Sir, Aizawl being the Headquarter, have IGP as its head while S.P. is the head both in Lunglei and Chhimituipui Districts. Just now our Hon'ble Minister said that an Superintendent is given a power as far as IV Grade is concerned, for which I am glad. But, there seems to be various problems among the III and IV Grades of these two Districts, which I wanted to make sure.

Both Lunglei and Chhimituipui Special Branches have 2 IV Grade each, and Lunglei Armed Branch have 15 IV Grade. In Chhimituipui District there were 4 posts lying vacant for Grade IV, for which the Superintendents made selection from their side. But, is it true that these vacant posts were filled up by the candidates selected from Aizawl ?

PU K.T.KHUMA
MINISTER:

Mr. Speaker Sir, the appointment of IV Grade can be conducted by the Superintendent of Police. But, in case of the appointment mentioned by our Hon'ble Member, I think the reason is that, the armed branch Police of Lunglei is not under the direct control of an Superintendent. It is rather under the direct control of Headquarter from which the appointment is made by the Superintendent. So, perhaps, this was the reason.

PU K.SANGCHHUM:

Mr. Speaker Sir, supplementary question - Why so necessary to make the appointment of Class III for Lunglei and Chhimituipui Districts in Aizawl if it can be done there on the spot ?

And, can the Government delegate power to these 2 Districts especially for appointment, in the interest of the public ?

PU K.T.KHUMA
MINISTER:

Mr. Speaker Sir, I am not very sure whether it was in the year 1972 or 1973 that the Ministers and Department Heads had a meeting. Where D.P.C. was created.

The recommendation of the D.P.C. should be considered by the Government and there is no modification as far as their verdict is concerned.

PU K.SANGCHHUM:

Mr. Speaker Sir, has D.P.C. been created also for Lunglei and Chhimituipui Districts ? If yes, who are the members ?

PU K.T.KHUMA
MINISTER:

Mr. Speaker Sir, Lunglei and Chhimituipui District are to have D.P.C. at District level. But, just now I can't say who are the members.

PU SAILLAWMA:

Mr. Speaker Sir, it was said that Lunglei and Chhimituipui Districts are to have D.P.C. But, when will they have ? We are not satisfy with the answer to have.

PU K.T.KHUMA
MINISTER:

Mr. Speaker Sir, though I could not say the time when D.P.C. will be created for these two Districts, it should have been done and it must also be done now.

PU K.L.ROCHAMA:

Mr. Speaker Sir, our Hon'ble Minister, uncertainly stated the reason why there was a confusion in the appointment of Grade IV in Lunglei and Chhimituipui Districts. It won't be right to give uncertain answer in the House. Anyway, from what we're learned it is certain that the S.P.s of Lunglei and Chhimituipui Districts have no control over those IV Grade who are under their command. If what had been said by the Minister is true there would be many difficulties regarding leave, appointment and discipline. I don't think it is fair that IV Grade employees of Lunglei and Chhimituipui Districts, take the command of an officer who is in Aizawl instead of taking from their own Class I Officer. If such is how we go, it is really going to be very troublesome. Hence could the Government give power to the Superintendents of Lunglei and Chhimituipui Districts to take a decision ?

PU K.T.KHUMA

MINISTER:

Mr. Speaker Sir, for example - there are quite a number of Police armed branch in different places of Mizoram. And, I do know that they all take permission from the Superintendent of Armed Police if they are to go on leave. Armed Branch Police Superintendent is the controller of Armed Branch Police within Mizoram. Hence, he is also the one who gives sanction order. As the same case is with Special Branch, there is certain difficulty here.

In regard to the granting of power to the Superintendents of Lunglei and Chhimitupui Districts, I believe there would be some way to do so, if the members take the matter to the Government.

SPEAKER:

We might have been unsatisfied with the answers given by the Ministers, but, something can be done here. If we do not get satisfactory answer, we can have half an hour discussion on the subject. And, the Ministers too always make correction of statement, which should be avoided as far as possible, for if the members regard this as misleading the house, there has to be a verification as provided by our constitution.

If the Ministers give wrong statement by mistake, that would not be contempt of the House. It cannot be counted as breach of privilege, but as it can be misleading, correction of statement is made.

Now, question No. 66.

Government proposal to bring more Battalions of Police on deputation.

PU NGURDAWLA:

*66: Will the Hon'ble Minister i/c of the Home Department be pleased to state -

(a) Whether the Government have any proposal to bring more Battalions of Police to Mizoram on deputation.

(b) Whether the existing 3 Police Battalions (10 RAC, 55 and 56 CRP) are being properly utilised?

(c) Is there any scope for full utilisation?

PU K.T.KHUMA

MINISTER:

Mr. Speaker Sir, -

(a) Yes.

(b) Yes.

(c) Yes.

PU NGURDAWLA:

Mr. Speaker Sir, if the answer of question (a) is in affirmative, then is that mean that they really intended? Why do the Government of Mizoram intend to increase the strength of constables by three Battalions from other States inspite of knowing that the present strength of the police is inadequate and in addition there is unemployment problem for educated young Mizos? If it is the policy of Mizoram Government and not Central, can it be changed in the interest of the Public? There is also a Budget provision for the creation of 1 more Battalion. But, as it is not easy to create such things in our present circumstances, the Government moved a proposal for the creation of 2 Companies for the present. But, till now, no such thing has been created. So, I would like to know the intention of the Government here. Will they bring constables of other States on deputation in substituta/ of these Companies?

I would also like to know the reason why Government utilize constables of other States by using so much money from Mizoram Government?

PU K.T.KHUMA
MINISTER:

Mr. Speaker Sir, in view of our present circumstances, the police particularly. RAC AND CRP have much work to do. As they are not many in numbers with things to do here and there, there are many difficulties for them too. We are also aware of the fact that the strength of our present police Battalions is inadequate. But, to make new recruitment, there are various difficulties that we have to go through. Enhance, we thought it to be easier to utilize constables of other States instead of making new recruitment. Regarding the creation of Mizoram Police Battalion the matter is under consideration, and for its creation, a proposal has also been submitted to Central Government. Without their approval, we cannot have new recruitment. There is also another proposal that has been submitted to Central Government for the creation of Armed Police, not only a battalion or 2 companies. But, before we could have adequate Police Forces of our own, other State Constables are utilized.

PU NGURDAWLA:

Mr. Speaker Sir, in our Budget provision, there is a proposal for the formation of 3 Companies. So, when will they have recruitment? If 10 R.A.C. 55 and 56 C.R.P. are utilized, we must know where they are posted. Is it a fact that their expenditure is higher than the Police Constables recruited for Mizoram? At any rate, the reason why there cannot be a recruitment is only because there is no Government Policy. There is a Budget Provision as well as Police Training Centre. So, there is nothing impossible in this matter. If we go on saying that "We cannot" we would forever to-on with the word "We Cannot". Mr. Speaker Sir, can the Government change this idea and policy? Can they think of a way to substitute these 3 Battalions who are here on deputation?

PU R.DOTINAILA:

Mr. Speaker Sir, our Hon'ble Minister said that more Battalions would be taken in. If it is so, how many more Battalions would be taken in?

PU K.T.KHUMA
MINISTER:

Mr. Speaker Sir, I think we know that each and everything that has been there in Budget provision is impossible to carry-out or utilize. Unless and until Central Government gives clearance or an approval we cannot possibly make new recruitment.

PU NGURDAWLA:

Mr. Speaker Sir, What I meant is, can there be other Constables to substitute our present police forces of R.A.C. and C.R.P.?

SPEAKER:

Things that concerned Police must not be asked here, for there can be diversified opinions in our controversy.

PU K.T.KHUMA:

Mr. Speaker Sir, there is no doubt a proposal for the creation of 1 Armed Police Battalion. Why we have not created 2 Companies is also because there is no clearance from Central Government without their clearance, not even a single police can be recruited.

As to where they are posted, that I better not to say here since they are also Security Forces. If the Members wanted to know, it can be done so from the Office.

Regarding the number of Police we intended to bring from other States it would not be more than one Battalion.

SPEAKER:

We must not force the Ministers to disclose confidential things in the House.

Now, question No.67, Pu Ngurdawla's Question.

.....17/-

Expenditure of Government of Mizoram on 10 R.A.C. Battalion.

PU NGURDAWLA: *67: Will the Hon'ble Minister i/c Home Department be pleased to state -

(c) What is the expenditure of the Govt. of Mizoram on 10 R.A.C. Battalion?

(b) Whether a Battalion of Mizoram Police can be raised (or created) with the same amount of money so as to give employment opportunity to the Mizo people ?

PU X.T.KHUMA
MINISTER:

Mr. Speaker Sir, (a) Exact expenditure is not known as the same has yet to be claimed by the lending Government.

(b) Does not arise.

PU NGURDAWLA:

Mr. Speaker Sir, I am surprised that the Government do not know the expenditure for it has not been ever a year. I would like to know the difference of 10 R.A.C. with Mizoram Police, in their expenditures. It is a known fact that there is difficulty in providing the expenditure of ever our own police, not to mention others. With that knowledge in mind, the intention of the Government to bring more from other States is really a thing I do not understand. Does this mean that the Government intentionally try to create unemployment problem in Mizoram ?

SPEAKER:

What you are asking now is already answered in previous question, so it is not necessary to ask again.

PU NGURDAWLA:

Mr. Speaker Sir, it is really a surprise not to know the expenditure for it has not been even a year. If we do not ask like that, there can be no proper answer at all.

PU CHAWNGKUNGA:

Mr. Speaker Sir, supplementary question - Who are the 10 R.A.C.? Are not they those who walk about with umbrella on their heads ? Are they better than the Mizoram Police ?

SPEAKER:

They are the ones who Guard the A.Os in Villages.

PU SAFLIANA:

Mr. Speaker Sir, can we utilize those C.R.P. & R.A.C. whom we utilized with so much money exactly the way we utilize the Mizoram Police ? If so, did the Government give them permission to open check-post in different places of Mizoram thus causing many hardships and difficulties for the travellers ?

PU LALKUNGA:

Mr. Speaker Sir, did not the Government at least make estimate for the expenditure of 10 R.A.C.? I would like to know the estimated amount.

.....

PU K.T.KHUMA
MINISTER:

Mr.Speaker Sir, there is no exact estimated amount as we do not know their actual expenditure. We will know the amount only when the State from whom we have borrowed produce the debit. Usually, Rs.7,50000/- is sanctioned quarterly for those who are on deputation. So, when the debits are raised we must accept it. And, Central Government being the sanctioning authority must also accept it, as it is all done with their approval.

Every one seems to be aware of the necessity of raising the police in order to create more employment for the Mizos. But, the fact is that we can do nothing without Centre's approval. However, a proposal has been made in the connection.

SPEAKER;

Question No. 68, Pu Hrangvela's question.

Royalty realised by Government of Mizoram from BRTF and Security Forces for Bamboos and logs.

PU F.HRANGVELA: *68: Will the Hon'ble Minister i/c Home Department be pleased to state -

(a) Whether the Govt. of Mizoram realise Royalty from BRTF and Security Forces for Bamboos and Logs (Fire-wood etc) they consumed from Mizoram Forests ?

(b) If so, what is the amount of Royalty collected during the financial year, 1973-74 ?

(c) If not, why not ?

PU ZALAWMA
MINISTER :

Mr.Speaker Sir,

(a) Yes, Royalty is realised from Fire-wood.

(b) Fire-wood (Logs and pieces) Rs.15,671.57

(c) Does not arise.

PU F.H.ANGVELA:

Mr.Speaker Sir, supplementary question -

Do the Government think it necessary to have better preservation of Mizoram Forests ? If so, do the Government have new law to this end ?

PU ZALAWMA
MINISTER:

Mr.Speaker Sir, As the Government thinks it necessary to have better preservation of Mizoram Forests, all the good forests of river course are reserved along with some of the hilly regions like Tawi and Chalfilh. Government is also intending to make reservation without disturbing our cultivators and their cultivated lands.

PU CHAWNGKUNGA:

Mr.Speaker Sir, the reservation of Forests done by Forest Department is not very fair I should say. For example - The cultivators of Sazep's river course were condemned as of cultivating a reserved area, although this river course is not declared as a reserved area. But, nothing was said against those who cultivated those area on the bank of river Tlawng. Only the poor and needy ones are caught and taken to task, five of them are going to appear in Court today, and another five are going tomorrow. Can the forest Department stop such kind of partiality between the rich and poor ?

.....19/-

PU ZALAWMA
MINISTER:

Mr. Speaker Sir, we trying not to dis-
criminate the rich and the poor.

PU C. LALUATA:

Mr. Speaker Sir, if royalty is taken in
Fire-wood, I would like to know how
much is taken for a quintal. It is quite a surprise that only
Rs.15671.57 is received with the consumption of all B.T.Fs and
Brigade. I would also like to know as to why we do not take royalty
from Bamboos as well ?

PU F. HRANGVELA:

Mr. Speaker Sir, I am also quite surprised
that only Rs.15671.57 is received within
a year. I would like to know where does the assessment come from.

PU J. THANGHUMA:

Mr. Speaker Sir, I would like to know how
many quintals had been consumed by BRTF
and the Forester who witness this ?

PU C. CHLWNGXUNGA:

Mr. Speaker Sir, I would like to make a ques-
tion regarding the incident that took place
during the rainy season of this year. It so happened that some women
who were hard-stricken by Femine went in search of Bamboo-shoots. But
some forest guards came and took away all those Bamboo-shoots. At the
same time one T.M.B. loaded with Fire-wood passed by, but no royalty
was taken. So, supposing I reported this, will the Government take
action ?

PU ZALAWMA
MINISTER:

Mr. Speaker Sir, during the erstwhile District,
an agreement was made with the BRTF, by
which they are allowed to utilize trees or bamboos that grow within the
circle of 60ft. above the road and 20ft. below the road. If the trees/
bamboos are from this circle, no royalty is taken, for, their coming
is to develop our country. As a matter of fact, royalty is taken only
from fire-wood, and is usually received from permit holders and
Mahalders. Hence, there is not much to receive. As for the royalty
taken per quintal, that I do not know.

PU C. LALUATA:

Mr. Speaker Sir, into how many Mahal it is
divided ?

SPEAKER:

Now, question No. 69 Pu Sangchhum's
question.

INDUSTRIES DEPARTMENT

Distribution of Industrial Loan for 1972-73 and 1973-74.

PU K. SANGCHHUM:

*69: Will the Hon'ble Minister i/c Indus-
tries Department be pleased to state -

(a) Whether the Govt. had distributed
Industrial Loans during the years 1972-73 and 1973-74 ?

(b) If so, whether the distribution was
District-wise ?

(c) The number of Loanees with the amount
(to be shown district-wise) ?

(a) Yes.

(b) Yes.

(c) The requisite informations are as

follows :-

<u>YEAR</u>	<u>DISTRICT</u>	<u>NO.OF LOANEEES</u>	<u>AMOUNT</u>	<u>REMARKS</u>
1972-73	Aizawl.	120	Rs. 6,51,500/-	There was no applica- tions from Chhingtui- pui District during the year 1972-73.
-do-	Lunglei	28	Rs. 1,23,500/-	
1973-74	Aizawl.	288	Rs.15,16,100/-	
-do-	Lunglei	73	Rs. 2,41,400/-	
-do-	Chhingtui-pui	6	Rs. 1,17,500/-	
TOTAL:-			Rs.26,50,000/-	

PU J. TRANGHUAMA:

Mr. Speaker Sir, from the list No.3, we know that the President of Biato, Mahilo Samite was given in 1973 and also in 1974. In No.200, Lalremsiama (I think so, it is Lalremsiama) was given. There are many Samites in Mizoram. One of them was given in 1973 and 2 of them were given in 1974 as we have seen it in No. 173 and No. 200.

SPEAKER :

I don't know that this was unstarred. Time is up, so we better not take

unstarred questions now.

PU NGURAWLA:

Mr. Speaker Sir, will the Government do something for the loanees of rice huller who are facing certain difficulties ?

PU C. LALRUATA:

Mr. Speaker Sir, could not our time for questions be extended for there are only 4 more questions ?

SPEAKER:

Why can there be such a lot of questions. I think no other state has so many questions. If we are to go on also, there must not be too many supplementary questions.

**PU R. TRANGLIANA
MINISTER:**

Mr. Speaker Sir, as it is not easy to fully prepare all the answers beforehand, our members would not certainly have satisfaction. Therefore, could not we make an arrangement for our members to ask questions to be answered by the Ministers in-charge when they are present ? Is there not any provision in our constitution to have what I suggested ?

SPEAKER:

We do not have such kind of constitution. But, if they are not satisfied with the answers, half an hour more could be allotted for them to ask the portion of which they are not clear. The members also must know the impossibility of including all the things we wanted to know in the questions. There would also be many uncertain answers. As a matter of fact, we are in away, quite fortunate to have a small House, so that everyone of you could speak. In a House where there are 200/300 members, only few have chance to speak. Enhence, we must have understanding of each other here.

..... 21/-

PU E.DOTINAIA: Mr.Speaker Sir, then let us finish only those questions that can be answered now, by the Ministers in-charge who are present.

SPEAKER: All right, let us go on.

PU F.HLANGVELA: Mr.Speaker Sir, while Rice hullers are sold for Rs.5,000/- in Market, loanees are given for Rs.8,500/-. So what I wanted to ask is why can't the Government also give the loanees at the same price.

PU SAPLIANA: Mr.Speaker Sir, our hon'ble Minister stated as of not having loanees from Chhintuipui District in the year 1972-73. But is it not a fact that there was no officer-in-charge in Chhintuipui District and they were not informed of this thing due to which there was no loanee ?

PU K.T.KHUMA
MINISTER: Mr.Speaker Sir, the reason why there was no loanee from Chhintuipui District in 1972-73 might be that they do not want it. If they do not know the notice given by the Government. Government must not be blamed. They were not given only because there was no loanee. As for Rice-Huller - they were distributed along with other machines of Corn-Huller etc. If the prices are higher, then the Government would have to subsidise them. But, nothing as yet has been said of to do such thing.

PU L.P.THANGZIKA: Mr.Speaker Sir, supplementary question - I want to know whether those loanees who are recommended by the Board are really given. If so, P.C.Lianmawii who had been recommended by the Board was not given, so to whom the loan was given?

PU K.SANGCHUM: Mr.Speaker Sir, is there only one Loan Board in Mizoram and not in every District ? What is the amount of money to be distributed in 1974-75 ? Is it to be distributed District-Wise ? If so, how much amount each would be allotted to them ?

PU K.T.KHUMA
MINISTER: Mr.Speaker Sir, the recommendation of Loan Board or Advisory Board is usually accepted by the Government, but, if there is anything that has to be altered, the Government could do so. What had been said by our Hon'ble Member Pu Thangzika regarding the case of a person from Chhintuipui District that I can't say to whom the Loan was given, but I think we can see it from the Office.

There would have also been some damages in Rice Hullers we distributed which is unavoidable. If the damage is a manufacturing defect, the damaged part would have to be changed from the manufactures. One Loanee, from Sairang Village, who received such damaged machine has already get changed the damaged part. As there can be some damages even in a new machine, our mechanics are detailed to have thorough checking before the machines are distributed. Some loanees who received such machines donot know how to run or handle them, due to which they simply regard it as damaged. Anyway, Government is also intending to sanction more posts of machnics in order to help our Loanees who are having difficulty in running and handling those machines.

SPEAKER: Let him answer only the questions made by the questioner. It is so confusing to make question on the top of another question. Not, let him answer Pu Sangchhum's question.

PU K.SANGCHHUM: Mr.Speaker Sir, my questions were - Is there only one Loan Board in Mizoram ? Are not there in every Districts ? What is the amount of money to be distributed in 1974-75 ? Is it to be distributed District-wise ? If so, how many amount each would be allotted to them ?

PU K.T.KHUMA MINISTER: Mr.Speaker Sir, regarding Loan Board - there is only Central Board for the whole of Mizoram, but its members are selected from each district. This year, the Govt. suggested having Board in every District, but the matter is now under consideration. The term of the old Board would expire in the month of October, so the new board would be started there-after. As for the amount to be distributed in 1974-75, I think, the member better see it from cur Budget Book.

PU NGURLAWLA: Mr.Speaker, Do the Government know that the only Mechanic we have for rice-huller does not know mechanism ? Once he went to repair a damaged machine in Rawpuishhip, but instead of repairing it, he made more damages. That is why an expert mechanic is needed. So, will the Government appoint such mechanic ?

SPEAKER: Question No.70,Pu Lalruata's question.

SECRETARIAT ADMINISTRATION DEPARTMENT

P.O.L. consumption of Secretariat Pool Vehicles.

PU C.LALRUATA: *70: Will the Hon'ble Minister i/c Secretariat Administration Department be pleased to state -

What is the total quantity of POL consumption to the following Secretariat (Civil) Pool Vehicles for the period from 1st.April, 1974 to 31st. July 1974 (to be shown separately) ZRM - 1275, ZRM - 974, ZRM - 1077, ZRM - 767, ZRM - 75.

PU B.THANGLIANA MINISTER:

Mr.Speaker Sir,

	<u>APRIL:</u>	<u>MAY:</u>	<u>JUNE:</u>	<u>JULY:</u>	<u>TOTAL:</u>	
ZRM - 1275 (Now ZRG 25)	250	130	70	90	= 540	Litres.
ZRM - 974 (Now ZRG 23)	177	475	145	275	= 1072	"
ZRM - 1077 (Now ZRG 31)	194	390	210	315	= 1159	"
ZRM - 767 (Now ZRG 32)	-	-	-			Vehicle lying in Workshop.
ZRM - 75 (Now ZRG 24)	110	151	155	318	= 734	"
TOTAL:	731	1146	580	998	= 3455	"

.....23/-

PU C.LALRUATA: Mr.Speaker Sir, supplementary question - is it a fact that ZRG 24 and 25 are in the possession of Secretaries ?

PU R.THANGLIANA MINISTER: Mr.Speaker Sir, yes, it is a fact.

PU C.LALRUATA: Mr.Speaker Sir, does the one who have ZRG 25 possess another vehicle being a Director ?

PU R.THANGLIANA MINISTER: Mr.Speaker Sir, I think so, he possessed another vehicle which is Directorate vehicle besides ZRG 25.

PU C.LALRUATA: Mr.Speaker Sir, do not other Secretariat Officers also need vehicle that he be given two vehicles ?

PU R.THANGLIANA MINISTER: Mr.Speaker Sir, the vehicle could be used according to the necessity of circumstances. There is also another pool-vehicle besides this one. Not only this particular Director, there are some who possess two vehicles if they take charge of more than one post.

PU C.LALRUATA: Mr.Speaker Sir, if two vehicles could be possessed when one takes charge of another post besides his, then by taking of what charge Secretary could possess vehicle ?

PU R.THANGLIANA MINISTER: Mr.Speaker Sir, Secretaries are senior officers who deserve vehicles. Though some of them are allotted from Pool, it is not possible to give separate facility to all of them like they did in other States.

Regarding a Secretary, who possessed ZRM 1275 (Now ZRG - 25) - I think he is the Secretary to Health and Medical Department. After, the Director of Health and Medical Department retired we have not found any one to fill-up the post. That is why the Secretary of the Department is detailed to take charge of it with all the responsibilities.

PU P.SRANGVELA: Mr.Speaker Sir, is there any fixed quantity of POL to be consumed by Government Vehicles for a period of one month ?

And we know that ZRG - 24 consumed 155 litres in the month of June, but in July the consumption comes upto 318 litres. So, why can there be so much difference in its two months consumption ?

PU R.THANGLIANA MINISTER: Mr.Speaker Sir, POL to be used by Secretaries for a period of one month is 70 litres for Jeep and 40 Litres for Car, that is within town. But, there is a limit which is 200 litres for Jeep and 100 litres for Car. But, if the Ministers used those vehicles for travelling, there is no limit. Why there was an exceed in POL consumption is also mainly because the Ministers uses them for travelling.

PU SAITLAWMA: Mr. Speaker Sir, what kind of facilities are given to the Secretaries of other States ? Why cannot we too provide such facilities, while we could give them vehicles unlawfully ? And is the word 'Secretary' included Deputy and Under Secretaries ? If so, why ?

PU R. THANGLIANA: Mr. Speaker Sir, whether it is lawful or **MINISTER:** unlawful, that could be decided by the Government I don't think there is anything wrong in allotting at least Jeep to our Secretaries only except that it is not done so in other states, for we could not even provide quarters entitled to them. Being in disturbed area, we have to think of their security as well, especially when they work till late at night, for there is no Cool Taxi to be called at any time we like, as they have in other countries.

PU C. LALRUATA: Mr. Speaker Sir, could not to give vehicles' means that he is beaten on the head and walk camely ?

PU R. THANGLIANA: Mr. Speaker Sir, though we intended to give **MINISTER:** facilities to which they were, we have no given them as yet. And, Under Secretary and Deputy Secretary are not included in what we called 'Secretary'.

PU SAITLAWMA: Mr. Speaker Sir, if we think of their safety when they work till late at night, others too used to work till late at night. Is not this an act of partially?

PU C. LALRUATA: Mr. Speaker Sir, have not this Secretary, who possessed ZRG - 24 taken Car advance from the Government ?

PU R. THANGLIANA: Mr. Speaker Sir, I have no knowledge that he **MINISTER:** had taken cam advance. Regarding Pu Saitlawma's question, it is not an act of partiality. Had we enough vehicles and other facilities, we really wish to give to Under Secretaries not only to Secretaries. The difficulty is we have none.

SPEAKER: Question No. 71, Pu Lalruata's question.

Principles followed in determination in-terse-seniority in Mizoram Civil Secretariat.

PU C. LALRUATA: *71: Will the Hon'ble Minister i/c Secretariat Administration Department be pleased to state-
What are the principles followed in the determination of interse-seniority of LDAs in Mizoram Secretariat ?

PU R. THANGLIANA: Mr. Speaker Sir, **MINISTER:** (a) L.D. Assistant:- Services rendered as L.D.A. in the Mizoram Secretariat have been counted towards seniority as far as the persons already appointed as L.D.A. in the Mizoram Secretariat are concerned.

The order of merit list drawn up on the basis of competitive examination has constituted the criterion for determination of interse-seniority of the other persons.

(Government Order No.SAL/E/34/74/5 dated 19.4.74 referred).

(b) U.L.Assistant:- The principle followed in fixation of interse-seniority of the U.L.As is the length of service in the last post/ pay scale held by them before joining in the Secretariat/Directorate, Mizoram Government.

(Government Order No-SAL/34/74/6 dated 19.4.74 referred).

This is being reviewed.

PU C.LALRUATA: Mr.Speaker Sir, regarding LDAs, our Hon'ble Minister said that length of service would be determined by their examinations. If it is so, does it mean that they supersede those LDAs who are senior to them ?

PU HRANGAIA: Mr.Speaker Sir, is it a fact that Government is intending to stop the increment of LDAs who do not know typing, even though nothing was said of regarding typing when they were first employed, before Mizoram had a Government of its own ?

**PU R.THANGLIANA
MINISTER:**

Mr.Speaker Sir, first of all I will answer Pu Lalruata's question. I have no knowledge that those who did well in the examination would supersede LDAs who had been employed before them. Regarding Pu Hrangaiia's question. It is a fact that Government is intending to stop the increment of LDAs who do not possess prescribed speed in typing within certain fixed hour/minutes. It is done so, because of new Government we now have along with Secretariat which we never had before, which is also a different cadre and standard.

PU C.LALRUATA: Mr.Speaker Sir, we know that promotion to UDA used to be done in accordance with common list. But, after a new criterion is formed., senior employees who had been included in the Common List are not counted as senior anymore. Hence, what principle is followed here ?

**PU R.THANGLIANA
MINISTER:**

Mr.Speaker Sir, Government issued an order in which certain date was fixed for the expiry of Common List. In the common list, those District LDAs who had been serving for 20 years were not included in senior Group, where as they could be regarded as most seniors in Secretariat. Hence, seniority is determined, in a new criterion by length of service and pay scale for example - Special Pay. But, as there is a complaint even in the new system, the matter is now under review.

PU VANLALHRUAIA: Mr.Speaker Sir, is it a fact that there is slow progress in office works because of the responsibility given to junior employees instead of to senior employees who had more experiences though with no proper qualification ?

PU K.L.ROCHAMA: Mr.Speaker Sir, I hope what I am going to say is relevant with our topic. Some of the ULAs from Common List were promoted to Secretariat Assistant Superintendent,

But, Directorate having a better prospect as far as pay is concerned some of them shifted here leaving Secretariat. As time went on, some changes occurred in the office. Now, there is a vacant post of Superintendent in Secretariat, so I would like to know Government's intention here. Is it a fact that Government is intending to fill-up those posts with Assistant Superintendents of Secretariat superseding Directorate Assistant Superintendents whose services are longer than that of Secretariat Assistant Superintendent .

PU R.THANGLIANA

MINISTER:

Mr.Speaker Sir, regarding Pu Chama's question - it is like this that once Government takes a decision, one could not hold back a post which he had once rejected mainly because of Government's intention to make proper and immediate arrangement.

There would certainly be such cases he mentioned for Secretariat and Directorate are not same Cadre. As far as promotion is concerned, 25% is reserved for the UDAs and LEAs of Directorate and District whereas the rest 75% is only for Secretariat.

As for Pu Hruais's question - We have no knowledge that there is slow progress in office works because of the responsibility taken by junior employees. But, I believe there would be some who are promoted to Assistant Superintendent only because of their security, not because of their efficiency. Anyway, Government have a right reserved to revert them if they have not ability at all.

SPEAKER :

Question No.72 Pu Lotinaia's question -

EDUCATION DEPARTMENT

Appointment of 38 L.P.Teachers in contravention of the Principle (Principle of Merit) adopted by the Government.

PU R.LOTINAIA:

*72: Will the Hon'ble Minister i/c Education Department be pleased to state -

(a) Whether it is a fact that Government decided to make the appointment of L.P.Teachers on merit basis in the examination held for the purpose ?

(b) If so, whether it is a fact that appointments have been given to some 38 candidates against that Principle ?

(c) If so, why ?

PU VAIVENGA

MINISTER:

Mr.Speaker Sir,

(a) Yes.

(b) No.

(c) Does not arise.

PU R.LOTINAIA:

Mr.Speaker Sir, supplementary question - If answer to question (b) is 'NO', then, why can Pu Thangridema, P.C.C. Treasurer gives a statement in 'Hmar Arsi' dated 5th, 1974 regarding the appointment of 38 candidates done when P.C.C. had a meeting at Chief Minister's Chamber ? This must be a fact. If it is a fact, then do the Government know that 38 candidates were selected only due to their being in Congress, because the marks obtained by some of them in the examination is only 8/10 or like that ?

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PU VEIVENGA

MINISTER:

Mr. Speaker Sir, no one has been given a definite appointment as yet. Those who had been selected are also to be first given training.

PU RIZOLIANA:

Mr. Speaker Sir, I was very glad when Government decided to make appointment of L.P. Teachers on merit basis in the examination, for it means that we the M.L.As also could not recommend any candidates. But 38 candidates, though not appointed, have been selected for giving training. So, I want to know what would happen to them after they finish their training. Will they be discharged ?

PU C. CHAWNGKUNGA:

Mr. Speaker Sir, on what conditions, these 38 candidates were selected for training ?

PU SAPLIANA:

Mr. Speaker Sir, one candidate from Chhingtui-pui District also appeared in the examination of L.P. Teachers and was selected for training. Meanwhile, he got another appointment which means that there is a vacancy. Is the on-looker, it is apparent that any vacancy would be filled-up from these 38 candidates. But, this was not so. Hence, is it not obvious that the appointment of 38 candidates was against the principle ?

PU C. LALRUATA:

Mr. Speaker Sir, Pu Dotinaia said that some of the candidates obtained 8 marks in the examination. If that is true, where from he got such information ?

PU R. DOTINAIA:

Mr. Speaker Sir, what I meant is, are there any candidates who obtained only 8 marks ?

PU VAIVENGA

MINISTER:

Mr. Speaker Sir, whether they obtained 8 marks or not, we mostly did the appointment on the basis of principle. As we know, before there was merged, government, some L.P. Teachers were appointed by the Congress Party. But, as there was no sanction for this, their appointment was withheld. So, when we have a merged Govt, our leaders think it wise to make some arrangements for these teachers. Hence, they were then given an appointment after they went through examination and on the basis of other principles.

PU SANGKHUMA:

Mr. Speaker Sir, of the teachers appointed, how many of them could not join due to their pregnancy ? Is there any prisoner being appointed ? and how many are being discharged ?

When the P.C.C. Office bearers had a meeting at Chief Ministers Chamber we know that all the Ministers were also present. So, it was with your decision that 38 candidates were appointed. Hence, why don't you admit that the appointment was not on merit basis ?

PU VAIVENGA

MINISTER:

Mr. Speaker Sir, regarding pregnant Teachers if they are legally married, there is no objection for them to do training. But, if they are outside the Church, they would be discharged even if they have training.

Regarding their appointments - that would depend on their performance during training period.

SPEAKER: The one who has this question could ask only one more question.

PU E.DOTINAIA: Mr. Speaker Sir, L.P. Teachers whose appointments had been ruled out being illegal, during the erstwhile District Council are recruited back now in Congress Govt. then does that mean that murders which had been prohibited during the Mizo Union rule are now permitted during Congress rule ?

PU SAITLANMA: Mr. Speaker Sir, in a letter issued to L.P. Teachers regarding selection for training, there was no mention that their appointment would be made according to their performance. As such, why did the Minister say like that ?

SPEAKER: Question No.73 Pu Sapliana's question -

FOREST DEPARTMENT

Cancellation of transfer of Forest Guards from Aizawl District to Lunglei District.

PU SAPLIANA: *73: Will the Hon'ble Minister i/c Forest Department be pleased to state -

(a) Whether it is a fact that orders for transfer of sixteen staff of Forest Department from Aizawl District to Lunglei District, were issued but cancelled subsequently ?

(b) If so, why ?

**PU ZALAWMA
MINISTER:**

Mr. Speaker Sir,

(a) No, the order was kept in abeyance.

(b) For further scrutiny of staff pattern in the Divisions.

PU SAPLIANA: Mr. Speaker Sir, when did the Division is directed to give the report of staff pattern ? Is there any good forest products and forest to tend to in Lunglei District that Government have to scrutinize staff-pattern to transfer Forest staffs to Lunglei District while other Departments could easily make transfers of their staff ?

**PU ZALAWMA
MINISTER:**

Mr. Speaker Sir, Forest Division of Lunglei Dist. being newly opened has a small area of Forest to be looked after. It is only 1/4th of the whole area tended by Aizawl District Division. That is why staff pattern would have to be fact scrutinized in order to know the number of staff needed there in the new division. In Aizawl Division, staff pattern is already reported and in Lunglei Division, it is now under process. So, I think it would not take long to settle staff requirement in Lunglei Division.

PU SAITLAWMA: Mr. Speaker Sir, supplementary question - it is a very interesting question. It is going to be from unstarred question.

As certain Bills, besides the ones we now have, are expected, SAC which held a meeting on 21st, suggested not to end the session today as we had previously planned. We also suggested to

put off those Bills we now have until the Bills we expected come. As such was the verdict of B.A.C., our session would be adjourned from today till 11 A.M. Monday, that is 30th.

SPEAKER: So, the time that is today and tomorrow for discussion of Bills has now been shifted. Hence, Parliamentary Affairs Minister would have to move this motion in the House. But, as he is away on tour, Development Minister whom he authorized, would now move the motion.

**PU R. THANGLIANA
MINISTER:**

Mr. Speaker Sir, with your permission Sir, I beg to move the revised programmed of this Assembly as recommended by B.A.C.

SPEAKER: If we all accept the motion, we will discuss our Bills later on that is when the expected Bills arrive, and we would also discuss when the session would end so on and so forth. Anyone who objects to the motion ?

PU SANGKUMA:

Mr. Speaker Sir, now Session has been called. I thought everything has to be ready before the Session begins. Our Speaker himself could not accept the fact that we take such a long time for questions which he thinks never occur in other States. And, I think there is none who has a weak Govt. such as we who could not have enough bills for discussion. It is a shame not to have questions even to last one sitting.

Long before the Session starts, we asked each other to prepare Bills. If we have not finished, at least we must submit upto the portion we have finished. Therefore, those Bills we expected also must be put off for our next Session, for it is not at all proper to go like this-meaninglessly.

SPEAKER: As there is an objection to Calendar revision prepared by B.A.C. we shall then have to take a decision. So, those who agree to the motion moved by the Minister say 'Agree' and those who disagree say 'Not agree'.

(The members said 'Agree').

All right then, the motion is adopted. There is something to say regarding the privilege motion moved by Pu R. Zoliana concerning our Hon'ble Member Pu C. Lalruata who was arrested on 25th July '84 morning at 7:30 A.M. and was released on P.R. Bond, but the matter was not reported to the House as should have been done.

As I told you the other day, I promised to collect information from Home Department. Studying the report I received, I am thinking whether there can be privilege in the case. Anyway, let me read out Rules of Procedure 164 - "When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a Court or is detained under an executive order the committing judge, magistrate or executive authority as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction as the case may be as also the place of detention or imprisonment of the member in the appropriate form set out in the Third Schedule. This statement clearly explains criminal charge and criminal offence. But, as there is no explanation of Civil and simple cases my interpretation, as well as the way other state practise it, is that if criminal charge and criminal offence is to be intimated to the Speaker, why should not simple case, Civil case or others also be intimated,

for, there is no privilege even for the members to commit a crime whether big or small. We are all equal with the rest of citizens as far as privilege is concerned. Even if the crime is committed by a member, the House here have no responsibility. As our interpretation was that, the case should be carefully considered. If Pu C Lalruata has been arrested under IPC Section 164, it is a criminal offence punishable with one months imprisonment or a fine of Rs.500/- or both.

But, he was charged with new law under Section 87 in which it is noted in the foot note clearly that the offence is not criminal. It is therefore a due process of law with having witness. He then signed P.R.Bond in order that he may appear himself in the Court. Actually warrant of arrest was issued and arrested. But, he was not charged with criminal case. As I have said, the assembly Secretariat has sent letter to D.C and the Superintendent of Police on the 19th July 1973 and reminder was also sent, stating the provisions of Rule 164. But, now what would be the position in a Civil case is not clear. Since Pu Ruata was charged with Gr.P.C.Section - 87 not with criminal case we cannot call it a breach of privilege.

Therefore, the case is dropped now. But, in future, our interpretation of Rules 164 will remain as it is, and all the Magistrates and Police also will be informed. And from now onwards, if there is any kind of restraint on the part of members information must be given to the Speaker.

DU SAPLIANA:

Mr.Speaker Sir, now we know the decision on breach of privilege motion. But, are we to drop the case just because magistrates, responsible persons and competent authorities were not given details of our interpretation of the rule from Assembly Secretariat, for they are expected to know the procedure in Legislature and Parliamentary matters ?

SPEAKER:

Let me explain, it this way. In our Rules, we always come across 'Speaker's direction' as there is no detailed rules for each and every case. So, also the Civil case we have talked about is also not there in our constitution. Actually, the rule we have been practising that 'members cannot be arrested within 40 days before and after the session' is also not in our Constitution. But, as it is what other states and Lok Sabha practise it, we too then enforce the same thing here in Mizoram. As was the case, the Magistrate and Police would not know our decision or our interpretation unless we inform them. That is why, I made a decision to drop the case of Pu C.Lalruata. As we have said, now the House will be adjourned till 11.A.M. monday, that is 30th. So, on Monday we will discuss our Bills.

Meeting adjourned at 2.5 P.M.

D.C.PANDE.
Secretary,
Mizoram Legislative Assembly,
A I Z A W L.

R.zht/-