

PROCEEDINGS OF THE 6TH SESSION OF THE MIZORAM LEGISLATIVE ASSEMBLY HELD AT THE ASSEMBLY HALL FROM 17.9.74 TO 14.10.74

6th Sitting of 6th Session on 30th September, 1974 at 11 A.M.

P R E S E N T

Mr. H.Thansanga, M.A., B.T., Speaker in the Chair. Chief Minister, six Ministers and twenty five Members.

B U S I N E S S

- 1: Questions.
- 2: Pu Lalrinliana, Chairman, Govt. Assurance Committee to lay the Third Report of the Committee on Government Assurances.
- 2: (a) Pu Ch.Chhunga, Chief Minister to move that the Mizoram Urban Areas Rent Control Bill, 1974 to be taken into consideration.  
(b) Consideration of the Mizoram Urban Areas Rent Control Bill, 1974 clause by clause.  
(c) Pu Ch.Chhunga to move that the Mizoram Urban Areas Rent Control Bill, 1974 be passed.
- 4: (a) Pu Vaivenga, Minister for Revenue to move that the Lushai Hills District (Revenue Assessment) (Amendment) Regulation, 1974 be taken into consideration.  
(b) Consideration of the Lushai Hills District (Revenue Assessment) (Amendment) Regulation, 1974 clause by clause.  
(c) Pu Vaivenga to move that the Lushai Hills District (Revenue Assessment) (Amendment) Regulation, 1974 be passed.
- 5: Any other Government Business.

SPEAKER:

" If any of you lack wisdom, let him ask of God, that giveth to all men liberally, and abbaith not; and it shall be given him. But let him ask in faith, nothing wavering".

Now, we will take up Question No. 74 beg Pu Sapliana.

HEALTH & FAMILY PLANNING DEPARTMENT

Running of dispensaries in Mizoram without Nurses.

PU SAPLIANA: Mr. Speaker Sir, Will the Hon'ble Minister-in-charge of the Health & Family Planning Department be pleased to state -

(a) Whether it is a fact that some dispensaries in Mizoram have been running without Nurses for months together.

(b) If so, why ?

PU P.B. NIKHUMA: Mr. Speaker Sir, there is no such  
DY. MINISTER. dispensaries run without nurse for a long time except Sialhawk from which a nurse was transferred and it has become difficult to past a suitable person there.

(b) Does not arise.

PU SAPLIANA : Mr. Speaker Sir, supplementary question, the Minister had told us that except Sialhawk Dispensary was run in the absence of working Nurse. If so, are there any nurse at Buarpui, and Lungpher ? If there are no Nurses, Sialhawk is not the only exception, and the answer he gave was a false one. What is the reason why there are no working Nurses at the mentioned Dispensaries ? Moreover, I would like to know why was Sialhawk Dispensary placed/run with no working Nurse, is it because of non-availability of suitable person or, there was no post sanction for this ?

PU P.B. NIKHUMA: Mr. Speaker Sir, the Hon'ble Member  
DY. MINISTER. was mentioning only of the Dispensary. So, the answer I gave him was concerned with only Dispensary.

The dispensary at Sialhawk was run without Nurse because of the fact that the Nurse working at this dispensary was transferred, as I have pointed out, in the month of March, 1974. Moreover, we do not have sufficient worker to some in all other Medical Centres. Besides during the present year,, as we all know, it is quite impossible to create posts, Due to the implementation of ban policy. Therefore, Dispensaries far out the workers.

PU IALKUNGA: Mr. Speaker Sir, supplementary question- Is it a fact that transfer of Nurses who serve in the villages is too frequent whereas some Nurses are remained permanently in Aizawl town ?

PU P.B. NIKHUMA: Mr. Speaker Sir, questions relating to Dispensary are as it was answered and no dispensary is run without Nurse except Sialhawk dispensary.  
DY. MINISTER.

PU K. SANGCHHUM: Mr. Speaker Sir, supplementary question- Will it be right to regard the Bualpui dispensary situated at Munling, Chhimituipui District, as a dispensary in its full term ? Secondly, whether the Govt. is aware of the fact that there were no Nurses at Lungpher, Bualpui and Lungtian.

PU P.B. NIKHUMA: Mr. Speaker Sir, Bualpui is regarded as a Medical Sub-Centre. It might be true that there is no Nurse at Lungpher etc, as he pointed out. As I have said already, there are newly opened Centres after village grouping and we could not filled up those necessary posts. We required 37 Nurses altogether within this year but, that could not be employed due to the implementation of ban policy. Therefore, there are some dispensaries with no working nurse attach to it up till now in some temporary sub-centres.  
DY. MINISTER.

PU K. SANGCHHUM: Mr. Speaker Sir, supplementary question- then, what is the reason of the absence of those nurses ? Will it not possible to fill up the posts provided that they resigned from service and not creating new posts ?

PU P.B. NIKHUMA : Mr. Speaker Sir, I could not name such discharged persons. One A.N.M. who worked at Khawdungsei was discharged and the post is still lying vacant. Besides, there are persons who are under suspension and their cases are being considered.  
DY. MINISTER.

As I have said earlier, it has become almost impossible to create new posts to replace those post. I hope we can fill-up those posts as soon as possibility comes.

PU SAPLIANA: Mr. Speaker Sir, supplementary question- We can point more such position prevailed in the Southern part like Farra etc., though the Minister failed to name them. It may true that the absence of nurses is caused by the inability of post creation

to some extent. In some cases, a number of Nurses were transferred to some remote areas by the Department. But, their posting places did not interest them and as a result, they loitered somewhere else like Lunglei, Lawngtlai etc. Because of this misconducts, some of the Medical sub-centres are neglected such a long time. Is this fact known to the Government till today? And, the Minister said that post creation was not possible due to the economic ban and further, he resoured that it will be created as soon as this ban is lift. If so, will it be possible to fill-up the posts of A.N.M. as required? And how many posts are there under Mizoram Government?

PU P.B.NIKHUMA :  
DY. MINISTER.

Mr. Speaker Sir, there are no workers in some of the Medical Sub-centres which are known to us, and this case is being under consideration. We are not inform about the Parva Centre in particular as pointed out by Pu Sapliana. We can not have Nurses in centres like Lallen, Phuldungsei, Marpara, Thingsai, Bairabi and Kawlbem, Lungpher and Farkawn. Nurses of some centres could not proceed due to illness etc. One nurse who was posted at Lungpher was absence as said by Pu Sangchhuma and the reason for her absence is not known to us and the matter has been entrusted in the hands of the Civil Surgeon, Lunglei. The reply is awaited. The Government know nothing about the others except the aforesaid Centres.

PU VANLALHRUAIA :

Mr. Speaker Sir, only one supplementary question, as are know now, the Minister i/c did not include Khawdungsei. It is known to me that the post was advertised for 3 months long, and the post still found to be vacant. Why.

PU P.B.NIKHUMA :  
DY. MINISTER.

Mr. Speaker Sir, the Hon'ble Member, Mr. Lalhruaia I believe, misunderstood the point because it came to the second as I lamented, "Lallen, Khawdungsei". This was happened due to the fact that Pi Lalbiakmawii, A.N.M. was under suspension as I said, as her registration was found to be unjust and the post is still unoccupied.

SPEAKER :

Now, our next Question No. 75.

PU SAPLIANA :

Mr. Speaker Sir, he is not telling me the no. of posts.

PU P.B.NIKHUMA :  
DY. MINISTER.

Mr. Speaker Sir, Will he be passed to explain what post, whether created or to be created he meant?

PU SAPLIANA : Mr. Speaker Sir, that posts which will be filled up when ban is lifted.

PU P.B. NIKHUMA : Mr. Speaker Sir, there are 37 staff Nurse posts as I pointed out earlier. But, I don't think it will be filled up immediately. What we expected to create is 25 posts which was rejected by Finance Department.

SPEAKER : Now Question No. 75.

PUBLIC WORKS DEPARTMENT.

Construction of temporary Bridge over Chhintuipui River.

PU SAPLIANA : Mr. Speaker Sir, Will the Minister i/c of the P.W.D. be pleased to state -

- (a) Whether it is a fact that a temporary bridge on the river Chhintuipui was constructed by P.W.D.?
- (b) If so, what is the present condition of the bridge?
- (c) What is the cost of construction of the said bridge?

PU K.T. KHUMA : Mr. Speaker Sir,

MINISTER

- (a) Yes, a bridge was constructed, temporarily.
- (b) The temporary bridge was swept away by flood on 15 April last.
- (c) The estimated cost is Rs 7,000.00.

PU SAPLIANA : Mr. Speaker Sir, supplementary question- the Hon'ble Minister told us that a bridge at Saiha Ferry was constructed. This is a runy thrilling news. However, it was, since Assam Government till now, a formidable task to bridge over this Chhintuipui river and still a dread inspiring even for the B.R.T.F. But, in that meantime a temporary bridge was constructed by P.W.D. and it lasted less than a week. How was this temporary bridge which could not stand against a spring flood, and on what provision it was constructed? Was the bridge constructed by the contractor without having prior estimate our Plan? The bridge was now swept off by a flood and how this expenditure will be adjusted, will the contractor lost that amount?

Will the Government pay him ? Will it not be a mis-utilisation of public money for nothing without having a budget provision beforehand and to construct a temporary bridge to last a few days only ?

PU K.T.KHUMA: Mr. Speaker Sir, it is a fact  
MINISTER. that to bridge over Chhimtuipui  
river is a formidable task. At  
present, a pucca road at Saiha ferry is being constructed by the B.R.T.F. to last for a long time. Therefore, as it needed for the pedestal, a temporary bridge was constructed by P.W.D. out of bridge Fund. They did not expect such a futtle construction will face on this way. To their amazement, the bridge was swept along by a flood. This expenditure, however, will be met under Bridge Fund. The estimated amount, though it is not disbursed was amounted to Rs 7,000/- only as I have said earlier.

PU SAPLIANA: Mr. Speaker Sir, supplementary  
question, the Hon'ble Minister  
affirmed that a temporary bridge  
over there was constructed for use of fedastrians.  
There are one Marboat and one Country-boat both at Saiha and Tawipui Ferry site and was still in use since time of District Council up to date. The P.W.D. has took-up all these and the river can be crossed with whatever they like. Does the Government think proper to construct such a short-lasting bridge ? It was said that a bridge was constructed with a finance from the Bridge Fund. There was a budget provision for a bridge to construct at Darzo ferrysite which should be a permanent and a pucca one. Besides this, I would like to know from which particular bridge fund was the so called temporary bridge constructed ?

PU K.T.KHUMA : Mr. Speaker Sir, though there was  
MINISTER. no selected site, the Government  
constructed a bridge from the available fund where it will be most profitable for the people. Thus, the allocation was selected by the Govt. as required. In that case, there will be no misappropriation so long as the Fund under budget and the expenditure does not exceeds the budget provision. And, there was a Marboat at the mentioned site but it was now swept off by flood. Therefore, thinking it is the must for the people to cross without the help of other, so, the Government constructed a bridge.

SPEAKER: Now, we will take up Pu Vanlal-  
hruaia Question No. 76.

HOME DEPARTMENT

PU VANLALHRUALA: Mr. Speaker Sir, Will the Hon'ble  
\*76: Minister i/c of Home Department  
be pleased to state -

(a) Whether it is a fact that the Government of Mizoram offered loans to the Shops & Stall owners of Northern areas of Aizawl to construct their stalls?

(b) If so, whether the Government propose to consider the case of those shops and stalls owners of the Southern area of the town in the like manner ?

(c) If not, why not ?

PU K.T. KHUMLA: Mr. Speaker Sir, (a) Yes, the Govt.  
MINISTER. offered rehabilitation loan to those of the victims of the March, 1966 outbreak. (b) No (c) It is not proposed because the loanees are those who were deprived of their properties by fire on the outbreak of disturbance in March, 1966.

PU VANLALHRUALA: Mr. Speaker Sir, supplementary question, the Hon'ble Minister affirmed that loans were, no doubt, given to them. Then, I would like to know that how much money was spent for that loan by the Government. And, it is learnt that loans were given because of their burnt properties. So, in that same case, some houses at Khatla Veng, were gashed by fire. Had the Government recompensate them ? Moreover, I would like to know that whether loan to the unaffected persons of northern areas of Aizawl were given out.

PU K.T. KHUMLA: Mr. Speaker Sir, Rs. 33,67,000/-  
MINISTER. was spent for the compensation of lost property, and Rs. 20,57,800/- was given for the re-establishment of Shops etc. In the following year i.e. 1973-74, the amount spent for reestablishment of shops, stocks etc. was Rs. 1,80,000/- and Rs. 1,79,100/- as for lost property. The total amount of loan was Rs. 57,88,900/-. Compensations were indiscriminately given to those whose houses were burnt up at Khatla Line. This loan is supposed to be given to those persons whose houses were burnt-up and as such there was no loan paid out to the unaffected persons.

**PU VANLALHRUAIA:** Mr. Speaker Sir, the Hon'ble Minister told us that loans were given to these persons who lost their properties with those whose houses were burnt totally. If I am not mistaken on that. Is there any proposal for the compensation of such kind to those persons of southern Aizawl area.

**PU K.T. KHUMA:** Mr. Speaker Sir, loans were given to them because their properties/ commodities were burnt to ashes along with their newly built shops. So that they may be able to reestablish their business. There is no proposal for the compensation of Southern area for their commodities were lost not because of fire but of robbery.

**PU LALHMINGTHANGA:** Mr. Speaker Sir, supplementary question, according to the Hon'ble Minister, a huge amount was given to those of Bara Bazar as for rehabilitation loan. In spite of this, there are many applicants whose applications were forwarded by the Merchant Association. Is it a fact that these applicants were not compensated? Besides, I would like to know that whether there is any proposal to relief those persons who were afflicted by the same cause and were not compensated so far.

**PU K.T. KHUMA:** Mr. Speaker Sir, there were some persons who were recommended by Merchant Association for rehabilitation loan in connection with their burnt house, stalls etc. which took place in the midst of disturbance. Among these applications were there undeserved persons after screening by the Board and were not given any loan to them. But, I could not mention here how many persons were excluded. And in responding his second question, neither there is fund nor proposal, made by the Board as I have said it before.

**PU SAITLAWMA:** Mr. Speaker Sir, the Merchants Association appears to be an important body. Did they get registration from the government under society Regulation Acts? Why should the government recognise as competent body to recommend any petitions?

**PU K.T. KHUMA:** Mr. Speaker Sir, It is not known to me whether this association was registered in the Government. But, I should say that they were the persons who begged the government of India and rendered every efforts for the recompensation of those persons whose houses were burnt up. Thus, with sympathy and affection, the govt. took notice of this fact and sanctioned loan as demanded. Therefore, the Merchants Association is a body who took initiative in this connection.



**SPEAKER:**

Now question No. 78 by Pu Ngurdawla.

APPOINTMENT DEPARTMENT

The Pay Scale of P.A. & A.D.C.

**Pu NGURDAWLA :**

\* 78: Will the Hon'ble Minister-in-charge of Appointment Department be pleased to state -

- (a) Whether the Government of Mizoram proposes to raise the pay-scale of P.A. and A.D.C ?
- (b) Whether all P.As. and A.D.Cs in Mizoram would be absorbed in Mizoram Civil Service Class II post ?
- (c) If so, under what consideration ?

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

Mr. Speaker Sir, (a) there is proposal to raise the Pay of P.As and A.D.Cs but proposed to abolished these posts, for it proved to be unnecessary part in Mizoram Government ?

(b) Yes, there is a proposal to absorb both of the posts in to Mizoram Civil Service Class II in the scale of Rs 300-Rs 800/-.

(c) Because, the posts were considered to be unnecessary in Mizoram Government and the works done by them are of Class II officers. Therefore, the Government of Mizoram proposes to absorb in one cadre which should no longer be two divisions. But, the Govt. will see first and examine their services if they are eligible for Class II post and thereafter the posts of P.A. and A.D.C. will be amalgamated and abolished. So, the posts will be abolished and the persons have to be dicerted as Civil Service Class II.

**PU SANGKHUMA:**

Mr. Speaker Sir, how many dis-incentive P.A.s and A.D.Cs are there under the Government service ? And where these persons were posted ?

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

Mr. Speaker Sir, If I am not mistaken, there are 5 persons at present. They are : Shri S.K.Chakra, Pu F.Haingthanga, Pu R.Zuala, B.Hlychho and P.Hlychho. Shri F.Haingthanga, as he passed the Mizoram Civil Service Class II was, so far as my knowledge is concerned, appointed for the post. The rest of them hold the posts, except one, who is render-suspension. It is proposed that they should be upgraded to Class II Officers according to the works done by them.

PU SAPLIANA: Mr. Speaker Sir, the Hon'ble Minister said the name of those P.As & A.D.Cs. and, included the name of Mr. P. Hlychho where came he from ?

PU K.T.KHUMA: Mr. Speaker Sir, Mr. P. Hlychho is a man from Chhintaipui District.  
MINISTER.

PU SAPLIANA: Mr. Speaker Sir, he mentioned both the names P. Hlychho and B. Hlychho. Where from P. Hlychho came ?

PU K.T.KHUMA : Mr. Speaker Sir, If I am not mistaken, even that of P. Hlychho is a man from Chhintaipui District and he hold the post of A.E.D .O. not under P.A. or A.D.C. as such intention is made for the inclusion in one grade which was by mistaken I mention together with the other.  
MINISTER.

PU NGURDAWLA: Mr. Speaker Sir, the Minister also expressed that they will be promoted to Majoran Civil Service according to their efficiency and services of the post. If so, will their services be included after promotion, under Majoran service, and on which condition ?

PU K.T.KHUMA : Mr. Speaker Sir, their services will be decided later on as it yet not finalised till now as a result we can not confirm now. And also it is not yet decided whose department, Public Service Commission or Cabinet will be responsible for this.  
MINISTER.

SPEAKER: Now let us take up our next question No. 79 by Pu Ngurdawla.

Reasons for not using mark-sheets to those who did not pass in the last M.C.S. II Examination.

PU NGURDAWLA: Mr. Speaker Sir,

\* 79: Will the Hon'ble Minister i/c of Appointment Department be pleased to state -

(a) Whether it is a fact that those who had not been called for interview in the last Mizoram Civil Service Class II posts examination conducted by the Government of Mizoram are not allowed to get their mark-sheets.

(b) If so, why ?

PU K.T.KHUMA: Mr. Speaker Sir, (a) Yes, it is true, they could not get their mark-sheets because they did not completed the examination for which they were not allowed to have it. Further, they were not permitted because, as I mentioned the written examination does not covers the conducted examination and their marks obtained being less than required.

SPEAKER : It is clear from his first replt.

PU NGURDAW LA: Mr. Speaker Sir, the way he summarised was doubtful. In the standing practice of All India Services that marks sheets of unsucceeded candidate for I.A.S. Examination was also issued to the person concerned. In fact, it is regretting that this ground is followed in our Government. Let this practice be continued from now on because every examination should be done as fair as possible. As a matter of fact, the Mizoram Civil Service conduct Rule is very much questionable. Therefore, will the Government of Mizoram discontinue this malpractice of issue of marks-sheet indiscriminately? And what is the opinion of the Government on this?

#### FORE-ST DEPARTMENT

Area of Reserve Forest in Mizoram constituted under the provision of the Assam Forest Regulation, 1891.

\*80: Pu NGURDAWLA: Mr. Speaker Sir, Will the Hon'ble Minister-in-charge of Forest D-epartment be pleased to state-

(a) The total area of Reserve Forest, in square Kilometres, constituted under the provisions of the Assam Forest Regulation, 1891, within the Mizoram Union Territory?

(b) Where are the locations of such forests?

PU ZALAWMA: Mr. Speaker Sir, (a) The total MINISTERS. Sq. Kilometres is 55986.

(b) It lies most on the Inner Line Reserve which is located to the northern part of Aizawl District comprising the area stretched from the corner of Bilkhawthlir, to adjoining the land near Vairengte upto the Inner State Boundary. To the east, it consists of the lands between Tipaimukh and Barak river. So, the area stretched out to the State Boundary in the Western side, and also touched inter state boundary both from east and west.

**PU SAITLAWMA:** Mr. Speaker Sir, how this Reserve is maintained and protected ?

**PU ZALAWMA:  
DY. MINISTER.** Mr. Speaker Sir, One at Head-quarter at Vairengte is entrusted with the main task. Another one who has his quarter at Holiab look after the Forest around Bilkhawthlir and Bairabi. Thus, the protection of Forest is maintained with the help of efficient staff.

**PU SAITLAWMA:** Mr. Speaker Sir, how many time of encroachment of Reserve Forest had been made since 1972 ?

**PU ZALAWMA :** Mr. Speaker Sir, we have no official encroachment of Reserve Forest so far. But, there was a dispute on the Inter State Boundary and Inner Line Reserve which is as it was resulted, with the settlement between the Government and Statuquo has been maintained. So that the Reserve which is within this Mizoram might be protected. And in regard to the internal management, there is no trouble yet.

**SPEAKER :** Question Hour is over. Our next item, the Third Report on Assurance Committee will be as he wishes, submit by Pu Lalrinliana, Chairman, Government Assurance Committee.

**PU LALRINLIANA:** Mr. Speaker Sir, I am thaknful for I am permitted to lay the Third Report on the Table. I wrote some of the report in that book. The term is one year and we sat together for five times within that period and finished most of them. But, I beg to add one point since I am permitted to Report. When there is request the Minister from the Members, there always happened to be misappropriation within the District concerned. We may take an example on this, regarding the Champhai Medical Compound which was been by the Ministers themselves at the spot, accordingly it was asked in the House. The answer what we have was there is no such position, in this false report given by the Department concerned has falsified the Minister incharge and dishonoured the Committee. I, therefore, believed that the Minister i/c be well informed so that the members will be satisfied with their questions.

**SPEAKER:** Let him lay his report on the Table of the House.

**PU LALRINLIANA:** Mr. Speaker Sir, I do hereby lay the Report on the Table for the Members to go it through by themselves.

**SPEAKER:** As he said a moment ago, the Assurance Committee had done a good work, which is praise worthy. I also thankful even to the Chairman. And this good and functional Assembly Committee is the strength of the Government. We, the members, have two important duties to perform. As we are having constituency, on which we are the sole responsible person, besides, in the Assembly and in the House where our basic aims are lying. It is also, constructive to record all the performances of the members who is active and who is not, since we are intending to become parliamentations. I, therefore, hope that members are trying to be active, sincere, efficient in their doings in this Assembly Committee for the time to come.

Now, we will proceed to our next item No. 2, 'The Mizoram Urban Areas Rent Control Bill, 1974' which was first introduced here earlier. Let the Finance Minister who is authorised by the Minister-in-charge, the Chief Minister during his absence, introduce the Bill now.

**PU K.T.KHUMA:** Mr. Speaker Sir, With your permission Sir, I beg to move "The Mizoram Urban Areas Rent Control Bill, 1974" be taken into consideration.

**SPEAKER :** Well, our Motion being "The Mizoram Urban Areas Rent Control Bill, 1974 be taken into consideration". Do you have any refection? If not let us start considering the Bill right away.

Here we have amendment and see those amendments from your copies. There are also some supplementaries not with it. In the past we have tackled with many Bills but the present Bill contains large no. of amendment in it. Therefore, it is good to proceed step by step accurately and we will try to study itself for it is the first of the kind so that we will be able to do it according to procedure.

Here, there are clauses upto 10, and we will take up clause by clause and we will try to do thoroughly and painstakingly. As a rule, Clause I, exacting formula, and preamble are always done in the later part of the discussion. But, we will not follow the rule, because, here we have an amendment in the Clause I and let's be it. (Read) "This Act may be called the Mizoram Urban Areas Rent Control Bill, 1974", let's read sub-clause 2 "It shall extend to all urban areas declared as such by the Administrator" thus we will make corrections where necessary. In such manner, we will try to go on. What we will take into consideration is clause I(1) "This Act may be called the Mizoram Urban

Areas Rent Control Act 1974. In the first stage, as we have already discussed the principle and provision, therefore have you any point of discussion on the principle and provision". The Minister Urban Areas Rent Control Act, 1974".

PU CH. SAPRAWNGA:

Mr. Speaker Sir, the matters are increasing, it is a high time to consider about this, otherwise, problem will jump upon time. Some houses were occupied by the Government who fixed the rate of rent at any standard they liked. As we are ignorant about rules and regulation, so we have to content with their own assessment. As a matter of fact, there is no basic rule in assessing rent of Private house occupied by the government and it has not calculated accurately. There is no applied rule, neither the government adopt the Assam Urban Areas Control Act nor rule out any definite rule. In the year 1968, the Deputy Commissioner claimed that the spirit of their present not of the main principle was adopted in M. . In that situation, the spirit was bonded to any directions the govt. likes and made effective for the good of the Government. Thus, when private houses occupied by the government, assessment were made according to the will of the government which were improper for practice. I think, no person dare to challenged but kept quite. Therefore, the urgency of using this rule has become unquestionable. It would be more acceptable to have a proper rule out in this matter than adopting the present rule followed by the government as it will be more appropriate for its course. Therefore, this rule is greatly needed and necessary. But, problem may crop-up between the landlords and tenants which should be framed within a guideline principle. If we do not made rules which should be followed by the tenants and landlords of Aizawl torn but it does not arise to those allocated houses by the government. Otherwise, as it appeared and experienced, the rent has been rapidly increased, year after year by the landlord oppressing the tenants. To those of tenants, there is no way out to vacate their rented houses as it has no alternative and they, at the last resort, sacrificed their services and paid the rent. So, this oppressed position is inevitable for both sides. Therefore, as practiced in somewhere else, the rent is not increased at their like if there is no improvement in the building is made by the owner. But, it can be said that there are a persons who tend to increase the rate of rent in Aizawl which is infavourable and the prevention for this malpractice is the most on the other hand, prevention of Landlord from undesirable practice is also necessary. As a general, though it may not be perfectly framed, the rule proves to be useful. If anything defective is found in the execution, we can also amend it later on generally speaking, the rule is needed.

One thing which I want to point is that of clause 3 "subject to the provisions of this Act and notwithstanding any contract to the contrary" which, I supposed, may to a great extent, mean and result dispute between the individuals. At the first instance, tenants may agree to pay off whatever the rent charged by the Landlords. But, the House after occupying 2/3 years, the tenant may demand the landlord to assess the rent at a reasonable rate. What would be the next step to undertake by the landlord, he may think that it is not proper to drive them out of his house. In this point of decision, it gives me an idea that will there be no oppression to the landlords. On the other hand, it is necessary to put the landlord in a position not to exercise too many powers over the tenant. Here, I found undigestible situation. I think that there can be great misunderstanding in occupying the private houses. In case of business purposes, assessment can be done on the basis of market value. Then, it is also difficult to fix the market value. In this connection, though there are sales of lands, there is relevant register and record from the Govt. point of view. In assessing, it is necessary to know the market value of land, otherwise dispute among the people will be inevitable. In other States, the rate at which land was sold, is accepted as market rate which is required in our country at a specific manner. In assessing, or fair rent, the Government should look into the matter carefully as to know the land market value. Otherwise, this is very much questionable. Take an example of Bara Bazar, tax per sq.ft. is round about Rs. 200/- to Rs. 250/- which is high at any rate. The rate just beyond the Bazar, is much lower than the Centre. Therefore, the Government should look into the market value carefully. Because, there is no long out other than to base the market value in passing in this House. The Government is therefore, to outline the specific rate in order to avoid such argumentative points. These are what I want to point out to your notice. In general I readily admitted the Urban Rent Control Act. We have learnt that there are cases in the plain areas where landlords could not drive their tenants out of their houses. The present act includes that it will be provided that the tenants are liable to expel from the house. But, if this simply the task so much, that will be quite objectionable. At present, we expelled our tenants at our will. Thus, it is required to safeguard both the landlord and the tenants in this regard. The present act is mainly concerned with this matter. Before we could use this Act, it will be a bit difficult how the Act tries to counteract and tries to do away with it. As a general conception, this Act is necessary even in Aizawl Town. This Act as introduced from the Government is highly appreciated on which I would add these points.

PU SANGKHUMA:

Mr. Speaker Sir, as it appears that we are having a general discussion for which I would like to add some points. As we are dealing with clause

by clause, I do not think it is necessary to define clause by clause. This Urban Areas Rent Control Bill, as pointed out by Pu Ch. Saprawnga is greatly needed for which this should be studied carefully. If we look and study the Bill as presented, it will result more questionable points. Therefore, I am sure that it will arise dispute if not thorough and carefull study in drafting is not paid. I have found numerous defects and unsatisfactory exceptions in the Bill as I gone through. It appears that we did not paid even a slightest intention or attention when the draft was made-for it is a mere duplicate of the Meghalaua's Bill.

The Bill is copied word by word from them without examining the tendencies of price rise and the present price level. I am very much desgraceful for it seems that the Bill was draft without having no thorough knowledge of the present situation, When I was reading and studying the Bill itself, new amendment to this Bill as thick as the Bill itself was given to me this morning that was also required to be studied heart and soul. In fact, we did not pay enough attention while preparing the draft. I fell that it will be good to have more time so that we can study the amandment which is as big as the Bill itself and the Bill comparatively. In regard to assessment of land, we do not have any relevant base for it for we are starting a new status for saying I hope you'll not take in a wrong way. Let the Minister-in-charge withdraw the Bill and therby it can be done carefully later on. As we know, the Statement of objects and reasons noticed here is meaningless. Therefore, I would like to request them to re-write the Statement and be kept for consideration later on.

PU R.THANGLIANA  
MINISTER:

Mr. Speaker Sir, It may be, to a great extent, true as said by the opposition member. It is also true as pointed out by our Chief Whip. The Government have a seperate policy of assessing rent in occupying a private house in Mizoram. In examining the prose cons of the matter it is followed as, pointed out by our Chief Whip, nobody was in a position to challenge and Question as to whether it was legal practice. In 1966, the Government of Assam made the Assam Urban Areas Rent Control Act including this Mizoram. The then Deputy Commissioner, Mr Natarajan made a new Act out this having a dissimilarity to which it was not mentioned that land value should be based according to Assam Act. But, fixed that it should be one-third of the value. Thus, the Act was extended upto Mizoram. The Act was to be followed upto the extension of Urban Areas and no proclamation that Mizoram will ne an Urban Area was heard. But, the time has come when the Government wanted to occupy a private house. As such, in considering such situation, the then Deputy Commissioner made Act which will be followed in Mizoram. The same spirit of which is still followed upto date. The Act was, however, repealed by the Assam Government in May, 1972 when we had an Independent Statutory of Union Territory. Therefore, the spirit



of the Act which was accepted, was after all useless and inadmissible to us. Therefore, there will be no basic rules in assessing the rate in case of house occupied by either the Government or Private if the Bill is not passed. Therefore, the Government feels that the Rules is required in our country. The spirit as adopted from the Government of Assam was followed because of that some members have introduced amendments for the better adjustment to our economy. I feel that the Bill itself may be passed altogether with the amendments if so please. One of our opposition Members, Pu Sangkhuma said that the Bill will arise more dispute among the people. However, we will not avoid such disputes but will be judged according to the Rules. For this occasion it will be required. If such issues arise in our country, out of the Bill it can also be amended after it had been passed. This may, of course, be suited to our country. The market pointed out by our Chief Whip, is considered to be very important. In some other parts of India, sale registers are maintained but not in Mizoram yet. So, in our present condition, it is hard to clarify the Market rate. The Bill will, after passing, empower to assess such rate to some persons. It will be correct to look carefully into the matter by those persons. What we now followed is in accordance with the assessment made by the Revenue Department. e.g. Rs 4 or 5 is fixed per square ft in Bazar area, There is also a great difference between the present market rate. In the Bazar area, the rate of land with an area of 10ftx16ft is Rs 40,000/- that means the rate per sq.ft., as pointed out by our Chief Whip, is round about Rs 250/-. But, if we happen to based the Market rate on their Selling prices there is still impossibility for the actual selling price is not known to the Government as it was not recognized by the Government. The Government will follow this for doing this, after the Bill became an Act, it will authorised the administrator to pass rules out of it. Therefore, the Act 16 urgent needed, and if it is not passed, more problems will cropped up soon. The agreements made between the individuals, as it will provided in this Act, can be settled upon them. It may be true to a great extent, but the main object of the Bill is to introduce a fair rent which means a reasonable rent fixed by the Government. to be followed all over the extension. It will unfair if the landlord charges higher than the fair if the tenant demands lower rate than the fair rent. In practices, it always concerned the transaction made between the Government and the individual and never been heard that dispute of the individual person in this case. Because, their agreements are always accepted to be fair enough so far as their business is concerned.

SPEAKER: If do not have nothing to say about this, we will consider clause by clause. There is an amendment to amendment on sub-clause of Clause I which we will be taking up first. First of all, have you any objections on sub-clause I 'This Act may be called the Mizoram Urban Areas Rent Control Act 1974? No objection? Yes, we will take this sub-clause (2) (a) "Extent:- It shall extended to all Urban Areas declared as such by the Administrator". Have you anything to say on sub-clause(2)(a) of its extension?

PU SAITLAWMA:

Mr. Speaker Sir, The extension prescribed herein that the Administrator be the final authority is too narrow. If this bill is to be passed, I believed it will be good to apply even to those of big grouping Centres like Kolasib, Champhai and Hnahthial which are treated as town where houses are rented. In fact the Act may not intend to these towns. However, the present Assam Land & Revenue Regulation 1886 extended upto Mizoram and adaptation was already made, It will be practicable if the extension of this Act be prescribed by the Government.  
(SPEAKER: Does not this sentence. 'It shall extend to all Urban Areas declared as such by the Administrator' covers your point of argument? The Government is to nominate Or declare. If your point is not to rule out those areas as for Urban, it is all the same). There is some points of dissimilarities. The Urban Areas may extend only to those towns like Aizawl, Lunglei (Speaker: The Administrator will declare). Will the Government regard those towns as Urban in full town? If so, I do not think it is necessary to point out all what I intended. But if we gone through the other states. Urban Areas Rent Control Act, we found them included all these areas. But, it is not in such an uncomprehensive manner. If the Government tries to tackle with all those problems, I do not think it is necessary to point them out. The Act will, even if it has been passed, bring more disputes amongs us if the Government fails to find the most essential element.

PU SANGKHUMA:

Mr. Speaker Sir, I want to add some more points on that. I think it is necessary to have a look at page No. 3 (a)(b)(c) and (d) where we find these words "Urban Area means the town areas declared as such by the Administrator". If we talk of the town areas, it is true as mentioned by by Pu Saitlawma. I think it will not be necessary to raise arguments had the areas been prescribe as Urban area means any areas declared as such by the Administrator. In defining the Urban area, as we here mean, it is supposed to concern only with those of town areas. It is, therefore, necessary to clarify this point. It does not required to clarify if we could change the words inserted in (g) in which Urban areas mean the town areas as to mean any areas..If not, it has to be altered. (Speaker: that is in the hands of the Government). (Pu Saprawnga: Urban areas mean the town areas only, therefore, it can not mean any areas. Perhaps, we do not know the Urban areas itself. It can neither mean any areas nor rural areas. And in the definition of Urban areas, we have to be abstain from the rural. The words "Town areas declared as such by the administrator", are true in its fullest meaning) Of course, we may mean any areas declared as urban areas. It will be correct if we could make as any areas declared as such by the Administrator, for all areas are not Urban and therefore, it will be acceptable if we vested power to the administrator to declared any areas as Urban areas.

PU CH. SAPRAWNGA: Mr. Speaker Sir, the Urban areas mean those of the town areas by itself. However, it may be necessitated to declared any which of the areas as town areas. Moreover, the Act will not be extended to the areas other than urban areas, it will except effective in the town areas and urban areas but not in rural areas, So, it will not be true to say any areas as Urban and Town areas. Now, the Urban and Town areas include, in the first place, Aizawl and it may also mean to extend to Lunglei, Anyhow, this act will be implemented to those of towns and urban areas. It may, however, not mean to extend to the villages such Khawzawl or Mamit villages, and therefore, Urban areas may not mean any areas at any rate.

PU SAILLAWMA: Mr. Speaker Sir, in fact, the Urban area covers those areas where the act of municipal is extended. And, also, it extended up to that towns where town Committees are formed to look after by them not by the Municipal Board. Besides, there are Revenue Town lands prescribed in India in which, however, in real term, Aizawl is not an exception. We are, here trying to prescribe by ourselves. According to suit us. The term, in that connection, is to be amended. The Revenue Town Land and that of Urban areas are not similar but are quite different each other. So far as the Urban Areas Rent Control Act, it is felt necessary to make addition to that words, for it may devolve a different meaning.

PU R. THANGLIANA  
MINISTER:

Mr. Spekaer Sir, it appears that there are some areas which are possibly be omitted by the administrator as Urban areas ing going through this Bill, the Members felt pitty to exclude those areas. One of our members, Pu Saitlawma jad pointed out that Urban area includes all the areas of Municipal areas. This is also adopted in the Assam Urban Areas Rent Control Act basing an the Municipal areas as for having a mere convenience to declare. Therefore, in our own Rules, it is not included seperately. The Government will, by having such qualifications for the conditions of Urban areas, proclaim any areas as Urban, e.g. let's take Kolasib, there we will find some its streets qualified as Urban, not of course, with all its area. It seems that the Members are willing to declare some of the Streets and roadside of the towns, as Urban area. If we have a provision for the inclusion of such minor cases, heavy pressure from the people will be unbearable for us. It will be far better for them not to have any hope of becoming an Urban areas as this should be debarred by the Act.

PU SANGCHHUM:

Mr. Speaker Sir, I want to say some more of it. We are, here, trying to define the meaning of Urban area, I believed that it will make things more complicated later on. Let me put this way, Urban areas means any area declared to be or included in the town, for it make the

intention clearer. There may be some difficult task of including some areas but which areas are disqualified and excluded by any means. I, therefore, still hold an opinion of putting as Urban areas declared to be or included for town area, Mr. Speaker Sir will you please allow me to take the above lines? "This Act may be called the Mizoram Urban Areas Rent Control Act, 1974". In this connection, the statement of objects of Reasons included that the Assam Urban Areas Act extended in the whole of Mizoram and further intension of the Act is also mentioned.

Meanwhile, the present Act was been named as the Mizoram Urban Areas Rent Control Act, 1974. It was called that the Assam Urban Areas Rent Control Act, 1966 which is as found to be 1966 instead of 1967. If adaption was published in the Gazette, this will be continued, but if not, that can not be taken up. Suppose we had it published, and being in operation, I thought that should be as amendment to the Act. At the same time, I also thought that this may mean dual adaption if the Mizoram Urban Areas Rent Control Act, 1974. As such, I believed, the present bill should be introduce as amendment.

PU K.L. ROCHAMA: Mr. Speaker Sir, the statement of objects and reasons have been clearly pointed out by the Hon'ble Member. The principle of Act as mentioned in clause - 10 of "Saving" - "anything done or any action taken following the principle of Assam Urban Areas Rent Control Act, 1966, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under this Act" in which its permissiveness to adopt its principle but not extended and it was provided that it could be continued, and it is found omitted in the adaptation of laws and Acts, Therefore, we could not treated as amendable nor could be repealed, because of the fact that this Act was not use in practical.

And, we seemed to interested in the contention of Urban areas and Town areas, but we are far cagging behind the situation as to whether it fit the term. If we turn to the Assam Urban Areas Rent Control Act, it has been straightly proclaimed those areas as Urban as found in the Sub-Section o2 of Section 5 of the Assam Muniapal Act, 1956, with a reference to the Cantonment Act of 1924. To them things have became easier because of their advancement that they could easily take hold of in their Municipal Act and Cantonment Act which were made by themselves. On the other hand, we have to proclaim town areas which might be those towns declared in the time of District Council and it should be done with careful study and comparison for municipality does not existed in our land.

Therefore, there will be no abstacle as this Act is to declared towns areas as presoribed. Moreover, there will no difficulty in declaring town areas as Urban, We may, however, decide in case we are more favour of having municipality in our country, to proclaim all those town areas as Municipal areas by passing new Municipal

Act. But, at present, Urban area will consist of those areas declared by us as Town Areas. Thus, there is no point of misunderstanding to its meaning last we do not willing to accept town areas as Urban area.

SPEAKER: I do not think proper that we should declare such areas in passing the Bill here for the draft is left blank by them as it should be. Abyhow, this should be done by the Government. The administrator on behalf of the Government will make laws on this. We, the members are permitted to have voices on it when it will be finalised provided, that we are not satisfied. Have you all got the Statement of Objects and reasons, Corrigendum in which the major points of Pu Sangkhuma re added? If we look at our Rules No. 68 wherein we could see that the Speaker may revise the Statement of Objects and Reasons. As such, I do hereby revised im implementing the rule. Therefore, the corrigendum of Statement of Objects and Reasons should be used for which I stated that it has to be out of use. It is, I hope, clear enough im connection with the extension of the Act. Have you any objection?

(b) Nothing in this Act shall apply:-

(i) to any premises belonging to Central Government.

(ii) to any tenancy or other relationship created by a grant from Central Government in respect of the premises taken on lease or requisitioned by Central Government.

The above amendment is received from Pu R. Thangliana and let him move it.

PU R. THANGLIANA  
MINISTER:

Mr. Speaker Sir, the following are the amendments: Clause 1 (2) (b) (i) is perfectly correct and this Act will not be meaningful in case of lands owned by the Central Government as are to be exempted. But, it appears, from No (ii), that those lands or houses requisited by the Central Government are to be exempted.

Taking an exempted of houses occupied by the Security Force might perhaps be, unintentionally, regarded as to be exempted. I want to replace Clause 1 (3) (b) (ii) totally. And, the word Government found at the end of the sentence, be followed by 'full stop' instead of putting 'coma' removing the word 'or' from the original sentence, Item no (iii) will also be replaced by clause 3 as it commenced the para, thereafter, we will have; another Clause 1 (3) instead of having sub-clause (2) (iii). These are what I wanted to notice you all.

SPEAKER: Sub-Clause (b)-A should be excluded totally. The commencement clause 2 (b) (iii) was put as clause 2 (iii) which is to be inserted below sub-clause 2 at sub-clause 3; for we have a seperate analysed short-title, extent and

commencement in the margin. The proposed amendment is to do away with the sub-clause 2 (b) (iii). Do you have any thing to say on this motion?

**FU K.L. ROCHAMA:** Mr. Speaker Sir, will the proviso be delated?

**FU R. TEANGLIANA MINISTER:** Mr. Speaker Sir, It must be deleted because the definitions of above and under it are related each other,

**SPEAKER:** Are there no others to say? If so, there is a motion that the clause 1 (2) (1) and the proviso itself are be put away from this, Anyone, who disagree with this? Well, you have agreed upon this, So, often the word 'Government' found at end of the sentence be read as 'full-stop' and the word 'or' is to be cancelled and the present clause (iii) should be read as clause 3. With these, now, that sub-clause (2) has been amended. Sub-clause (2) of clause 1- clause 1- as amended stand part of the Bill. We will, now, discuss the definition - clause 2. Have you anything to say on this?. Now, time is over till 2 P.M.

I think it is convenient to have a B.A. C. meeting presently at my Chamber.

Recess at 1 P.M. to 2 P.M.

2 P.M.

**SPEAKER:** The B.A.C. meeting held during the recess, had passed and not ended the Session for the first instant upto Monday i.e. 7th of the present month, having in mind that another Bills besides the present Bill are likely to come, from as learnt from the message received from Delhi, and the programme is thus unanimously outlined, The anniversary birthday of Mahatma Gandhi which falls on 2nd October is or holiday and only on the 3rd of this month, the sitting will be held, We are, as we all know, having a sitting on which we will be discussing many of the Government Bills and business. Private Members business, restrictions and motions are to be taken up on Friday i.e. 4th October. On Monday which is the first working day, are on which consideration. and passing of Governanet Bills are possibly taken up and between that period two days recess will be held on Saturday and Sunday. This is the programme laid by the B.A.C. on which behalf, let the Development Minister who is authorised by the Parliamentary Affair Minister in his absence, move this for adaption.

PU R. THANGLIANA  
MINISTER:

Mr. Speaker Sir, I beg to move the programme recommended by the B.A.C., as expressed by you, for the approval

of this House.

SPEAKER:

Do you agree? We will now continue our discussion on the Urban areas Rent Control Bill in which another amendment to clause 2, sub-clause (c) is proposed by the Finance Minister Pu Khawtinkhuma. Let him move his amendment.

PU K.T. KHUMA:  
MINISTER

Mr. Speaker Sir, I beg to move that it should be replaced by 'twelve parant' instead of 7½% mentioned here in clause (2) item (c) and in the same clause of page No. 3 at the third line, 1% be substituted by 2%. The rent, as decided, is to be paid yearly at 7½% of the total expenditure incurred for construction on the basis of market value of land. This fixation was made in the Assam Urban Areas Rent Control Act, 1966 when things were available at rates in companion with the present condition.

The rate of investment paid by the State Bank in 1966 was 10% only which has come up to 15% in this present position. This rate of rent can, also be treated on interest basics. It is, therefore, considered necessary to increase, though 7½% was fixed in the Assam Government for it will be of less value in the present days. In recent times, it is learnt that loans is 100% as such as is found reasonable, here. I beg to move the substitution rate, i.e. 12%.

In regard to 12% for pucca-building is somehow less what it should be. If it is not a pucca-building, it will last only 50 years or so, and the materials used for it will not be serviceable. So, I do hereby beg to move the depreciation rate to be increased at 20%.

SPEAKER:

Have you anything to say on the motion, clause 2(c); "Seven and half percent of the aggregate amount of the estimated amount of the estimated construction and the Market price of the land together. Which is substituted by 12%? The third line of page 3" for the purpose of this clause, cost of construction shall mean the estimated cost required for the house less depreciation at 10%" may be read as "Less depreciation at two percent for a building with non-pucca structure per annum". Do you all agree?

PU SANGKHUMA:

Mr. Speaker Sir, though there is no objection in the 12% rate, but, I would like to ask some of the meaning. How the rent of Quarters occupied by officers be calculated and will the rent deducted from their pay at 12%? How the rent should be calculated, whether it is to be base on the standard rate of 10% when the deduction is made?

PU KHAWTINKHUMA  
MINISTER:

Mr. Speaker Sir, the bill is meant for rent assessment of building whether it be Government building, the rate 12% is same to all, if this bill is passed. Suppose one officer occupied a Government building, His pay being Rs 1000/- per month the rent at Standard rate according to this amendment, will be 12%. Which is to be worked out on the building and market value of land. Suppose, his pay is Rs 1,000/-. Rent assessment is made either on the standard rent or 10% of pay, whichever is less. If so, he paid at the standard rent of Rs 90/-, but not Rs 100/- (a) at 10%. In this way, rent is paid by the Government servant in case of houses occupied by Government officials.

PU CH.SAPRAWNGA:

Mr. Speaker Sir, we do not have a clear definition of non-pucca and pucca structures mentioned both terms in this amendment,

SPEAKER:

In the definition we found that pucca-structure means structure with cemented or wooden floor, iron, bricks, or concrete or wooden posts and roofs for galvanized or aluminium or asbestos sheets.

PU CH.SAPRAWNGA:

That means the rests been regarded as non-pucca?

SPEAKER:

'Yes'.

PU NGURDAWLA:

Mr. Speaker Sir, I was absent from the discussion held before as I was engaged in some other business. To what extent is the Government authorised such courts, as in the definition, to settle disputes arise between the tenants and landlords?

PU KHAWTINKHUMA  
MINISTER:

Mr. Speaker Sir, any kind of Civil Courts including Deputy Commissioner are given jurisdictions in connection with the subject.

PU SAPRAWNGA:

Mr. Speaker Sir, in the definition of pucca structure, the building may be cemented or wooden floor, having iron, brick, wooden or concrete posts and reinforced concrete roof; galvanising or aluminium, but there is no clear-out definition of its wall-portion it can be made of bamboo and such type. Is it acceptable as pucca-structure all those of bamboo wall?



**PU NGURDAWIA:** Mr. Speaker Sir, in regard to expulsion of tenants by landlords, as defined by the Minister, is quite vague as to the extension authorised Village Council Courts, for it will be from this very points, cleared the Coverage of Urban Areas.

**PU KHAWTINKHUMA MINISTER:** Mr. Speaker Sir, all these Civil Courts, whether it be Deputy Commissioner or S.D.O., or A.D.C. are entitled to act in their jurisdiction.

**PU CH. SAPRAWNEA:** Mr. Speaker Sir, we'll it be possible to answer my Questions which are of great important and very much Questionable?. It will be a reliable point of question if it is not defined clearly.

**PU KHAWTINKH MA MINISTER:** Mr. Speaker Sir, a prescribed wall, if it omitted here, should be included if this House please to do so.

**PU R. THANGLIANA MINISTER:** Mr. Speaker Sir, there are separate analysis except the wall-portion in regards to pucca-structure. but, these definitions like wooden, cemented floor, or bricked iron or wooden posts found in the bill is likely to mean. I supposed, at least those walls made of A.C.C. sheet though we have bamboed wall in Mizoram, The main intention of this Bill is drawn in the absence of bamboed-wall for it must, be as prescribed, made of A.C.C. sheets, controversy may however, arises in the exclusion of wall portion while others are need by defined, but, we must be in mind that the wall is meant to be made of A.C.C. Sheets.

**PU R. DOTINAIA:** Mr. Speaker Sir, I think, the structure of wall-s needed to be defined a little bit clearer because there are Walls made of reeds coated with soil in Mizoram. Thus we always came across those different types of Walls. Besides there are wall made of plywoods etc. So, this definition to its extension of wall must be clearly drawn to us.

**SPEAKER:** It defines those portions like roof, floor, and the post except the portion of wall. However, it is permitted, according to rule to introduce amendment at the last minute if the Minister-in-charge pleases so. What is his opinion in this regard?

PU NGURDAW LA:

Mr. Speaker Sir, this should be, I believed, clearly defined as it will mean much in connection with housing

loans.

PU K.T. KHUMA

MINISTER:

Mr. Speaker Sir, there is no objection against the amendment if the House pleases to do so. Moreover, this pucca-structure means to indicate the permanent structure. In other States, although no question arises in the House, this always meant for permanent structure which is reinforced cemented construction buildings. By the way, in Mizoram, we are having buildings made of wooden walls with tin roofing which are grouped under Semi-permanent structure. It will be appreciated in case the House desires to make a clear-out definition which will render a grant help to us; for of course, it seems to be necessitated to draw a clear distinction between the permanent structure and semi-permanent.

PU HRANGAIA:

Mr. Speaker Sir, I want to say something about the wall after all it has been excluded in the Bill. Although the Minister-in-charge had pointed some of the practices in other State, for us, I think, it is better to concentrate on our own possessions of pucca-buildings. I believe it will be better to include all the materials like wooden planks, tile, Cement and bricks, for constructing walls under permanent structure. Moreover, wooden planks are more costly than tile, as had already pointed by the Development Minister, and it is commonly used in Mizoram. Therefore, wooden wall may be included in this Category.

K.L. ROCHAMA:

Mr. Speaker Sir, the required structure for wall is not mentioned in the present Bill, however, the main object is covering a wide-range of meaning. "House" means buildings, huts, shed etc., which are used for accommodation and should be let according to purposes depending on the building structure. If so, the responsibility of the landlords will, automatically, increased in due time. Therefore, it appears that it will mean very little to them, if a tenant have no alternative for occupying that house; Because of the fact that the assessment will be based on pucca, structure or semi-pucca, permanent, structure or semi-permanent, or FWD shedule rate based on the total cost of construction. Then, the calculation of rate will again base on the structures whether it be asbestos, bamboo, wooden planks or reinforced concrete as a result, it will mean very little the, We want to work out the rate of rent which is, as always based on the schedule of rate, I do not think that it will be ineffective in paractical use for cases may spring up when

bothe of the parties, landlord and tenants, came to a mutual agreement regarding the rate of rent to be charged.

**SPEAKER:** Anyone of the members may move motion for amendment regarding the require structure as the member-in-charge of this Bill is of the opinion that it will be more convenient to amend it.

**PU R. THANGLIANA  
MINISTER:**

Mr. Speaker Sir, the Minister-in-charge wildly open his appreciation. Those points brought put by our Hon'ble Member ~~in~~ Rochama, was meaningful to a great extent, but, also it has its own meaning and I believed it will be more convenient to have a clear cut definition of pucca and non-pucca structure in calculating the depreciation rate. I had in mind that the amendment be inserted No. 4 in place of no. (d) wording as the structure walls required may be made of A.C. Sheets, Wooden planks, galvanising iron sheets, cemented concrete and bricks, for by pucca-structure means those buildings made of wooden floors and posts, which will include all those materials used in Mizoram. Meantime, I have a preference of my own which may contradict your points; that is, as being used in other States, pucca building be meant as defined in No. 1, excluding the words "Wooden floors" and in No 2, excluding 'wooden posts'. So, the roof, whether it is made of cemented concrete or gulvanized iron sheets, may be negligible, I also learnt that constructions made of wooden planks are not accountable. Anyway, I could still accepted any of the two amendments so far as my opinion is concerned, But, I should still prefer to have 'pucca structure' as found in other States.

**PU C. IALRUATA:**

Mr. Speaker Sir, in connection with Housing Loan, three Categories - permanent, semi-permanent and Kacha are made, but it is not known to me whether mention have been made in pucca structure. I am, of the opinion that 'permanent' indicates, those pucca structure. Accordingly, no inclusion of galvanized iron sheet, tile or wooden planks under the pucca structure is found and they are, however, under the semi-permanent structure confined to those building made of Bricks or R.C.C. etc. I have been thinking that it will be practicable to categorise every building under three heads - permanent, semi-permanent and Kacha structure if the suggestion made by the Minister-in-charge is to be followed.

**PU SANGKHUMA:**

MR. Speaker Sir, I should say that the way we do has become unconstitutional that we have been violating our made Rules. It is clearly written that when and if there are amendment to the Rules, if notice of a propose amendment has been sent to the Secretary too clear days before the day on which the Bill is to be considered, On the contrary, presently, a proposal for amendment have

been put-forth by him by mere standing in this House. If the proposal is carried out, I would condemn that our own made rules are violated by us and it will become meaningless without having any study of the content before it has been brought in, we are now pushed to amend the same directly. This thing was already pointed out even by Pu Saprawnga in his speech earlier. I, therefore, think it is un-constitutional to have amend the Bill at such a time by violating our own made rules. I want to point out more of its defects if you please allow me to do so. There is no meaning so far as 'Power to make rules' seen in the end. It can not, at any standard permit to introduce amendment according to our Rules. If we, read 'Power to make rule' we can see that "the Administrator may, by notification in the official Gazette". (Speaker:- Other clause should not be taken-up now, hence, the present clause is to be dealt with). Any-how I will try to bring it when this clause is taken-up. It will be inapplicable in practical use though amendment is made up to twelfth times. It will be, I think, withdrawn without hesitating for it may mean to violate the rules.

**SPEAKER:** Let me explain this, however, it does not mentioned as point of order. In our Rule, two clear days' is mentioned as pointed out by Pu Sangkhuma. But, Speaker has a special power that the Lok Sabha of India has only one clear day which is being followed here. Besides Rules 82 which you may see yourself, let me read this: "The Speaker may also waive the notice period for an amendment, provided the House is agreed upon it (b) Govt. amendments are, as general rule, allowed to be moved even without notice unless public interest is vitally affected in any way. Where Government amendments are allowed to be moved at short notice, amendments to these amendments have also been permitted at short notice (c) A last-minute amendment to a Bill may also be admitted, if agreed to and accepted by the mover of the Bill". There are something we do not know that have no affect in public interest. This is, of course, a general rule and should not be regarded as violation of rule.

**PU SANGKHUMA:** Mr. Speaker Sir, It is clearly mentioned in our Assembly Rule that 'these rules were laid on the Table of the House and were adopted on the 26th March, 1973' Have we any right to adopt Parliament Rule besides our adopted Rules ?

**SPEAKER :** This is 'The Practice and Procedure of Parliament'. (Pu Sangkhuma: We are not the Parliament. We got our rules made by us. Have this rule become useless ?) The convention and Practice are being in force. It is always good to know that besides this rule there are conventions and Practices followed for the direction. In our Rules No. 82, we find that

'if notice of a proposed amendment has not been sent to the Secretary two clear days before the day on which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the Speaker, in his direction, allows the amendment to be moved'. It has been rested in the direction of the Speaker, if he allows to move it. I do not think it contradict to the Rule and I dare not lead the House beyond Rules. As practiced in other States, I have permitted to move for there is relevant Rule to be based. I hope you, all members undertsnad this.

**FU OH.SAPRAWNGA:** Mr.Speaker Sir, withdrawal of the present Bill is suggested by Pu Sangkhuma as he was not clear about it. To me, it is not possible to make Rules faultless even for the Government. It will be practicable when there is reproof or reproach on the proposed Bill from the Member side.

For doing this we, the Members, have the right to depress. I don't think that the Bill will become inaccurate just because of controversies. Even in the Parliament we know that there always been great controversies on the Bill when discussion is held in the House, so that it will become Act through scrutiny. Suppose the Bill has been pending for the second time. Will it be voted for pass then without saying anything about it. But the Bill, as it should be, will be examined thoroughly and we will point out all its defects. Thus, it can be finalised according to rule provided that the Speaker and the Government gave their assents to do so. The Bill should be discussed here thoroughly and attacked to its defectiveness. So, the Government who is the mover, will give us explanation in detail. If they could not, it will become, if the Speaker and the mover allowed a part of amendment which appropriates our present condition. It must be 'two clear days' as a rule but it can not always be followed for it appeared that Rules are seldom studied by us. When the Bill is presented to the House, its defects are instantly found out. If we find any real reproof in it, so it will be minded then. Mr. Speaker- regarding self-devotion to this Bill, I should say that I could ciple, neither the Members study before hand. We are now trying to define "pucca structure" which required no definition in its contents. No mention of pucca-structure is found in the later passages except in the depreciation. In fact, it does, bears no importance except in case of depreciation in which the permanent structure have to be defined. We must, therefore, try to find out any possible way so that it can be appropriately applied.

**FU R.THANGLIANA:** Mr.Speaker Sir, I dare not call my proposal as amendment. I think it will be appropriately applied with the above if the members are agreed with me. As stated earlier, the rent is to be assessed on the basis of materials used for the construction at P.W.D. rate.

No difficulty arise out of it. The possible difficulty may arise in between the pucca and non-pucca assessment and depreciation in case of non-pucca structure at 2% was proposed by the Finance Minister. That much is the difference. If we allow to include those buildings made of wood in a pucca structure, I think, it will be more appropriate to insert item no (iv) under (d), thus pucca structure means 'a structure with - (iv) walls of A.C. Sheets, wooden planks, galvanized iron, Cement concrete and bricks thereby the definition of pucca mentioned above has become clear. Is it correct up to that?'

**PU K.L.ROCHAMA:** Mr. Speaker Sir, I think it is pleasing that we want to examine thoroughly. But, I could not imagine what would be the consequence of this. By looking at the Urban Areas Rent Control Acts of other State, we could well see that the category under pucca structure is mostly added to it with no inclusion of wall portion whether it might be of wooden plank is found. The assessment as was stated earlier, should be made in accordance with the actual structure if and when the landlords and the tenants are agreed upon it. Questions may arise as to whether walls made of bamboos will be accepted for wooden walls are already accepted and whether Plain-Sheets walls are to be included as galvanized iron walls have been included. Thus, such things of little effect could possibly be taken into consideration in passing the Bill. Therefore will it not be acceptable to do away with the amendment?'

**PU SANGKHUMA:** Mr. Speaker Sir, regarding the amendment bill, I could not agreed with it at all. According to Rules No. 82 (1) it must be sent to the Secretary two clear days before the day on which the Bill is to be considered, otherwise, any member may raise objection to the moving of the amendment; unless the Speaker, in his discretion allows the amendment to be moved. Under no. (2) it is stated that "The Secretary shall cause a copy of every notice of a proposed amendment to be made available for the use of each member", Have we done accordingly? Otherwise, this will mean violation of our Rules.

**SPEAKER:** No. (2) means all those notices received and (1) has stated 'unless the Speaker in his discretion'. How could the members get until and unless notice is not received? In this connection, no (1) may be made use of it. Let's do according to your proposal; Here we have an amendment to (d) and (e) where it is unavoidable in regards to depreciation rate for non-pucca structure is included. Let's substitute (i) cemented or wooden floor (ii) iron, bricks or concrete or wooden posts, by (iii) Roof of reinforced concrete or of galvanized iron, aluminium or asbestos sheets in connection with the definition of "Pucca-Structure".

Let him move it again.

PU R. THANGLIANA  
MINISTER:

Mr. Speaker Sir, I hope it would be good if you could accepted the amendment proposed by me, Even if we do not have any objection in regards to materials mentioned above like wooden posts and wooden floors etc., the amendment may be made in accordance with the Speakers verdict, starting with the word 'and' at clause No. (iv) in which A.C. Sheets, woodent planks, galvanised iron which includes corrugated iron sheets, cemented concrete and bricks that can also include asbestos.

PU C. LALRUATA:

Mr. Speaker Sir, If there is any possibility of making amendment in this regards, I think it would be more agreeable if we catagonise under pucca and iron pucca which is seen in the later part that rose controversy against it. and these buildings that contained no iron, cemented and brinks structure may not be regarded as pucca-structure.

PU R. DOFINAIA:

Mr. Speaker Sir, I could not still follow your reply to the question by Hon'ble Member, Pu Sangkhuma. Beyond the provision of our Rule, it is said that the Speaker can do according to the Parliament Practice. (Speaker - It is actually our Rule and we do not have the Practice. We also gone through the other States' Rules, and of course, the principle of the Rules in same with even the Lok Sabha). However, I would like to introduce a proposal because Rules are always long-lasting and it should be thoroughly and serously considered at the time of passing. It can be seen that such attentions are not paid. There are number of amendment which shows that the members are not satisfied with it. So, let the Bill be withdrawn or referred to Sollect Committee for reconsideration as it seemed to ne. In fact, I do not have any strong feeling of objection for passing the bill itself. (Speaker - It's too late to refer to the Slect Committee and we have gone by and it will not be practicable to return to that stage). If such is the situation, let the Government reconsider the Bill for good.

SPEAKER:

Though our Rule No.82 was explained by me, let me try to repeat it as you are not fully satisfied and let me read it out: "If notice of a proposed amendment has not been sent to the Secretary two clear days before the day on which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the Speaker in his discretion, allows the amendment to the moved". Thus the Speaker can allow or reject. Such atmosphere is always happened even in the Lok Sabha practice, hence, I found no reason why the members should object. Let me read item No. (2) - "The Secretary shall cause a copy of every notice of proposed amendment to be made available for the use of each

member". There is a notice as you demanded, It can also be done without no notice of it.

Item No. (d) has to be done first in which the definition of pucca - structure is mentioned. As it defined the structure of pucca building, we have to mention clearly. When the assessment is made the valuation will varies according to the structure whether it is bambooded wall or woodent wall or tile, Mention has been made just becuae of depreciation rate. The rate in case concrete buildings will remain constant and woodent structure will earn different rate and in case of 'patta' valuation will be based on it.

Let the present amendment be announced again.

PU R. THANGLIANA:  
MINISTER: Mr. Speaker Sir, No. (iv) walls of A.C. Sheets, Wooden Planks, Galvanised iron sheets, Cement Concrete, stones and bricks.

SPEAKER: New Clause will be added to (d) and the amendment runs as : Chapter 2 Clause 2 (d) (iv) Walls of A.C.C. Sheets, Wooden Planks, Galvanised iron sheets, Cement Concrete, Stones and Bricks and the word 'and' found under (ii) should be excluded and semi-colon at (iii) will be replaced by 'coma' 'and' will be added to it. If there is no objection against this, we will proceed to the next item.

At (e), the motion is that seven percent be substituted by 12% and two percent instead of 1% in the explanatory note and building. Are there any member who disagree with this?

Clause 2 as amended becomes part of the Bill. Under Clause 3, we have an amendment notice from Pu Rochama. Let him move his amendment notice to Clause 3 (sub-clause) (1).

PU K.L. ROCHAMA: Mr Speaker Sir, amendment notice given by me to Clause 3 (1) with additional insertion on sub-clause 2 of clause 3, will be withdrawn by me. But, amendment proposal which is meant for the substitution of sub-clause 4 3 by sub-clause 4 will be moved. Subsequent remembering, as it seemed necessary due to the withdrawn of the first two amendments, may be made of rest. Hence, after the new sub-clause (3) of clause 3, insert a new sub-clause (3) with the following provisions: I shall not read the whole notice. This notice, as amended, is moved by me because the Urban Areas Rent Control Act, as seen in other States, has to be amended at an interval of 5 years or 6 years in viewing the circumstances changed in land valuation, and increased cost of construction. In that case, sometimes, possibility always arose unintentionally that amendments were not made in time, In prevention of such



happenings, the amendment is thus moved by me. Supposing that a tenant occupied a house for 5 years during which no amendment to the Rules was introduced but, the rate and cost of construction and the valuation might change greatly in comparison with the present days. Thus, it is necessary to increase the rent on the part of the landlord for Market price and construction expenditure have valued much after 5 years hence. At page 2 item (c)

clause 2, as amended by the Finance Minister, has to be amended as 12% instead of 7½ which was based principle of the amendment the landlord shall be entitled to have the monthly rent increased by an amount not exceeding one twelfth of seven and half percent per annum. But this has to be changed with 12% as was demolished, as a sunsequential correction, I would, therefore, ask you to accept this.

**SPEAKER:**

Have **anything to say?** Thus, amendment motion has been inserted after the sub-clause (2) of clause 3.

The new amendment 'seven and half percent of aggregate amount of the estimated cost of construction and the market price of the land' is hereby amended at 12%, as permitted by the Rule. Do you agree with this?

Clause 3 of the Bill as amended stands part of the Bill.

Now, we will come to the next, clause No. 4 "Procedure or determination of fair rent". Have you anything to say on this?.

**FU KHAWTINKHUMA  
MINISTER:**

Mr. Speaker Sir, I believed we omitted my amendment to clause 3. It was proposed that in sub-clause 2 of clause 3 be substituted by 12% instead of 7½%. Let's have an amendment to it before we proceed to page 3, sub-clause 2 of clause 3. (Speaker - We have done already clause 2 was done and clause 3 has been left aside, I have been proposed that the 7½ at clause 2 of clause 3 be amended as 12%.

**SPEAKER:**

Yes, that's right. I thought it was Fu Rochamas' amendment and he did not want to move his amendment to clause 3 of (1). Fu Khawtinkhuma introduced an amendment to clause 3 (2) at page No. 3 which is omitted. Anyhow, we will take up Fu Khawtinkhuma's amendment and let him move it before the House.

**FU KHAWTINKHUMA  
MINISTER:**

Mr. Speaker Sir, that 7½% of the cost of furniture, if provided for, will be changed as under the proviso of clause 4(3) which, I thought, is very little and furnitures are easily broken. I would like to move that it may be raised to 10%.

**SPEAKER:** It is a proviso of clause 4 of (3). Thus, as amended it will become 'one-twelfth of ten percent of the cost of such furniture substituting one twelfth of seven and half percent of the cost of such furniture'. Do you have any objection?. Let them say.

**PU SANGKHUMA:** Mr. Speaker Sir, regarding the rate, I don't have any objection. but, I want him to explain it clearer, Under our Ryle No. 84, it is mentioned that 'provided that no previous sanction or recommendation'. Oh Yes, it is correct.

**SPEAKER:** What is your question ? Is it for recommendation? The proviso of clause 4 of (3) has become 'one-twelfth of the ten percent of the cost of such furniture', instead of 'one-twelfth of seven and half percent of the cost of such furniture'. Have you got any objection?. Clause 4 as amended stands part of the Bill.

Under clause 5 'bar against passing and execution of degree and orders for ejections' which modification is attached to it. Do you have objection? If not, so clause 4 as amended stands part of the Bill.

We will again proceed to Clause 6 in which we have received an amendment from Pu Saitlawma who may now move his amendment.

**PU SAITLAWMA:** Mr. Speaker Sir, I am not intending to move my amendment to clause 6.

**SPEAKER:** If so, any objection from others?. If not, so, clause 6 stands part of the Bill.

Have you anything to say on Clause 7 of notice on the landlords to perform duties? No? Clause 7 stands part of the Bill.

Under Clause, we find that "Appeal on any or disputes are allowable". Are there anyone who to say on this? If not so, the Clause 8 stands as part of the Bill.

In Clause 9, 'Powers to make Rules', we got me amendment from Pu Saitlawma who is permitted to move it before the House.

**PU SAITLAWMA:** Mr. Speaker Sir, Let Clause 9 be re-numbered as Clause 9 of such Clause (1) which consists the present bill and another sub-clause (2) which may includes the amendment proposed by me. It runs thus:

Every Rule made under this section shall be laid as soon as may be after it is made before the Legislative Assembly: Mizoram while it is in section for a total period of 7 days which may be comprsed in an Session or in two successive Sessions. And if before the expiry of the session in which it is so late or the Sessions immediately following the Legislative Assembly Mizoram makes modification in the Rules or the Legislative Assembly Mizoram decides that the Rules should not be made. The Rule shall, thereafter, had effect only in such modified Court or be no effect as the case may be so however that such any modification or annulment -- shall be without prjudice to the validity, of anything pæviously done.

SPEAKER: Have you anything to say on this?.

PU SANGKHUMA: Mr. Speaker Sir, I had in mind to say on clause 9. (The Administrator may, by notification in the Official Gazette, made Rules prescribing the Court fees to be paid on appreciations made to the Court under the provisions of this Act. This has been contradicted to the above 'adapted laws', as it appeared. It appears that we are to pay court fee, But it also seemed that no court, fee according to our Rules, should not be paid and mentioned is made that it is the List of Central Act Applicable to the Union Territory of Mizoram, and also included in the list of our adaptation. It was, further mentioned that the Court Fee Act, 1870 was inapplicable in case of native tribal of Mizoram.

So, ti has been contradictorily made with that of our adaptation of laws, Moreover, the Assam Court Fee Act, 1955, as adapted and published in Mizoram on 8 April, 1972, States that it does not applied in case of native tribla in Mizoram, Therefore no meaning is attached to clause 9. It is, therefore, contradictorily use to one another which is being applied. It is meaningless for Court Fee have to be paid. I think it could not passed in its form so the way we carried out has become abnormal. If you any one of us, could propose amendment to this it will help us greatly; Otherwise, the Bill has been imappropriate been introduced.

SPEAKER: Any of you may say on this.

PU SAITLAWMA: Mr. Speaker Sir, It will be apprehensive for us to pass the Bill in its Form if explanation is not given. from the Government side Court Fee seen exempted to us tribal, But it appears that we will entangle ourselves, Let the Government if possible, give us clarification on this, otherwise we would be inculpated ourselves, This is what I want to say.

PU CH. SAPRAWNGA: Mr. Speaker Sir, the fact is what they have pointed out. 'The Administrator may make Rule for carrying out, of the provision of this Act as found in the Powers to make Rules, Act is necessary part of making any Rules. It must have been done in accordance with the provisions but no trace such indication is found in it. (Speaker - It is mentioned that 'and also for the purpose of the carrying out of the provisions of this Act' in the last time). Sorry, I commit a mistake.

SPEAKER: It means a clarification for which let them give it.

PU KHAWTINKHUMA  
MINISTER:

Mr. Speaker Sir, Such Statements given by some of our members are, somehow, true for we are exempted from Court Fee before this date the Draft Rules is, as provided, made for the interest of the Government in the long run, in case, receipt may be raised from Court Fee, Moreover, Court Fee was levied even in the time of District Council, not to the Deputy Commissioner but to the Court of District Council. It was taxed because the revenue receipt of the District Council was pocketed to the people as a whole. The byn time has come to us so that we may make ourselves suffice in this respect. We may, in case we proceed, pay Court Fee or we may do away with it while making the Rules. It is, therefore, necessary to have a provision, otherwise, we will not be able to collect Court Fee though felt necessary. At the same time it does not mean that we should pay Court Fee compulsorily just for appending in this Rule.

PU SAITLAWMA:

Mr. Speaker Sir, The marginal heading "Power to Make" - means this Court Fee. Infact, House Tax Payee Certificate in live of Court Fee is being used. It will be a great hardship for us all. If we are intended to raise revenue of our country, let's impose taxes on entertainment, wild etc., Court Fee if introduce, will create a bad character as found in between Mizo Tribal contributing Rs 3.50 and Non-Tribal at Rs 7.50. The matter will become a big problem in no time, I could not, therefore, accepted this Bill in its form, unless the Court fee is changed and will have a further imply.

PU SANGKHUMA:

Mr. Speaker Sir,  
As pointed out by Pu Saitlawma, it has some facts that the Rule was after all, published in the Mizoram Gazette of 9th April 1972 which is distributed by the Secretary; This will prove to be useless to empower to fix such rate, Therefore, this Bill, as I have said earlier is prepared with no

farsightedness and baselessly. It means, as we paid our attention to it, that the Bill will be passed as it is without examining the subject. If so, is the way we try to do with this, let them propose presently another amendment to this Bill as we have violated our Rule without hesitation.

PU KHAWTINKHUMA:

Mr. Speaker Sir,  
Court Fee is mentioned under clause 9. Rules are indispensable in making Act along the provision contained in the Rules. The main object being 'for the purpose of carrying out of the provisions of this Act', is preceded by Court Fee which is not the object of this Bill but left a better chance for reconstruction. Anyway, if the House refuse to approve for the amendment of Clause in making Rules, in that case I don't see any point of defects. Besides, though wild tax is collected as a part of Income Tax, it goes not concerned us for it is a subject matter under Central Government. Amusement Tax is also being imposed. As the political Status grow-up, liability of freedom power is indispensable part and it must be there, otherwise, it will not suit the circumstances. Therefore, though this provision is unexercised, its presence in this Bill desirable for a time might come when we need to apply it.

PU C. IALRUATA:

Mr. Speaker Sir,  
I would like to set an example of question about the Court Fee which was published on 9th April, 1972 as exempted for us. Will this exemption be continued? If the rule is still in effect, whether those of non-Mizos other than Mizo-Tribals, who lived in Mizoram should be concerned with the Court Fee. If not so, I also think that the present Bill was greatly been effecting my opinion. It will bring forth the grievances of the general people. To my opinion, it appears that by increasing taxes to ourselves will retard the progress of our country. Further clarification is highly appreciated,

PU CH. SPARAWNGA:

Mr. Speaker Sir, I want to say some of the things before the explanation is given. The Court Fee is, never paid out in Mizoram in the past. But, if we come to think of the Court Fee which might not be exempted forever. Now, we have been developing and it will not be good to do away with this Court Fee forever.

Court Fee, as is paid by those who involved in cases, is not paid by the people as a whole. No Court Fee is paid by innocents and who have no case-involvement. Hence, it does not concern the people in its full sense. We don't really know whether the Court Fee is paid by defendants. Anyway, it is high time for us as we are nearing the stage of grown-up, in that case

we are bound to tax those people. This does not mean that all persons should be imposed equally, but it should rather be imposed when there is dispute between the tenants and the landlords, provided the case is filed to the Court. So, it is not burdensome for the general public. The principal itself is very much questionable that it is not payable in our land. But, we are bound to pay the Court Fee as we are developing. Thereafter, we should not regard this subject as an intrusion and it will not be good if the word 'Court Fee' harm you.

PU SANGKHUMA:

Mr. Speaker Sir,  
Please let me say about this again, According to some of our friends, the Court Fee itself is harmless. That the stage of full-grown mentioned has some basic truth. I also thought of the full-grown stage is to be attained, At the same time, I also believed that it will be more practicable to get the order already published in the Gazette in 1972 first abolished and substituted then with the word 'does applied'. Otherwise, there is very little meaning to have this in reserve order. Let's try to step out towards the development of our country. We should therefore, make ourself acquaintance with these rules, and should not take it as resentment, It would be, at this last resort if we did not intend to withdraw the same, amended as we think best.

SPEAKER:

Well, let me clarify this, It seems that Pu Sangkhuma who was annoyed the absence of notice, and it was given a ruling twice for which functioning has been almost impossible for the Chair. Let substantive motion be moved thus resulting the exact position.

Some Members dreaded that it would be a violation of Rules which States 'make Rules prescribing the court fees to be paid on application made to the Court'. But it could also be considered that if the words 'Rules prescribing the Court Fees when and where necessary,' are inserted in between this words. So that it might serve the purpose.

PU SAITLAWMA:

Mr. Speaker Sir,  
There are Court Fees Acts, Central Act and Assam Court Fees Amendment Act which are truly applicable to these of Non-Tribal in its real sense. The Central Act and Assam Court Fees (Amendment) Act are adapted by order which concerned the Court Fees. I feared that our burden might be too heavily increased unknowingly. But, it is pardonable so far as the present Bill is concerned, On the other hand, it will be very grave if it applies to the Central Court Fee and Assam Court Fees Amendment Act which are readily unapplicable to tribal people.

**SPEAKER:** Well, let's try to think to this matter.

**PU CH. SEPRAWNGA:** Mr. Speaker Sir,  
Let me try to explain it some of our member afraid that the inclusion of Court Fee in this present Bill might abolish the existing exemption of Court Fee to us. It is apparently even that such fears should not be bore in mind: "The Administrator may, by notification in the Official Gazette make Rules prescribing the Court Fees to be paid on applications made of this Act". It is, therefore, purposed for the present Bill itself. It does not concern other Court Fee except when a situation arises between the Landlord and the Tenant in matter of dispute, Hence, it denotes such particular case, not other Court of other kinds.

**PU C. LALRUATA:** Mr. Speaker Sir, Will the Mizos who were exempted from this, pay this Court Fee if the matter is carried out ?.

**PU R. THANGLIANA  
MINISTER:** Mr. Speaker Sir,  
The Statement given by the Chief Whip earlier was correct, It is clear enough that we have been aware of possible inconvenience just as found in the story of Chhura who feared any red-coloured leaves. We are now been worry of the words 'Court Fee' as to apply in every matter. Some of us know that it will not mean as such Court Fee is still paid from the time of District Council. But, the fee was not paid to the Deputy Commissioners' Court. That was the usual practice, The Government intends to continue like House Tax, District Fund etc., if not increase the amount. In viewing such practice, the present Court Fee seen under Rent Control Act, may be charged in case of dispute arise in matter of rent. Moreover, it does not concern other matter but that type dispute only. There is no nlockage for passing this Bill, it is rather our usual custom.

**SPEAKER:** Well, can we accept in this way? In fact, Court Fee is mentioned here which is paid by Non-Tribal other than those of Tribal. Non-Tribal who violated or discontended under this Act, will pay this fee and this fee will not be borned by Tribals, Is it right? What is the reason why we are not exempted in this case whereas no fee is paid in other case also? Non-Tribals are also liable to have case under this Act, and thus it has seperate provision for them. So, we will be exempted, though it has seen included in this Act, as was found in other case in the post.

**PU C. LALRUATA:** Mr. Speaker Sir, If it is the case, it appears that there is a possibility of controversy. It will bring an argumentative point as to whether this exemption should not be continued. For our safeguard, I think it will be agreeable if we could clearly mentioned that Court Fees to be paid in case of Non-Tribal.

**PU R. THANGLIANA  
MINISTER:**

Mr. Speaker Sir,  
That is not still a correct one.  
This Fee as it should be collected by the so called District Council an application, is much more convenient to both of the sides, Fees will not be paid unnecessarily and will be charged where necessary at the rate prescribed by this Act. The Fee is still paid to District Council Court not to the Deputy Commissioner's Court. The amount as it is the most important, will be fixed by this Act.

**SPEAKER:**

It is as I mentioned.

**PU C. LALRUATA:**

Mr. Speaker Sir, If so was the case will the District Court preside all the cases as given by the Minister?  
Is it the way it should go?

**PU R. THANGLIANA  
MINISTER:**

Mr. Speaker Sir, The Deputy Commissioner Court is also entrusted to take up. Court Fee will be paid if case is filed and put up to District Council Court and no Fee will be paid to District Council Court.

**PU VANLALHRUAIA:**

Mr. Speaker Sir, We have been paying more times to this matter some of us afraid of it whereas some do not afraid of the Court Fee, There are some contradictory points if we carefully examine the previous Act passed by us. I believed it will be more acceptable to have amendment to this Bill if no difficulty is found. (Speaker - How will you amend this?). As a matter fact, this Court Fee has proved to be guilty as it concerned us all. It is not the way to impose Court Fee to those of tenants alone. If a matter of collection of Fee is imposed, every one of us should pay. I do not think proper to pay Court Fee by those of Mizos at the time filing a case. This should be amended if some are of the opinion that we should be exempted from the Court Fee.

**SPEAKER:**

According to Fu Sangkhuma, this Bill counteracts for Court Fees are not paid by Mizo Tribals. So, to fix a



Court Fee by the Government will result counteraction of itself. But, as was said, tribals are still exempted in case of Court Fee when deemed necessary. I believed it is necessary to have such clear outline for Non-Tribals are also liable to have case in this case.

**PU R. THANGLIANA:** Mr. Speaker Sir, That is the main object of this Bill. You'll find that Court Fee is prescribed in all other Act. Thus, it concerned all of us. Meantime, we are also exempted where it is permissible. But, Court Fee if put to the District Council Court is to paid. But, on the other hand, no Court Fee is paid to District Council Court though prescribe in other Acts. Non-Mizos who have cases will pay the Court Fee, In case of complain made to the District Council Court the person who put-up will pay the Court Fee at any rate. No Court Fee to the District Council Court.

**PU C. LALRUATA:** Mr. Speaker Sir, we have been talk of Court Fee charged by the District Council Court. Why is it? Why this Court Fee, though exempted by Rules, is paid to the District Council Court?.

**PU LALKINGA:** Mr. Speaker Sir, Though it is not clearly explain, suppose there is a controversy between Mizos, how should this be settled whether the case should be put up to District Council Court or District Council Court? Will it not be required to pay a Court Fee in the District Council Court? Suppose the case is between non-tribal and Tribal, so, according to the provision, Court Fee should be given by Tribal also?.

**SPEAKER:** As said by the Minister the Court where case is being put up, will thereby decided. Even in other cases, this Fee is paid to the District Council Court. Exemption is provided in the District Council Court.

**PU SANGKHUMA:** Mr. Speaker Sir, we have here an Act which provides the Mizos the exemption of Fee in other respect. By what provision is the Court Fee paid? Does not it the violation of land? Would you please explain?.

**PU R. THANGLIANA**  
**MINISTER:** Mr. Speaker Sir, There is no separate provision for this. It is based on the Rule made by the then District Council.

**SPEAKER:** In case there is any thing in connection with this, it can, however, be referred to the subordinate Legislation we can amend or repeal it partly, or whole if we have any objection in this regard.

**FU LALEMINGTHANGA:** Mr. Speaker Sir, We are not contributing Court Fee except in case we want the judgement copy. From the Court. I think he confused about this. General Court Fee, as is practised, is always change 10% or 5% according to Rule, when cases are put-up to the Court. But, in Mizoram we do not yet practice this system so far. But, paid 25p or 50p per judgement copy which is being needed. We have been misinterpreted as we tried to co-operate it. If so, we will never catch the ball of the word except for Non-Tribal's is not not inserted, since it is an obligation.

**SPEAKER:** The mode of collection of the Court Fee by the District Council and its further clarification demanded by the Members needs the explanation from the Government side. The main point is why the District Council Court changed this Fee while there is an existing rule that exempt us. Please clarify this.

**FU KHAWTINKHUMA:** Mr. Speaker Sir, that point have been discussed for a long time and was also made clear by our Chief Whip earlier, However, the State Act which exempts, will not be enforced in contradict any way in the District Council Court a regular Court. Therefore, the usual practice of collecting Court Fee which is carried on by the District Council since a long time back will hold good till substitution is effective. The new imposition of Court Fee under the provision of this Rules may be repealed or amended if we like to continue the existing provision of exempting Tribal from this Fee. It appears that the usual Fee laid by those of tribals will, however, continue to practice, At the same time this Fee will not be collected in the District Council Court. The rate of Fee charged out of this Urban Areas Rent Control Act will be fixed by this Act. And for those of tribals who come to the Court of District Council will pay fees as charged by this Act, This payment of fees was made as per rules, regulation of District Council. This was because of the provision that it should be paid for this reason. Though the exemption of Fees made by the Central Government as well as Assam, the District Council as a means of source of revenue made imposition of this Fee. As such this Fee should be paid to it. As a matter of fact, Fee, tax etc., cannot be levied without the consent of the Central Government. This is followed by the District Council Amendment, however, can be introduced to this, if think necessary by the House.

FU ZALAWMA

DEPUTY MINISTER:

Mr. Speaker Sir,

As it appears, the main point of question lies to whether it should be Court Fee or Judgement copy Fee. These two are still paid to the District Council when necessary, Judgement copy Fee is paid when we want to realise any judgement passed by the Court but it is not actually known to me where the District Council rules provides, and there is a Court Fee separately.

However, I am not in a opinion of introducing amendment as I found it clear enough in this connection. It means the way of settlement of dispute arose out of between the landlords and the tenants after having filed to the Court. In fact, it rather means for the settlement of dispute when Non-Tribal is occupying the house of tribal who might be willing to pursue the case as far as possible, Thus, the tribal can continue to pay as he used to do. It appears that this is already laid down under the provision of clause 9 'Powers to make Rules'. As explain earlier, registration Fee should be paid when case is filed and appealed to the District Council Court, and register of this account is kept till this date, In fact, this procedure is necessary to keep-out if we try to pass this rule, If not, this is not required so much. As pointed out by our Senior Member Pu Saprawnga, we are developing day by day and we should not pass any rule partially. On the other hand, impartial modification of rules makes difficulty to make rules according to the provision. Therefore, it will be more convenient to have it as it is according to me.

SPEAKER:

We have discuss more that enough about this and I do not think it necessary to review any move. The

clause of this rule includes both Tribals and Non-Tribals for which rule is being made. If we clearly mention here that Tribals will also be included, the usual exempt of fee will still continue on this part. We are to make rules, and the interpretation of the Act is of the Government. Let's try to accept as it is for it will not mean for the tribals and the rate should be fixed as it is.

Well, according to Fu Saitlawma's amendment the original clause being 9(4), the new clause will come to clause 7(2). Have you any thing to say on this?

FU KHAWT INKHUMA

MINISTER:

Mr. Speaker Sir,

The Question asked why fee is imposed by the District Council can be answered in this way. The administration of justice Rules was passed in 1953 by the District Council and as such Court Fee and judgement Fee was levied.

PU SANGKHUMA:

Mr. Speaker Sir,  
I do not know whether the adaptation is done already, anyway it has contradi-  
ctorily been passed. It required to be amended any of these.

PU VAIVENGA  
MINISTER:

Mr. Speaker Sir, Having discussion after discussion on this subject, the importance came to our notice. The case, it seems, would be between Mizos and Non-Mizos. The exemption of Fee would be thus due to Tribalism, Therefore, the exemption for Tribak will continue till then. This Act will permit for the chance to make Rules.

When Rules are made it is also necessary to define further. As it appears, the probable case will be between Landlord and Tenant who are Tribal and Non-Tribal respectively, hence, this Court Fee will be paid by only those of Non-Tribals, From our discussion, it appears that this subject and object may be one which is indispensable.

SPEAKER:

Has Pu Sangkhuma got anything to say about the amendment made by Pu Saitlawma? If not, who else is disagree with this? If there is none, the amendment made by Pu Saitlawma is that there should be clause 9(1) which is an old clause and another clause 9(2) which is the new clause. "Every Rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of Mizoram while it is in Session for a total period of 7 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 or the Session immediately following the Legislative Assembly of Mizoram makes modification in the Rule or the Legislative Assembly of Mizoram decides that the Rules should not be made, the Rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the Rule", - This is the new clause, anyone disagree with this?

Clause 9 of the bill as amended stands. Now, time is running out, but should we not continue? Still we have only one clause, that is, clause 10, in which we have an amendment from Pu R. Thangliana and let him move it.

PU R. THANGLIANA  
MINISTER:

Mr. Speaker Sir, I would like to substitute the whole of clause 10 which reason may be explained. It is called Repeal and Savings. However, the portion of Savings has been rightly applied to some extent. Repeal of Assam Act 1967, which is of rather 1966, was already repealed by the Government of Assam in May, 1972 and thus it has no meaning with this form. Therefore, the word 'Repeal' will still stand. Let me read it out, "Anything done or any action taken following the principles of the Assam Urban Areas Control Act, 1966 in far as it is not inconsistent with

the provisions of this Act, be deemed to have been done or taken under this Act". This principle Act of 1966 was based for the assessment of Rent in Mizoram which may be considered as the basic rule if there is no contravention with this new Act. The main aim and object is vested on the passed Law.

**SPEAKER:** The Amendment motion do away with the clause 10, sub-clause (1). He had clearly mentioned about the reason, necessity of amending this clause, "Notwithstanding such repeal" - has no longer, meaning which is incorporated in the first line of clause 10, Sub-Clause (2) of 'Savings'. It is, thus, substituted totally as read only a moment ago. "Anything done or any action taken following the principles of the Assam Urban Areas Rent Control Act, 1966 in so far as it is not inconsistent with the provisions of this Act". Anything to say about this?

**PU CH. SPARAWNGA:** Mr. Speaker Sir, I do approved and admitted as correct the amendment introduced by the Minister. But, in this connection, I want to know how did this been drafted. Even though we have come across a few of this kind, still there are numerous carelessness in drafting this Bill. In the previous Session, one of the most impracticable misdeed of moving of regarding Land and Revenue Bill was introduced to this House, It was indeed disgressing one, This present Bill is also probably originated from the Law Department. As a matter of fact, I do not blame the Minister concerned since we are too new and blind about, the political administration of the country but, blame can be put on the shoulders of those officers who are in charge of the Law Department. It has to be look into the drafting of rule carefully. In fact, we, the Members, are inexperience about the passing of Bills and by mistake it is easy to get passed those Bills which are not conveniently applicable. From doing such things, the Law Department should Gaurd, us. Legal Advisers are formed in other States, But, we unfortunately, do not have such body, instead we have Law Secretary with us. It is, therefore, very bad to have such Bills drafted with no curiosity and full attention. The Minister is responsible for full-cooperation with this Department, It is, as a matter of fact, very shameful that the whole clause has to be thrown out instead of formal amendment. It shows their inattentiveness and carelessness of the Act that it has been proposed for repeal of the Act which was repealed already. In future I hope that they should be carefull and attentive in processing this type of rules, otherwise the whole Department will be condemned later on.

**PU SATTILWMA:** Mr. Speaker Sir, As heard earlier, this Bill proves to be very inadequate after careful study which took too long time to realise it. They wrote down here for repeal of the