

Speaker : "The LORD will destroy the house of the proud : : But He will establish the border of the window.

He thoughts of the wicked are an abomination to the LORD : but the words of the pure are pleasant words.

He that is greedy of unjust given troubleth his own house, but he that hateth gifts shall give.

The heart of the righteous studieth to answer, but the month of the wicked poureth out evil things.

The LORD is far from the wicked , but he heareth the prayer of the righteous."

—Proverbs 15:25-29.

Question No. 93 - Pu J.Thanghuam.

Pu J.Thanghuama : Pu Speaker, I ask my question No. 93 -

Will the Hon'ble Minister in-charge Home Department be pleased to state -

1. If Shri G.N.Sigh, Dy. S.P. PAC Post Commander, Darlawn Post has been arrested in connection with the murder of one Lalrema S/o Liana of Darlawn P.S. Case U/S, 346/302/201 IPC dt. 18.5.1987.

2. If not, why not ?

3. If yes, how the matter stands.

Speaker : Minister in-charge Home Department is absent. Has he authorised anyone to give answers.

Pu Zairemthanga : Mr. Speaker Sir, the Hon'ble Chief Minister neglected the House. Why has he not authorised anyone to give answer to important question like this on his behalf ?

Speaker : Question No. 94 - Pu Zairemthanga

Pu Zairemthanga : Pu Speaker, my question no 94 - is

Whether additional allotment for House Building Loan was made in the R.E. of 1985-86.

If so, what is the amount ?

Pu Saingbaka : Pu Speaker, no additional allotment was made for House Building Loan in the R.E. for 1985-86. So, the answer to the second question does not arise.

Pu Zairenthanga ; Pu Speaker, supplementary question please. If so, has Government disbursed the loan after the Housing Loan Board selected persons to get the loan in what is known as 'additional' stage ?

Pu Sainghaka Mr. Speaker Sir, some persons have been given loan over Minister and above those selected by the Board. In the old practice, all the amount to be disbursed for 1st, 2nd and third instalments were released to District Administrative Officers. But from the point of view of Finance Department it is considered that this is not the best thing. Considering the time factor, it was considered that at least there would be a time to release up to second instalments before surrendering the funds. Therefore, first instalment was prepared to be disbursed and with the remaining funds, another loanees were proposed to be selected. So, there can be other loanees over and above those selected by the Board.

Pu Zairenthanga : Mr. Speaker Sir, if so, from what fund is the third instalments of those selected by the Board proposed to be met ?

Pu F.Lalchhanna : Supplementary question Pu Speaker. There is discontentment about selection of loanees under Housing loan in Lunglei District. During the P.C. Ministry, selection for additional loans has been made by the Finance Minister. Has the same practice been followed by this Government.

Pu J.Thanghama : Mr. Speaker Sir, making comparison of the previous Government and the present one is not a good thing. We must follow the good examples set by others.

In the last sitting of the Board it was decided that fifty percent of loanees would be selected by the Board. The one pointed out by the Hon'ble Member is "additional" which is usually allotted by Finance Department annually. I would like to know the amount given as "additional" this year.

This year, I suggested that if there was any fund left for additional 100% should be in the hands of the Board. But the Congress Party insisted that 50% should be handled by the Finance Minister and a decision was thus made.

Pu Sainghaka : Pu Speaker, third instalment will be disbursed in the Minister coming year. The expenditure will be met from the new budget. As I have said, it is unsafe for the De-

puty Commissioner, to keep a huge amount of cash and the money was intended to be released by Instalments.

What is known as, "additional" is a fund provided in the R.E. stage and the time of its release is quite late. Generally, selection of loaness has to be made at the fag end of financial year within a limited period. Usually selection of recipients is made by the Department concerned.

This year no allotment has been made in the R.E. stage and the answer to the question raised by the Hon'ble member of Sateek Constituency does not arise. One member complained that a list prepared and approved by the Board has been altered. I don't know at what stage it was altered. (Pu J. Thanghuama - The Department informed that for inclusion of Minister's quota. Some persons in the list had to be cut off) The list sent to Finance Department is approved as it is. If an adjustment has to be made beyond this, that is in the hands of the Department. In Aizawl District 45 more people in LIG and 207 in MIG were included.

Pu J. Thanghuama : Pu Speaker, such a practice of selection of more than two hundred persons without the knowledge of the Board is extremely unfair. It would be a good idea if members of the Board are given a share of two each so that they can bless their well wisher.

Pu Zairemthanga : Pu Speaker, Supplemectary question please. How will the third instalment in respect of those selected without the knowledge of the Board be released? Generally, an additional loan is given from the accumulation of funds diverted from other Departments towards the end of financial year. If the additional loan this year is to be paid from new years budget. What is the amount anticipated from diversion of funds as stated above?

Pu Sainghaka : Mr Speaker Sir. in the previous years even House Minister Building Advance was partially met from the funds diverted from other Departments. But this year there can be no such funds. It was proposed that more funds be allotment in the R.E. this year in anticipation of funds that would come from the recovery of loans.

Let me answer the question raised by the Hon'ble member of Sateek Constiteucy. Today is the 31st March, unless first instalment has been released the fund would lapse and the same case cannot be reopened.

Speaker : Question no 95—Pu K.L.Lianchia.

Pu K L.Lianchia : Pu Speaker, my question is—

Does Government of Mizoram intend to renew the licence for retail sale of foreign liquor which expires on 31st March 1986. Let me explain it a bit. What I mean by foreign liquor is IMFL.

Pu Sainghaka : Mr Speaker Sir, the answer is "Yes".

Minister

Pu K L.Lianchia : Supplementary question please. Mr. Speaker Sir, Is there any request from voluntary organisation or the church leaders not to renew the licenses ? If so, does Government simply ignore the request ?

Pu Sainghaka : Mr. Speaker Sir, yes there are requests from organisations like YMA and even from various church denominations. Government honours the requests. A

Minister meeting was held with leaders of the Y.M.A. from the very beginning, the pros and cons of the Act is carefully studied and it was found that, it is not pool proof on either sides. From the point of view of the Government the problem which arose at the beginning of putting the Act into force gradually disappears. Permission of Central Government is being awaited for creation of additional posts of enforcement staff. Putting the Excise Act into force is on the other hand a source of earning state revenue. The salaries of staff is also proposed to be met from non-plan budget out of the revenue so collected. Government has no undesirable intention in putting Excise Act into force and this has been upprised to Y.M.A. and church leaders. They have also been informed that there was an intention to involve them more in the course of implementation or enforcement of the restrictions laid down by the Rules.

Under the circumstances Government decided that the trial enforcement of the Excise Act be continued despte the fact that is has certain disadvantages. At the same time, some restaurants and hotels like Chawlna Hotel were found not to comply with the rules and regulations and retail sale licenses issued to them were cancelled.

Pu Saikapthianga : Mr. Speaker Sir, has Government asked these organisations and Church dinominations if they could enforce restrictions upon unlicensed sale liquor ?

If so, under what rules would the restrictions be made ? Can there be other rules applicable for control of unlicensed sale of liquor and drunken persons without putting Excise Act to force ?

Pu K. L. Liachia : Mr. Speaker Sir, it is now clear that Government intend to renew licenses for sale of liquor despite requests from various voluntary organisations and Church denominations. Moreover, there is an intention to get organisations and Churches involved deeper in the enforcement of Excise Act. Has this been agreed to by the organisations and various Church denominations ?

Pu Zairemthanga : Supplementary question please, Mr. Speaker Sir, This subject has been discussed during the previous session when the Hon'ble Chief Minister informed the House that issue of licenses for sale of liquor was done as a trial and that if it had an undesirable consequences, it would be stopped. A year has elapsed since then and there is a loud cry of protest against licensed sale of liquor. It is also learnt that various church denominations, KTP and YMA also asked Government to stop issue of licenses for sale of liquor. Why is it that Government is not yet aware that public opinion is against licensed sale of liquor ? Moreover, the Hon'ble Minister stated that the condition was improving. What criteria for yard stick did Government use in judging the undesirability or otherwise of the consequences of licensed sale of liquor ?

Pu Vanlalaghaka : Mr. Speaker Sir, supplementary question please. It transpires from the speech of the Hon'ble Minister and from the questions asked by Members that various voluntary organisations like YMA, MHIP and various church organisations submitted complaints against licensed sale of IMFL. In Mizoram, political parties represent majority of the population. Is there any request from political parties to stop sale of IMFL ?

Pi K. Thansiami : Supplementary question please, Mr. Speaker Sir, Has Government an intention of complying with the provisions laid by the Act that public opinion should be taken as to whether it agrees to have wine shop in its locality ? I do not remember in which section of the Act the provisions are laid.

Pu Sainghaka : Mr Speaker Sir, Government has not asked any organisations or Church denominations if they could take up a task of controlling of unlicensed sale of liquor in case Government stops issue of licenses. Regarding applicability of other rules or Acts for the purpose it may be stated that before the Excise Act was put into force, 144 Cr.P.C. has been applied. (Pu Sal-kapthianga - one person was learnt to have been arrested for sale of liquor under CRPF, and that the accused went to High Court and won. This proves that 144 Cr. P.C. is not applicable. What rules are applicable then ?) We have a problem if the Excise Act is not in force since we do not have any prohibition laws.

Regarding obtaining of public opinion, there may be different interpretation of the term. Government is of the opinion that public opinion has already been taken before giving licenses for opening of wine shops. It considered that no further action is necessary in the matter.

Speaker : Question No 96—Pu Biakchungnunga.

Pu K. Biakchungnunga : Mr. Speaker Sir, I ask my question No. 96—
 (a) The actual amount of money spent so far on Saitual—Keitum road (0—2Kms) and on
 (b) Sakawrdai - Zohmun road (0—2Kms).

Pu Sainghaka : Mr Speaker Sir, the answer to (a) is Rs. 16,86,120.00
Minister and the answer to (b) is nil.

Speaker : Question No. 97 Pu J.Thanghuma.

Pu J.Thanghuma : Pu Speaker, I ask my question No. 97—

- (1) The estimated amount under Greater Aizawl Water Supply Scheme Phase I.
- (2) Who are the contractors/suppliers and who selected them ?
- (3) What is the progress made so far ?

Pu Sainghaka : Pu Speaker, the answer to question no (1) is Rs. 443, 58 lakhs. There are two classes of contractors/suppliers selected for the work. Civil works like survey works, designs construction works and intake works have been allotted to M/S Western India. Industry limited, Calcutta. The firm has been selected by the Mizoram Work Advisory Board.

The mechanical works like supply, installation of machines and pump sets have been allotted to M/S Subhas Project and Marketing Limited, Calcutta. The firm has been selected by the same board. The

construction work of R.C.C. Zonal Reservoir at Tuikhuahlang has been allotted to Pu Hmingthanga of Electric Veng. The selection was made by the S.E., P.H.E. Construction of another R.C.C. Zonal Tank at Tuikhuahlang has been awarded to M/S Mizoram Construction Corporation of Zarkawt also by the Superintending Engineer, (PHE). The Chief Engineer, PWD selected M/S and Standard Company Limited, Calcutta to supply steel tanks. To supply ERW pipes, the Superintending Engineer, PWD selected Steel Authority of India Limited, Calcutta. These are some of the big works and there are many more minor works. Shall I give them in detail ?

To construct zonal tank at Tlangnuam Pu Thangchina Electric veng was selected by the Superintending Engineer, and to construct zonal tank at Thakthing and Mission veng, the Superintending Engineer selected V.Lalliana of New Market. M/S Mec. Fac. Engineer Industry. Gauhati was selected to construct zonal tank at Nisarih Tlang by the Superintending Engineer. Construction work of zonal tank at PWD Tlang was awarded to F.Lalthlamuana of Republic Veng. The selection was made by the Superintending Engineer.

Zonal tank of smaller size at Mission Veng was constructed by B.Kapruma of Mission Veng, the selection being made by Executive Engineer. Construction of another tank at Dawrpui Vengthar was allotted to Robert Colney by the same Executive Engineer. Construction of zonal tank at Armed Veng was allotted to Lalhmingthanga of Bungkawn. Selection was made by the Executive Engineer. The Superintending Engineer selected M/S Western India Industry Limited, Calcutta to install pumping set of a capacity of 65 H.P. at Company Lui. The Executive Engineer selected Pu Lalchungnunga of Champhai to construct R.C.C. Pump House and Pu Sapnela of 'D' Vengthar was selected to construct Type IV Residential Quarters at Tlangnuam. To construct R.C.C. intake bend at company Lui, Pu F S pbawia of Khatla was selected by the Executive Engineer. I cannot give the details of other minor works.

Pu J.Thanghuama : Mr. Speaker Sir, Supplementary question. 200 bundles of C.I. sheets used for rain water harvesting at Tuikhuahlang is said to have been lost. Is Government aware of their whereabouts ?

Pu Sainghaka : Mr. Speaker Sir, I cannot answer that question as I am not prepared. The answer to (3) is that 65.5% of the whole work has been completed.

Minister

Pu F.Lalchhawna : Mr. Speaker Sir, while the performances of PHE is quite satisfactory, in certain areas it has no achievement at all. For example, construction of water tank near Community Hall at Thingsulthliah which has been half done by the previous ministry is still left intact till today. Similarly, water tank near IB at Thingfal has been left un-completed till date. I would like to know if Government intends to complete these half done construction works.

Pu Salkapthianga : Pu Speaker, supplementary question please. In which year was the C.I Sheets at Tuikhuahtlang lost ?

Pu J.Thanghuama : Pu Speaker, supplementary question please. From their names, it appear that M/S Subhas and M/S Western India are not Mizo firms. For outsiders, in order to do any work in Mizoram, trade license is necessary. Do these firms have the license ?

Pu Sainghaka : Mr. Speaker Sir, as I have already said, I don't know the year in which the C.I.sheets were lost. Next, I don't know if those firms have trade licenses.

Speaker : Question No. 99-Pu J.Thanghuama

Pu J.Thanghuama : Mr. Speaker Sir, I ask my question no. 99—

(1) The total No. of false certificate cases detected.

(2) The persons involved in these cases and action taken against them.

Speaker : The Chief Minister authorised Finance Minister to answer the question on his behalf. He may answer now.

Pu Sainghaka : Pu Speaker, a case has been registered in connection with the detection of false certificates in which six persons are involved. The position cannot be given here in the House as the matter is subjudice. What I can say at present for information of members is that as many as false HSLC certificates were detected, and sixty false admit cards from various schools and 119 false marksheets were detected. That is all what I can say at the present stage.

Pu Zairemthanga : Mr. Speaker Sir, has the detection work been continued ? Or has it been concluded ? What is the latest position ?

Saikapthianga : Mr. Speaker Sir, Supplementary question please. Has the detection work being done in rural areas also ?

Pu Sainghaka : Mr. Speaker, the detection work has to be and been carried on. A separate cell was opened in Home Minister Department for the purpose. Which is entrusted with the task of scrutiny and examination of all certificates belonging to Government servants. These certificates will be referred to the concerned Universities for verification. The case has not been concluded and has to be carried on.

Lastly, the detection work has been done in rural areas too.

Pu J. Thangnana : Mr. Speaker Sir, Supplementary question please. It transpires from the answer given by the Hon'ble Minister that as many as 310 false certificates, 60 false admit cards and 119 false mark sheets were detected. Why is it that only one case has been registered ?

Pu Sainghaka : Mr. Speaker Sir, the case I have mentioned is a police case in which six persons were involved viz, Lalkharmawia S/o H.K Dohnuna of Lakhipur, Rongura S/o Bata of Kawnpui, V.L. Krostbanga S/o Lalvuana of Chanmari, Rosiama S/o Vialkna na of Kanaan Veag, Pahlira (Patera) S/o Tawna of Kawnpui, and Lalhauana Sailo S/o Lalhlira of Thakthing Veag, Aizawl. One case instituted includes all the 310 and other case.

Pu K. Biakchungnunga : Mr. Speaker Sir, suppose a person gets admission with a false certificate and successfully completes his study. What is Government standpoint in such a case ? For example, one gets admission to college with false certificate and successfully completes B.A. course. How will the degree certificate be treated ?

Pu Sainghaka : In such case Mr. Speaker Sir, Government will take Minister action as necessary.

Speaker : Question No. 99. Pu Lalramliana.

Pu Lalramliana : Pu Speaker, I ask my question No. 99 -

Do the Government of Mizoram intend to open a new PWD Division in the next year ? If so, when ?

Pu Sainghaka : Mr. Speaker Sir, Government intends to open new PWD divisions if and when ban on creation of posts is lifted by Government of India. Therefore, I am not at present in a position to say when these new divisions will be opened.

Pu F.Lalramliana : Mr. Speaker Sir, Supplementary question, when the ban on creation of posts is lifted, where does Government intend to open new divisions? It is learnt that Government intends to open one new division at Lawngtlai within PDC and enquired about the presence of suitable sites. Will the division be opened at Lawngtlai?

Pu Sainghaka : Mr. Speaker Sir, what I can say at present is that the Chief Engineer submitted to Government a proposal for opening of new divisions as follows :-

Building Project Division No. 2 with four Sub-Divisions, Building Project Division at Lunglei having three sub-divisions, One mechanical operation division at Aizawl and another one Mechanical Division having three sub-divisions and Aibawk Division at Aibawk having two sub-divisions. The matter has been discussed with DP&AR and Finance Department. At the present stage, it is impossible to state the time when these proposals could be implemented.

Speaker : If the Finance Minister is prepared to answer question no 93, asked by Pu J.Thanghuama he may do so now.

Pu Sainghaka : Mr. Speaker Sir, Shri G.N.Singh has not been arrested because there is no evidence to charge him as involving in the murder case. Therefore, the case of Shri G.N.Singh has been temporarily closed.

Pu J.Thanghuama : Mr. Speaker Sir, Supplementary question please. A case has been instituted in the High Court against Shri G.N.Singh and the High Court also issued rulings as follows :-

'Serious allegations were made against Shri G.N.Singh, Dy.S.P. aforesaid. Government of Mizoram have already registered a case against Shri G.N.Singh'. A murder case has also been registered in Darlawn against the said person. Why is it that Shri G.N.Singh has not yet been arrested till date on a plea that there is no sufficient materials

even after the High Court issued warrant of arrest ? Why has a case been instituted against him ? Government of Mizoram also direct Pu Laskar, Dy. Secretary, Home to enquire into the matter and it is learnt that enquiry has already been made.

Pu Sainghaka : Mr. Speaker Sir, this case is an old case connected with an incident of as far back as 1975. The then Minister Post Commander of Darlawn was Shri G.N. Singh.

A magisterial inquiry has been made to enquire into the murder case of Shri Lalrema. An investigation has also been made and a case registered. Since no sufficient materials to fix responsibility on Mr. G.N. Singh or to accuse him of involving in the murder case, the case has been temporarily closed. If and when more materials are unearthed, the case can be reopened.

Pu J.Thangboama : Mr. Speaker, Sir, this case is a very serious one. The case has been referred to High Court after Government of Mizoram conducted an enquiry into the matter. The Chief Justice of High Court also remarks that the case was a serious one. Government of Mizoram has registered a case with the instructions of High Court. Why has the accused not yet been arrested till date ? Let Government arrest him immediately.

Pu Saikapthianga : Supplementary question please. Mr. Speaker Sir, The Hon'ble member of Sateek constituency made his question very clear with the number of cases and dates. Did the previous Government in 1977 not leave the case to be pursued or reopened or Does this Government neglected it and simply closed it ?

Pu Sainghaka : Mr. Speaker Sir, I cannot tell the details of the case. Minister However, the fact is that in the absence of sufficient materials to accuse Shri G.N. Singh as having been involved in the murder case of Lalrema, the case has been temporarily closed. As I have stated earlier, if and when other materials have been unearthed in connection with the murder case, the case can be reopened at any time. Government knows that it is a serious case but at the present stage there is nothing much to say about it.

Saikapthianga : Mr. Speaker Sir, Supplementary question please. The case has been registered in 1977, how far has the case been pursued ? When has the case been closed ?

Pu J.Thanghuama : M. Speaker Sir, Government of Mizoram conducted a thorough enquiry into the murder case of Shri La'rema. After establishing that Shri Lalrema was murdered by PAC G.N.Singh, Post Commander, and a case has been registered against him at Darlawn. Besides murder case, a confinement case has also been registered. The High Court also issued a ruling that it was a serious case and that the action taken by Government was in accordance with law. How could the ruling made by the C.J. of High Court become nothing overnight? Has the enquiry commission withdrawn all its findings? Or has the High Court cancelled them all?

Pu Sainghaka : Mr. Speaker Sir, the case registered in 1977 was pursued for a long time and it was in 30.5.85 that Police Minister decided to close the case due to the absence of sufficient evidences to accuse Shri G.N.Singh of murder.

We all know that it was a very serious case. A magisterial enquiry was ordered to probe into the murder case, and after that a case was registered. I don't think the Magisterial enquiry accused G.N.Singh of murder without the results of Police investigation. As I stated earlier, from the police side, no sufficient evidences have been found to accuse Shri G.N.Singh of involving in the murder case.

Pu J.Thanghuama : Mr. Speaker Sir, can you please tell me the name of the one who gave final report?

Pu Sainghaka : Mr. Speaker Sir, if the Hon'ble member is interested to know the name of O/C or who gave final reports, reports, I can tell him later but now I do not know who that one was.

Speaker : Question hour is over. There is one unstarred question the answers to which have been circulated to members.

Pi K.Thansiami : Mr. Speaker Sir, lists of the names of permit holders have not yet been provided to us. The answers to many questions do not appear to have been furnished by the concerned departments. I enquired about my question pertaining to PWD Saiha Division from the office of Chief Engineer and I was informed that it was replied. Why has the answer not yet been furnished to this Department? Besides this, I have two more questions pertaining to PWD. Why have answers to these questions not been furnished till date.

Speaker : Let me sum up the position of questions. During this session there is one unstarred question. Out of 119 starred questions received, 118 were admitted and out of 118 questions admitted 99 were answered leaving 19 unanswered. Let me give the number departmentwise. Pertaining to PHE & PWD, out of 34 questions 23 were answered leaving 11 unanswered. 12 questions pertaining to Education Department were received out of which 10 were answered leaving 2 questions unanswered. 7 questions pertaining to Rural Development Department were answered, and one question pertaining to Soil Conservation Department was answered. All the six questions pertaining to Supply and Transport Department were answered and all the five questions pertaining to GAD were answered. All the two questions pertaining DR & AR 5 questions pertaining to Finance Department and two questions pertaining to Printing & Stationaries were answered. Out of 10 questions pertaining to Home Department, 7 were answered leaving three questions unanswered. The two questions pertaining Political Department were both unanswered and all the four questions concerning Revenue Department were answered. All the six questions concerning Agriculture Department and four questions pertaining to LAD were answered. Out of the four question pertaining to Rower and Electricity Department three were answered leaving one unanswered. One question pertaining to L & J Department, two questions pertaining to Forest Department, two questions pertaining to Co-operative, one question concerning SAD, two questions pertaining to Information Department, one question pertaining to Social Welfare and three questions pertaining to Health and Family Welfare Department were answered. Of all the questions 19 were not answered. The concerned Department did not furnish replies to these questions.

Pu Lalmingthanga : Mr Speaker Sir, the information required for answers to these questions need not be collected from Lunglei but from Aizawl. Why is it that such questions have not been answered by the concerned Department.

Speaker : The concerned Department were urged to expedite the replies but to no avail. There is nothing we can do beyond this.

Sahngahaka Minister : Mr Speaker Sir, the session is now coming to a close. The answers started questions which remain unanswered will be circulated to members when they are finished by the concerned even though no supplementaries can be asked.

Pu J.Thanghuama : Mr Speaker Sir, in some departments it is shown in the paper that 50 skilled labours are being employed while actually not more than 15 are being employed.

Speaker : The answers to some questions left unasked or unanswered will be circulated to members when they are furnished to this Department. Upto 6:30 P.M on 27th the answers to all questions save 19 were furnished and they were listed for business of today.

Pu Sainghaka : Mr Speaker Sir, if the time is strictly kept, there can be many questions left unasked even if the answers were furnished by the concerned Department.

Speaker : Let me explain about the corrigendum. In the Bulletin Part II of 27th March issue, there is a corrigendum that 2 lakhs allotted at demand no 24 i.e. "grants to central YMA" should be read as "CYMA and its branches". Since the figure has been voted by the House, no other policy matter can be added to it.

Pu Lalmingthanga : Mr Speaker Sir, this House is aware that nothing much can be done by the Speaker to have answers to questions furnished in time. But it would be a good idea if answers to questions already admitted but not orally answered due to late receipt of answers from the concerned departments are circulated to members on the last day of the session. If the answers to my questions about peace talk are furnished after a long time, they would be meaningless. (Speaker : If the answers are received they will be circulated). The questions have been submitted 15 days in advance and information has to be collected from Secretariat, and it is not a difficult task. My questions are- Does the Ministry intend to step down in favour of an early conclusion of peace talk and what are the bottlenecks which hamper the pace of progress of peace talk? The questions are not hard to answer. Why is it that the answers have not been furnished? Mr. Speaker Sir, I request that in future steps should be taken to have all questions properly answered.

Speaker : The same thing requires to be discussed in every session. However, departments should take steps to improve the situation. (Pu Lalmingthanga - Why has the corrigendum

been circulated if it is meaningless?) Because we are of the impression that it was an ordinary corrigendum) (Pu Zalmemthanga - Every member knows that it is not an ordinary corrigendum).

We shall now proceed to the next item. Hon'ble Minister-in-charge LAD has introduced Lushai Hills District (Village Council) (Amendment) Bill 1986. He may move the Bill for consideration now.

Pu Vaivenga : Mr. Speaker Sir, thank you for allowing me to move
Minister "The Lushai Hills District (Village Council) (Amendment) Bill, 1986 in the House for consideration.

The Village Council Act was framed in 1953. The two objectives of the proposed amendment are vesting the power of dissolution of V/Cs with Government and the power of dismissing the President and Vice-President of V/C which were not provided in the Act before. There were many instances when members of V/C could not co-operate with the President or Vice President. In such instances Government had no power to intervene. In order to avoid existence of a rift within a Village Council, it is considered better to empower the majority of members to topple the President or Vice-President which is expected to result in smooth running of the administration. Another object of the amendment is to incorporate certain provisions of the Administration of Justice Rules into the Main Act. All these are clearly indicated in the statement of object and reasons. I request the House to consider this amendment Bill and to pass it, Thank you.

Speaker : If there is nothing against consideration of the bill, Pu J. Thanghuama may speak first.

Pu J.Thanghuama : Mr. Speaker Sir, I support the amendment Bill. With this bill adopted, there will be provisions under which VCP and Vice President can be removed. A greedy President can monopolise power and misuse the power without the consent of members. Even in such cases, the members cannot remove him since there is no provision in the Act. The only thing which can be done is to resign themselves. I, therefore, consider this amendment bill quite good.

In this connection, I would like to say that before election Village Councils were given to several villages. The Act prescribes that before giving a village council, the boundaries of that village should be demarcated. But recently, before demarcating boundaries, Village Councils were given to some villages like Aibawk and Lurgsei. Because of this,

there has been a row over boundaries between Aibawk and Sateek. The case of Lunglei is similar. In future no Village Councils should be given to any village before proper demarcation of boundaries.

Brig. T.Sailo : Pu Speaker, I wanted to point out two things in connection with the budget. Firstly, many members expressed concern over the widespread corruption. But accusing other of indulging in corrupt practices is meaningless and I think this practice is un-becoming of legislators. If the accusation levelled against others are true, why has an enquiry commission not ordered? I am expecting this Government to order an enquiry commission to probe into the alleged corrupt practices of the P.C. Ministry during its tenure, but no such action has been taken till date. In any case of alleged corruption the best thing is to have an enquiry commission probe into the case, I therefore, suggest that an enquiry commission should be ordered to probe into the alleged corrupt practices of the P.C. Ministry as well as of this Ministry. (Pu Vanlalngbaka - What the Hon'ble member is not at all relevant with the bill now under consideration. If we allow to speak such thing Mr. Speaker Sir, I will also do so.) (Speaker - That is true. I don't find any point of relevance between what you have said and the business. Our business is a Government bill and it is not a time for speaking what one has in mind) Okey, I'll stop here.

Pu Zairemthanga : Mr. Speaker Sir, the Bill moved by the Hon'ble Minister is an important bill. The same thing has always been discussed in this House and every member is aware that great care has to be taken in adopting bills like this.

I wonder if the administration of Village Council is the pivot of politics. It is obvious that the Act now in force is not enough comprehensive and not without shortenings. Even when making an amendment the safety of the amendment itself requires to be borne in mind. The present amendment that a VCP can be removed if he fails to command the support of majority of the members can be misused and can contravene democratic principles. If the ruling of Government is to be final to decide as to whether the VCP commands or no longer commands the support of majority of the members, it cannot be without bias. Therefore, great care has to be taken in making the amendment. To me, the amendment is not fair enough. A provision that Govern-

ment should make an on the spot verification to see if the VCP commands support of majority instead of making a ruling on the basis of reports received or on the findings of an enquiry commission. Otherwise this amendment will open a door for committing blunders intentionally on the part of Government. Under the circumstances, I am of the opinion that the amendment can be made more comprehensive and fairer than the present one.

An enquiry into the cases of infighting or any other cases within the Village Council is usually conducted by CAs. It is sometimes extremely difficult for them to make a definite ruling as to whether the Village Council President commands the support of majority of the members because party politics always revolve around it. The best thing seems to be that a provision that if a VCP is alleged to lose confidence of majority of members, the members should parade before the concerned Minister to prove the claim or provision of something like this should be added to the amendment which would completely seal possible loopholes. For the conclusion I would like to say that the amendment, even though it is sure to meet our requirement to a great extent, it would, on the other hand, be a source of trouble.

Pu F. Lalchhawna : Mr. Speaker, today I feel indebted to our former leaders who, thirty years ago, framed this Lushai Hills District Act. What my predecessor has said is true to a certain extent. But the contention of the Hon'ble member can also be refuted as every principle has a merit and demerit in it. Government has a power to form a Village Council but it has no power to dissolve it when necessary. Because of this Government and the Department is helpless. I, therefore, support the amendment which empowers Government to dissolve Village Councils when necessity arises to do so.

With this amendment, the Government will be empowered to remove VCPs who no longer command support of majority of members which will go a long way to express the will of the people. Thank you.

Pu K.L. Liachia : Mr. Speaker Sir, I have something to say against the amendment of section II (ii) (19). It is written "the following new clause shall be inserted, namely." Is that clause stated to have meant an area declared as such by the Administrator of Mizoram. During the discussion on the Lushai Hills District Council (Amendment) last year in connection

with the power or jurisdiction of a V/C in distributing lands for jhumming, a question arose as to whether a V/C has a Power to distribute land for jhumming within a village. The explanation made at that time was not clear enough. I remember the Hon'ble Minister explaining that 'Village' means the village itself and the areas within its boundaries. I argued 'If so, did it not mean that the Village Council had a power to distribute lands even within the safety reserve?' Moreover, there are many village councils whose boundaries have not yet been properly demarcated. Has Government any intention of making a commission to make demarcation of boundaries to those Village Councils ?

At page 2 of amendment of section 3(ii) Subsection (3) is written 'the following proviso shall be inserted namely :-' Provided that in case the election of members to constitute a Village Council or Councils under this sub-section cannot be held due to any reason considered unavoidable by the Administrator but the circumstance demand the immediate constitution of such Village Council or Councils, the Administrator may also nominate the remaining number of members of such Council or Councils, and the members so nominated shall hold office for a period of not exceeding one year from the date of the first meeting of the council or councils. From last year I tried to own a copy of the principal act for myself but till today I do not have it. The amendment is not self contained and I am not clear about it.

I would first of all like to know the precise meaning of the phrase 'remaining number of members of such council or councils.' Does it mean a constitution of a new village council or a village council majority of the members of which resign? It can have ambiguous meanings. At a glimpse it appears to mean that if the Administrator considers it necessary to constitute a Village Council in a village where the Village Council is dissolved, he may do so. But after careful study, that meaning can be altered a lot by the terms 'remaining number of members'. In this case it can mean a village council some members of which resign. In any case, this amendment empowers the Administrator to nominate members of V/C in place of the dissolved one if the Administrator consider that fresh election is undesirable for the time being. Unless there is a nationwide disturbance, there can be no sufficient reasons for which fresh election is undesirable. There is a loophole in the amendment for corrupt practices. For example, suppose an opposition village council is dissolved, it is obvious that the Govern-

ment will nominate ruling members for the Village Council. Under the circumstances, I consider it most unfair to vest such a power with Government. Instead the present practice of taking over of the administration by C.A. is preferable. If the amendment is to stand, the period of one year suggested should be reduced to six month. After expiry of one year, Government may, on some excuses decide that election cannot yet be held for the next year which may so extend even up to three years. Therefore, I consider this provision a draconian law. It is a provision which is prove to be misused by a ruling party. This provision requires careful reconsideration.

Next, for filling up of the remaining memberships of Village Council, the best thing is having a by-election. The proposed amendment contravenes the basic principles of democracy. From what we have previously experienced, I have a presentiment that this provision would be misused.

The amendment of section (3) of sub-section (4) reads—"The Administrator may abolish a Village Council if the number of households of the village has, in his opinion, become too small to have a Village Council of its own. In such a situation, the Village shall be comprised of the nearest village having a V/C under sub-section (1)". At present, the practice being followed is that a village having thirty households in the minimum is entitled to have a Village Council of its own. I do not see any necessity of adding a vague provision into to Act. Has the Act not prescribed that to have a Village Council of its own there should be 30 households in the Village at the minimum? If it has, there is absolutely no need for this amendment. The only necessary provision is that if a village ceases to have thirty households in it, the Village Council can be withdrawn rather than depending upon the decision or ruling of the Administrator.

Lastly, I would like to say something about the amendment section 7 (b) at page 11 which reads "After clause 8-A the, following new clause shall be inserted, namely (c) The Administrator may remove the President or Vice-President of a Village Council if in his opinion the President or the Vice President has lost support of the majority of members but refuses to tender resignation or is too inefficient or too corrupt to carry on the Village administration or is acting in a manner prejudiced to the interest of the state. "This is an important provision. But in such a situation, the

best thing is to empower the members to depose the president through a vote of no-confidence or something like that whatever name it may be given. Otherwise a door is wide open for playing tricks. An enquiry made by a C.A or any official in the matter can be bias or one sided.

Next, it is very difficult to make determination of efficiency or otherwise of a Village Council President. What one considers as inefficient may be considered efficient by another. So there cannot be a definite Yardstick for determining the efficiency or otherwise of a Village Council President. Similarly is the case of alleged corruption. A Village Council President considered free from corruption by some people may be considered corrupt by others. I wonder if there is an intention of curbing the powers of V/C on the part of Government. The best procedure is making a provision for deposing a VCP or Vice President through a vote of no-confidence. Government may appoint any official it chooses to preside over the meeting when a vote of no-confidence is to be taken. Otherwise, a C.A. will submit a biased report against a VCP under investigation and the democratic rights of a VCP will be gradually curbed or oppressed. Just as the MLAs, members of the V/Cs are also elected by the people. Why are they not made eligible to move a no-confidence motion against the VCP or Vice President just as the MLAs are eligible to do so against the government. This is much more democratic in principle and spirit than the present amendment.

Pu Lalmingthanga : Mr Speaker Sir, the present proposed amendment is to me without any short comings. When the Hon'ble Minister reported about the dissolution of some V/Cs, the reasons for the dissolution were mainly inefficiency. In a democratic country, voters are not supposed to be able to pick efficient people are their representatives. Even some members of the V/Cs can hardly write their names and we are not in a position to expect much from them. Under the circumstances, I would suggest that the term "Inefficient" should be deleted since there cannot be a definite, yardstick to determine the efficiency or otherwise of a VCP. Next I consider the amendment to clause (I) Which reads—"There shall be a Village Council comprising one or more Villages as the Administrator may, by notification in the Mizoram Gazzette, decide to be composed in the manner hereafter provided in sub-section (2) Inappropriate because the provision can be

wrongfully imposed. I am doubtful of the merit of incorporating this provision in the Act as an implement in the hands of Government for comprising more than one Village under one V/C while the sentiment of the public which has been lacerated by the forceful grouping of villages during the disturbances is not yet completely healed. At the present stage, the people of small villages are unwilling to be comprised with another Village under the jurisdiction of one V/C. If this amendment is adopted, certain small villages are subject to victimisation by imposition of this provision.

The main act, if I am not mistaken, prescribes that a village has to have 30 households in it at the minimum to be eligible to have Village Council of its own. This is much better than the present amendment which reads- "The Administrator may abolish a Village Council if the number of households the Village has, in his opinion, becomes too small to have a Village Council of its own." If it is in the discretion of the Administrator to judge the magnitude of a village, he may consider a village with 40 or 50 households too small to have a Village Council of its own. Under the circumstances, I don't see any inconveniences which may arise without amending the Act. There is a good co-operation between the Government and Village Councils even with the Act without being amended. If this tendency goes on, Village Councils the best democratic institutions we are having, may eventually rendered to nothing. This is the second time that there is a proposal of amendment of the Act during this Ministry. During the discussion of the previous amendment bill, the opposition expressed its fear of the powers of V/Cs being curbed and of centralisation of powers. This time also I have a presentiment that the autonomy of the V/Cs would be spoiled thereby making the members devoid of incentives and enthusiasm in the performances of their duties. At present there seems to be no deadlock caused by the incomprehensiveness of the Act. Therefore, the best thing is to leave the Act which has been in use for more than thirty years intact. If an amendment is to be made, it must be in a manner to enhance the democratic rights and power of self determination of the V/Cs. Thank you, Mr. Speaker.

Pu. F Lalraoliana : Mr. Speaker Sir, I am also not clear enough about the amendment of sub-section (4) of section (iii) which reads as follows - 'The Administrator may

abolish a Village Council if the number of the households of the Village has, in his opinion, becomes too small to have a Village Council of its own.' The sense is quite vague. The term 'too small' can be put in a more specific term. For example, Autonomous District Council at Chhimtuipui makes a rule that a Village having 20 households in the minimum can have a Village Council of its own. It would be better if the number of households required be fixed, otherwise the meaning of the amendment is too vague. I would like to ask the Hon'ble Minister to clarify it.

Village Councils can be said to be the basic democratic institutions. If the administration of Village Councils runs smoothly, the administrations of District Council and the State also automatically run smoothly. Some VCPs misused power in securing personal benefit against the will of fellow members as well as the local people. In absence of a provision in the Act to remove the VCP after he fails to command the support of majority of the members no action can be taken to remove him except causing resignation of all other members. Cases like this are always experienced in Chhimtuipui District and members of Village Councils who were willing to have their Presidents removed always approached me with their problem. The only advice I could give to them was to ask them to tender resignation which was the only way to cause resignation of the VCP. With this amendment, a Village Council President having no support of majority of members can be removed. Regarding alleged indulgence of VCPs in corrupt practices, an enquiry should be made into such matter.

Some members who spoke before me seemed to be much confusing about the determination of the efficiency or otherwise of a VCP. Powers and functions of a Village Council are clearly written in the Act. For example its duties are to look after inter village footpath clearing of footpath leading to jhums, maintenance of footpath to water fountains, sanitation of the village, carrying of the safety reserve, looking after aganwadi schools and construction of Health Sub-Centres in the village. Suppose a safety reserve is cut down by some people and the Village Council does not intervene to stop it. In such a case a VCP can be charged as too inefficient. When a Government ordered a Village Council to construct buildings for Aganwadi School or Health Centre, some Village Councils ignored it. Such Village Councils can be classed as inefficient. Therefore, this provision should not be debated. As already stated the provision for impeachment or removal of VCP will go a long way to improve the Act.

Election to Village Council is published in Mizoram Gazette. But I think publication of appointment of Tlangau and Secretary is not necessary.

In Chhimtuipui District the District Council makes a rule that if a Village Council is dissolved, the administration of that Village Council would be taken over by the official appointed by the District Council and that the official so appointed may function till the expiry of the term of the Village Council. To some extent, this alleviates the burden of the people. I would like the Hon'ble Minister to take note of this and to enquire if there is a need for amendment of this rule.

Thank you.

Mr. Thanghana : Mr. Speaker Sir, the Village Council Act, though simple, has been successfully put into practice for more than thirty years. But as time goes on, the knowledge of man also increases and the Act was found to be incomplete and incomprehensive. Under the circumstances an amendment is a must and I don't think there is a motive or intention to curb the powers of Village Councils.

If we carefully study the Village Council Act, 1953 it is seen that the definition section is attached to the "Administration of Justice" instead of attaching it to the main body of the Act. This seems to be against the usual norms of framing an Act.

The amendment to para 2 of sub-section 2 of the Act at page 2 that in case no election can be held in a village, the Administrator may appoint some persons to function as Village Council for a period of one year is quite necessary. It is obvious that there will rarely arise a necessity to put this particular provision into practice. During the dark days of disturbances, the provision was put into practice since no election to Village Council could be held in many villages. In the present condition, the necessity for putting the provision to practice is likely to arise very seldom. At the resignation of some members of the Village Council, this provision can be put into practice for filling up the vacant membership where by-election is considered unsuitable.

Amendment of sub-section (3) is also very important which empowers to dissolve a Village Council of a village which has too small households in it. There are certain villages like this. For example, Seizawl village near Bupui has only eight households in it but it has a

Village Council with three members. Without this amendment, there is no provision in the Act to dissolve such Village Council on the ground that it has too small number of households in it even though a convention that a village having at least thirty households in it can have a village council of its own is being followed.

Pu Zairemthanga expressed his presentiment that there could be a loophole in the amendment empowering the Administrator to remove a VCP or Vice President on the ground that he no longer commands support of majority of members. Removal here does not mean removed from membership of the Village Council. If the VCP is found to have lost confidence of majority of members, he may be removed from Presidency only. After his removal, election of president will be held among members which is something like a show of strength. Therefore, in this amendment, there can be no loopholes for biased decisions on the part of the Administrator.

Regarding comprising of more than one village under one Village Council it may be stated that there is no provision in the Act which empowers Government to take action in this respect.

To conclude, I would like to express my support to the amendment and there is no need for much discussion. I think more amendments will come in future. Therefore, the House must pass this amendment bill unanimously. Thank you.

Speaker : The Minister-in-charge may now wind up the discussion and at the same time request the House to pass the bill.

Pu Vaivenga : Pu Speaker. I would first of all like to express my gratitude to members for participating in the discussion of the amendment bill.

The bill is meant to amend the Village Council Act which governs the Village Council which is the basic administrative unit in a democracy. It is the will of Government that each and every village in Mizoram has its own administrative machinery democratically constituted. It is not the object of this amendment to curb the powers now being enjoyed by the Village Council but to have administration run smoothly.

The first amendment is meant to empower Government to dissolve the Village Council if and when necessary. Previously, there is no provision in the Act by virtue of which a Village Council can be dissolved. A Village Council once constituted has to function till the ex-

ply of its term under any circumstances, and many problems arise out of it. In respect of other amendment, no new things have been introduced but certain provisions in the portion of administration of justice are proposed to be incorporated in the body of the main Act. To the best of my knowledge a practice being followed that a Village having 30 households in it at the maximum is eligible to have a Village Council of its own is merely a convention. No such rule are to be found in the Act. But the number of households in a village, the inhabitants want to have more Village Councils and they are so given. But after sometimes they change their idea and opted for smaller number of Village Councils or a Town Committee in place of Village Council. There can be many such instances which demand resolution of Village Councils. Under the circumstances, Government finds itself stranded in an awkward position and considers that Government should have power to dissolve Village Councils as and when necessary.

Regarding removal of VCP, members argued that the proposed amendment is not necessary. But there are many instances when all members of Village Councils tendered resignation for lack of cooperation between the VCP and members. In the opinion of the framers of the Act, it is the best thing to make the Presidentship of Village Council not removable at the whim of political pressure. But as time goes on, this principle has certain demerits. There now arises a need for the provision which empowers Government to remove the President if he no longer commands the support of majority of members, or if he is found to be too inefficient or too corrupt to carry on the Village Councils administration. I would like to say that while preparing this amendment. What was borne in mind is removal of a VCP after he ceases to command the support of majority of members. Before making a decision to remove a VCP, an enquiry will be ordered and the findings of an enquiry will be carefully by Government.

The amendment regarding nomination of members of Village Councils by Government. Where election cannot be held is not a new thing. In the portion of Administration of Justice appended with the Act, there is a provision that if an election of members of Village Council cannot be held due to unavailable reasons and if the situation demands an early constitution of the council, the executive may nominate members to constitute the Village Council for a period of one year. This provision is intended to be shifted and incorporated in the main body

of the Act. Before 1966, this Act was never put into practice. But after 1966, the disturbed condition was not favourable for holding Village Council election and with this provision, members of Village Council of many Villages were appointed.

The amendment is proposed with a fervent hope of effecting a smooth administration in the Village Councils. I request all members to vote for it.

Thank you.

Speaker : The amendment at page 2 can mean two things. A condition may obtain in which conducting election to Village Councils is not desirable. In such a situation, it is more democratic in principle to nominate members of Village Councils than to hand over the administration to a C.A. Secondly, out of six members resign, and holding a by-election is considered undesirable. In such a situation Government may nominate members to take the places of those resigned instead of dissolving the whole council. But as we all know the term of such nominated members is fixed at one year. (Pd K.L.Lianchia When a Village Council is dissolved, Government may make an excuse that since the electoral roll is not yet ready, election cannot be held. In such a situation, a party in power is likely to appoint members from its party.)

Regarding motion of no-confidence, it may be stated that the practice cannot be applied in Village Council as its constitution is somewhat different from that of Assembly. I think this amendment is proposed because of inconvenience of moving a no-confidence motion in a Village Council.

As stated by the Minister in-charge, the Act cannot be comprehensive enough. This Act empowers Government to frame supporting rules which can be more detail and moer comprehensive. A suitable yardstick for determination of in-efficiency or corruption of a VCP may be devised in the rules. The ruler have to be framed by Subordinate Legislation Committee and are to be adopted by the House in due course.

Okey, the Lushai Hills District (Village Council) (Amendment) Bill 1986 has been considered and the Minister also requested the House to pass it. The Bill will now be put to the voice vote of the House. Those who agree may say "Agree"

So the Bill stands passed. We shall now have recess till 2 P.M.
Recess till 2 P.M.

Speaker : The Hon'ble Minister introduced Mizoram Housing and Development Board Bill, 1986 on 27th. He shall be called now to move the Bill for consideration.

Pu Vaivenga : Mr. Speaker Sir, thank you for allowing me to move the Mizoram Housing and Development Board Bill 1986.

The aims and object of this Bill, as indicated in the statements of objects and reasons, are that if this Bill is adopted more funds for Housing can be obtained from various financial corporations under Central Government like HUDCO. To utilise these funds it is necessary to have an agency hence the bill. The financial implecation for this Board is estimated at Rs. 3.6 lakhs from recurring plan and Rs. 80 lakhs from non-recurring plan.

As usual the Bill has been divided into three chapters, the first being preliminary and definitions, second, constitution of the board and three functions and powers of the Board. A Housing scheme is proposed to be made by acquiring suitable lands from Government or private individuals. Buildings so constructed on these lands will be let out and even sell them if the Board agrees. The Board will also construct schools, playgrounds and others. Existing roads within the town can also be extended by the Board to a certain extent. Since this bill is a new thing for Mizoram, it is obvious that it will not be complete and comprehensive enough. When the bill is put into practice, it will be amended to suit the need of the people and the condition prevailing in Mizoram. I request the House to consider this bill. Thank you.

Speaker : Deliberation will commence. Pu Lalhlira may speak first.

Pu Lalhlira : Mr. Speaker Sir, the mover has made the reasons and objects of the bill clear enough. I am afraid that the opposition would attack it even before it is put into practice. The bill covers the whole of Mizoram and it requires meticulous study. This bill is no doubt another milestone in the process of development in Mizoram.

The Hon'ble Minister has stated about the origin and objects of the bill. Mizoram is a land of the poor and most of us cannot afford to build decent residential buildings. If these bill is adopted, the people can enjoy better financial assistances through financial institutions like HUDCO.

As we all know, it is almost impossible to find out what steps would be taken to bring about development in Mizoram. With this bill put into practice, I hope that many of the problems arising out of absence of definite town planning, poor sanitation of dwellings etc. can be solved.

If we read section 32 of the Bill, it is seen that the Board can subsidize the prices of certain building materials and also make definite plans for towns and villages.

What I find inappropriate in the bill is the constitution of a Tribunal because the Deputy Commissioner alone would constitute a Tribunal. Is it fair to appoint decision on any dispute that may arise between the Board and individuals.

It is a good idea to include four out of ten non-official members of the Board. It is experienced that any board comprising all official members cannot function properly. But there is no indication here as to who would be Chairman of the Board, non-official member. It seems that the Chairman should be appointed by Government. I think it would be better to clearly state who would become Chairman.

I find the bill very good and I hope it would be quite beneficial to people. I, therefore, ask my fellow members to vote favour of it.

Thank you.

Pu Saikapthianga : Mr. Speaker Sir, this bill has brought a ray of hope for the poor people of Mizoram particularly for those who live in rural areas. The previous Ministry also tried to frame this bill and I was also appointed member of the committee set up for the purpose. Under the auspices of the then Hon'ble Supply Minister Mr. Zairemthanga certain amount of funds have been obtained from the Centre which was disbursed within Chhimtuipui District. But for reasons not known to me, there was instruction from the centre to discontinue the disbursement. Buildings materials like C.I. Sheets already collected for distribution to public were left intact for sometimes. From the latest report I received, the C.I. sheets were lended to some people at Aibawk. Today, I would like to thank the Hon'ble Speaker on behalf of the people of my constituency for framing a good bill like this.

When I carefully study the bill, I am a bit doubtful of the feasibility of the Board's functioning as a committee and not as a Government department. As stated by the Hon'ble Member of Champhai Constituency, the Board is to comprise official and non-official members. Even MLAs may also be appointed members of the Board. Sometimes and IAS officer may be appointed member for a one and a half year term or even upto three years term. Will the Board be constituted very often? I think it would be most suitable if an experienced official is appointed to head the Board. I would like to know if Government intends to convert the Board, which is sure to greatly benefit the poor people of rural areas, into one of the departments of Government.

To conclude, let me say that the bill itself needs not much discussion since it is sure to be of great benefit to the public.

Thank you.

Pu K.L.Lianchia : Pu Speaker, since the bill is a new thing, it is not yet a time to criticise or praise. In any case it is a good idea to devise new schemes and plan in a state which is in an initial stage of development. As it has never been put into practice before, it is difficult to clearly understand the bill even after a thorough study. Under the circumstances, it is impossible to say if it would be suitable to be practised in Mizoram. Its practicability or otherwise will be seen in due course.

Regarding constitution of the of the Board, the bill states "The Board shall consist of a Chairman and nine members of whom not more than four shall be the persons who are not the officers of the Government". The Chairman may be appointed either from amongst official or non-official members. In a democratic country, the best thing would be to constitute the Board with a majority of members from non-official circle. Officials may be appointed members not exceeding four in number just to guide other members in its functioning. At the present prescribed strength, if a Chairman is selected from official circle, the ratio would be 6:4 thereby making an official majority in the Board. Four official members is quite enough to guide the Board in technical matters. Generally speaking non-officials are the true representatives of the people. I am of an impression that the Board can function much more effectively if the majority of members belong to non-official circle.

At page 10 of the bill, it is written that "every meeting shall be presided over by the Chairman, and in his absence by any member chosen by the members present at the meeting to officiate." The function of the Board is very important. When the Act is in practice, the Chairman of the Board will be the concerned Minister or any senior officer. Therefore, he may not be available for each and every meeting. Under the circumstances, creation of the post of Vice-Chairman is a must, instead of selecting someone to officiate amongst members in the absence of the Chairman. A lay member of the Board may not be prepared enough to act as officiating Chairman. Moreover, the Board has to handle transaction of huge amount of money. An important Board like that must have a Vice-Chairman.

Next, I am doubtful of the visit of the provision of section 53 of Chapter 6 that the decision of the competent authority would be final and that it would not be subject to challenge in any court of law. This provision appears undemocratic in principle. As a human being, the decision or ruling made by the competent authority or the Deputy Commissioner may not be fair enough. The ruling made to settle a dispute which arises between the Board and individuals may be biased. In such cases, the aggrieved may feel that his personal liberty has been curbed or infringed upon if the ruling is not liable to be challenged in any court of law.

Lastly, it is learnt that Mennonal area has already been planned for house sites during the previous Ministry. Now there are many members of In houn nei lo Association who don't have any plots of land for building houses. What action does Government intend to take to pursue that scheme? Thank you.

Pu Lalhringthanga : Pu Speaker, as pointed out by the Hon'ble Member of Kawrthah constituency, it is desirable that the Board functions as a corporation and not as a Board.

The fact that the basic needs of Housing of the people cannot be met due to financial constraints testifies the need for having a statutory body or agency to look after housing in Mizoram. Now that the Bill has been introduced, and an opportunity to enjoy facilities extended by various financial institutions like HUDCO would present itself before us.

There can be some problems in the course of implementation of the bill because of geographical and topographical peculiarities of Mizoram. In plain areas, various types of buildings are constructed on plots of lands developed by the board which are let out to poor people. After sometimes, ownership of a flat is handed over to the occupant. If the Board has to function with this goal in view, many problems would arise. In a discussion, I once pointed out the difficulties of setting up of an implementing agency like Engineering cell. Fortunately, a Mizo is quite talented that a head of a family is capable of supervising construction of Assam type building for his family. A non-Mizo officer has absolutely no idea of construction of a building. Among such people, it is the task of the Board to develop the land in which the building itself has to be supervised from the very beginning to the end. In Mizoram, advancing of loans under MIG and LIG is quite enough. Recipients of such loans can satisfactorily construct of Government. In such a condition it would be quite enough if the Board, when constituted, functions as an agency for disbursing loans for Housing under MIG and LIG. Relying on the inherent talents of Mizo the Board needs not go beyond disbursement of loan amounts to the public. I think the people can get the most benefit out of it if the Board is made to function in this manner.

The Act prescribes that by laws should be made in due course. This by laws must be made to clearly indicate the functions of the Board. It appears that a certain amount of fund would be allotted by HUDCO for buildings. I would like to suggest that the by laws should be framed so as to enable the recipients of loans to get the benefit as early as possible.

When the Chairman of HUDCO came to Aizawl, I discussed with him about the differences of problems of Housing of Mizoram and those of plain area. I pointed out to him that once a loan was given, Government needs not supervise construction of buildings and that every head of a family has enough talent to construct residential building for his family. It was then decided that some plots of land be reserved for House sites near Zerbawak High School as an experiment. I think the plots have not yet been filled up till today. At that meeting I emphasized the non-requirement of supervising of the construction of buildings undertaken by individuals. I also pointed out that it was not required to seek the help of PWD for the purpose which was a over-

worked department. The Chairman of HUDCO was also convinced. Under the circumstances, the best thing would be to constitute the Board to function as an agency for disbursement of housing loans.

As stated by the Hon'ble Member of Champhai Constituency, the provisions of section 32 of the Act that "It shall be the duty of the Board to take measures with a view to expediting and cheapening construction of buildings and the Board may for that purpose do all things for—(a) Unification, simplification and standardisation of building materials" do not properly suit the conditions obtaining in Mizoram. The provisions are applicable where no Assam type buildings can be constructed due to absence of materials. The residences of middle class families are mainly of Assam type in Mizoram. I would like to make this fact known to the House because there is the danger of complicated rules being framed after the Bill is adopted.

Next, I would like to say something about the constitution of the Board itself. When a Board is constituted, there is always a tendency on the part of Government to utilise membership of the Board as a means of compensation of those members who are discontented about their being deprived of posts of Ministers, Facilities of conveyance allowance and vehicles are always extended to the members at the same time. These are temptations which are proved to present themselves whenever there is a chance. In order to have an efficient Board, I would like to caution Government in advance not to make chairmanship of the Board a political rehabilitation. I would also like to advise to use efficiency as one of the criteria in making appointment of chairman of the Board. Moreover, I would like to advise Government to have a first hand knowledge of the functioning of similar Boards in other states before constituting the Board for Mizoram. I am of the impression that the Hon'ble Member of Champhai constituency begins canvassing for the Chairmanship. There are many retired senior civil service officers and retired top forest service officers among Mizos. I think it is desirable if Chairman of the Board is selected from among these retired officers. So that the Board can function effectively. Housing is one of the basic needs of human beings and provision of that need is the main function of the Housing Development Board. Under the circumstances, appointment of Chairman of the Board should be made with almost care, otherwise it would be of not much benefit to the people whom it would serve. When appointing the four non-official members of the Board, knowledgeable persons having no political affiliations should be selected.

Next, regarding the functions of the Board, if the task of constructions of buildings are entrusted to the Board, it means that selection of occupants has also to be made by the Board. I would like to caution Government once again to make such a selection without any trace of favouritism. The selection of occupants should be made need based otherwise it pose a big problem to the Government as well as to the public.

While making rules, proper guidelines should be made so as to evolve proper qualifications for selection of recipients of loans. Into how many classes the people of Mizoram would be classified should also be determined before hand. In this connection, it may be stated that the present practice being followed by Government is capitalistic. I, therefore, have a presentiment that a good Act we are to adopt now will fall in the hands of capitalist with ninety percent of the people having no share in it. I, therefore, suggest that when making rules opinions should be widely collected and even members of opposition parties should be consulted. I wish that this new proposal be properly implemented so as to enable the deserved to get the maximum benefit out of it. If it is the NLUP, it would merely add addition to the burden of the poor and would widen the gap between the rich and the poor. For the conclusion, I would like to advise Government once again to have a socialistic approach to this Act from the very beginning. Thank you, Mr Speaker Sir.

Pu R. Lalawia : Pu Speaker, I am very grateful that the Mizoram Housing and Development Board Bill, 1986 has been framed and moved today. From the faces of some members. I have an impression that members of the Board have already been selected.

The functions of the Board are numerous, it also includes some engineering works. In adequate fund is available, a number of buildings will crop up. Great care requires to be taken in the implementation of the Act. As the PWD is already overburdened with heavy load of works, it cannot be entrusted with more tasks. The Board will also have a vast financial powers which will make it capable of allocating major works to contractors. Therefore, great care has to be taken while constituting the Bill, as well as while implementing the Act. On the judicial site, the Deputy Commissioner is to have a final ruling. This is quite contradictory. I think this requires meticulous reconsideration.

ration. The Board is to comprise several Government officers as members and definite guidelines have to be set for the implementation of the provisions laid down by the Act.

Since the main object of the Bill is construction of buildings, collection of materials should be first of all kept in mind. Next, the Bill itself requires to be moulded to suit the conditions prevailing in Mizoram. As the climate of Mizoram is congenial for horticulture, every household requires a plot of land adjoining to the house for the purpose.

Regarding constitution of the Board, there is a vast difference of opinion even among members of opposition parties. While some members desire that representatives of the people (MLAs) be nominated as members of the Board, other have a presentiment that the matter would be politicised. I don't think even members of the ruling party have the same idea. Therefore, the most important thing is to ponder upon the problem of successful implementation. A careful study of the Bill reveals that it has been prepared imitating the same Act in force in other states. Since the function of the Board is very important, great care should be taken. When constituting the Board, especially in selecting persons for members of the Board. If the power to allot major works to contractor is to be vested with the Board, there has to be an Engineering cell attached to the Board. At the present practice, one constructs a house in a model of one's choice. This makes our towns look shabby. This problem can be done away with if the Board makes a definite house plan or design to be followed by anyone who constructs a house.

In the cause of implementation of the provisions of the Bill, preference should be given to those who own plots of land but cannot afford to construct houses. The rules may be prepared in such a way as to meet the needs of the people.

For successful implementation of any plan or scheme, fund is the most important implement. The budget amount this year is less than that of the previous year except certain amounts anticipated from the centre. While the budget amount of other Union Territory increases by 35% ours increases at the rate of 208%. The present Bill cannot be of much benefit if adequate fund for the implementation is available. The Ministry, therefore, should make more efforts to obtain more allotment of fund from central Government. I feel indebted to Government of India.

Thank you.

Pu F.Lalchhawna : Mr. Speaker Sir, as many as four bills have been introduced during this session out of which three bills have been passed and the one under consideration is the fourth. This indicates that a great progress has been achieved by this Government.

I am very happy to note that there is a healthy atmosphere within the House during session under the leadership of Congress Ministry. The fact that the Hon'ble Member of Sateek constituency punched his table and made noise when the housing loan was discussed. This indicates the liberty of Congress Ministry.

In a condition where two out of three applicants for housing loans get the loans, this bill has an important part to play. We are expecting allotment of grants from certain financial institutions like HUDCO etc.

As I have already stated before, anything has a bright and dark side. Similar is the case of this bill. It is sure to have a dark side and bright side depending upon the agency which puts it into practice. The Hon'ble member of Lunglei constituency pointed out the possibility of the danger of misuse of power. At the same time, there is also the danger of favouritism in selecting loans. This cannot be attributed to the shortcomings of the Act itself, but to the efficiency or otherwise of the agency which puts it into practice. I support the suggestion of the Hon'ble Member of Lunpho constituency that planning of Maumual area for house sites be pursued so that many people who are without any house site may get the same. For the conclusion I would like to express my support to this new Bill. Thank you.

Pu J.Thanghama : Mr. Speaker Sir, from our discussion it is almost clear as to who would become the Chairman of the Board yet to be constituted. In the next Ministry which is likely to be formed after about eight months. I hope Pu Lalawia also occupies a seat in a front line and for me I reserve the seat now being occupied by Pu Sainghaka. At that time, excessive favouritism on party lines would be done away with and I would like to tell members to be at ease.

The bill under consideration is a new thing and the merit or demerit is yet to be seen when it is put into practice. However, let us hope that the merits will outweigh the demerits.

The Hon'ble member of Lunglei constituency accused me of thumping my table just to make a noise in the House. I would like to make it known to him that I did not do that with an intention of disturbing the proceedings of the House as is always done by non-Mizos in other states.

The Hon'ble Minister appointed me one of the members of the Housing Loan Board. At a meeting of the Board. I suggested that if there is any fund left for additional housing loan, selection of 100 p.c of recipients should be made by the Board. But majority of the members who belonged to Congress (I) preferred 50 p.c. However, this year we were not aware that there is fund left for additional loan. When we learnt the existence of fund, Pu Sainghaka had already disbursed it. Moreover, those we have selected from our share are omitted. While I am expecting that those who have been excluded would be re-selected for the next time, the Finance Minister stated that the fund lapsed because of the expiry of financial year. In common practice, sanctions already made are drawn and kept in departments safe and it is recorded as spent.

The Housing and Development Board which is to be constituted shortly will comprise as many as four official member out of a total membership of nine excluding the Chairman. I am afraid that the Board would be a tool in the hands of bureaucrats to suppress the people. In a democracy, representatives of the people must be given larger share while the smaller possible shares should be given to officials.

I strongly support the suggestion of the Hon'ble member of Lungpho constituency that the Chairman of the Board should be a non-official, and that there should be a Vice Chairman in his absence instead of selecting one amongst members to officiate as Chairman. The lone official member should hold the post of secretary. Maybe the Chairman designate has already been appointed in a dinner last year and I congratulate him.

In Mizoram, every Government which has been installed is pre-occupied with the rehabilitation of party workers with ruthless favouritism. Let me cite one case for instance, while the rule does not allow settlement of a plot of land larger than one bigha for one person, the plot of land settled in the name of Pu Laldhawma MP is four bighas in area. There can be difference of opinion among various political parties, but there cannot be permanent opponent in politics. Similarly

there can't be permanent friends in politics. Members of a party which holds the reins of Government today will have to sit in the opposition bench someday. The next party which would come to power is my party when favouritism and discrimination on party lines would be done away with.

Regarding submission of Application for Housing loan, submission of schemes along with the application form should no longer be insisted upon. The scheme is purchased from the PWD at Rs.150/- and no recipient of the loan constructs a house on the basis of the scheme. This system should be immediately stopped.

As many as four bills have been taken into consideration during this session but the Salaries and Allowances Bill, which is the most important bill, is not included. It is quite a pity that the bill is not ready for consideration during this session. (SPEAKER-A telegram has recently been received from New Delhi that the matter was under consideration) If it is "Under consideration", it will take about ten years to complete just like the peace talk. When my party comes to power, an MLA will draw a monthly salary of not less than Rs. 3000/- to shorten the gap between the rich and poor. And to curb misuse of Government vehicles, as many Government vehicles as possible will be connected into pool vehicles.

Pu Sainghaka : Mr. Speaker Sir, the Hon'ble member from Khawhai constituency stated that the budget amount of next year is less than that of the current year. The figure proves that it is less. Last year the amount of BE is Rs. 16721.14 lakhs and the amount voted in RE is Rs. 19457.16 lakhs, the increase being Rs. 2728.12 lakhs, with a ground total of more than Rs. 27 lakhs. This year the amount voted is Rs. 19230.63 lakhs. As pointed out in my budget speech, funds for centrally sponsored schemes have not yet been obtained from Government of India. The difference of the amount of BE and that of RE in the current budget is 16 p.c. If the increment is to go at this rate, the ground total of BE and RE could become about 19230 crores. But I am not certain if there could be an increment at this rate.

Pu Zalawma : Mr. Speaker Sir, it was a long time, since I am thinking of making proper plan for towns and villages. I am very happy today that the Mizoram Housing and

Development Bill has been introduced in the House today. Many members pointed out possible demerits of the Bill. The merit or demerit of any bill depends largely upon the agency exercising the powers conferred by it. When implemented, the will go a long way in solving the problem of urban and country housing. The congestedness of our towns will also be done away with.

When all the buildings of Bazaar were burnt down I made a suggestion to Government that new buildings with proper plan should be constructed in the market by Government. Which would be let out to shopkeepers. The rent could cover the expenditure for construction of the buildings. But my suggestion ended in a smoke. Every owner of the house site constructed a house in his own choice and design and the market place looks shabby and congested. Steps linking the two roads now disappeared. This Bill draws with it a new ray of hope that a scheme would be laid down for proper planning of our growing towns. It is my wish that any scheme made by the Rural Housing Board be immediately executed.

I do not worry about the constitution of the Board. I am confident that efficient persons would be selected to hold the posts of Chairman, and even members. A bookworm may not be a good member. A member or Chairman should have a good knowledge of the trade to be taken up by the Board. For example, Hon'ble member of Khawhai constituency Pu Awia has a good knowledge about construction of buildings and he may be quite suitable for nomination as a member. Government should select people who are interested in town planning construction of buildings etc. for members of the Board.

I am not satisfied with the extent of financial power vested with the Board which is fixed at Rs 10 lakhs. The power of the Board is less than that of an Superintending Engineer of Public Works Department. If the Board is to be entrusted with construction works more financial powers should be vested with it otherwise there would arise many problems in the course of execution of the schemes. Government seems to be reluctant in delegating financial powers. However, this is a new thing, when it is put into practice, the necessity of vesting the Board with more financial powers would present itself.

For the conclusion, I would like to express my thanks to the Government and the Department which have wisdom enough to formulate this Bill which is sure to benefit the people. I express my support to the Bill. Thank You.

Speaker : The Bill is a new thing and there seems to be not much to say about it. The Minister in-charge may wind up the discussion and ask the House to pass the Bill.

Pu Vaivenga Minister : Mr. Speaker Sir, first of all I would like to thank members for laboriously participating in the discussion of bill and also for contributing valuable suggestions for its implementation.

This bill is a new bill and another bill, "Urban and Rural Planning Bill" is also under preparation. The two bills are supposed to be adopted to have a functioning side by side. Under that Bill a Board comprising experienced persons like Planning Director, etc. But the bill is not ready for consideration during this session.

Regarding constitution of the Board, members expressed their willingness to appoint more non-official member than officials. When the Board begins functioning, its constitution can be amended as necessary. The functions of the Board are clearly indicated at chapter III of the Bill which include preparation of Housing Scheme, acquisition of lands, Improvement of existing streets and drainage system, provision of water and electricity to public, construction of schools, market, playgrounds, parks, and even of new road. On a plot of land acquired by the Board, housing scheme will be taken up by the technical section headed by an engineer to be set up under the Central of the Board. For this purpose, funds will be requested from certain financial institutions like HUDCO, National Housing Organisation and Life Insurance. The houses so constructed will be let out to those who don't have houses.

Some members suggested that the Board should function as an agency to look after disbursement of housing loans. At the beginning, this provision has been incorporated in the Bill but Government of India advised as not to disburse money but to have the houses constructed with a definite plan.

The power of the Deputy Commissioner to settle any dispute that may arise is criticised. The Deputy Commissioner is a collector and is vested with vast powers in collecting revenue. He will also be a member of the Tribunal and his decision in case of any dispute will be final.

This Bill is meant for the uplift of poor people, for provision of housing to them. Suggestions made by members will be looked into and supporting rules will soon be framed. I request members to pass the bill,
Thank you.

Speaker : The Mizoram Housing and Development Board Bill, 1986 has now been considered and the Minister-in-charge concluded the discussion.

Those who agree to pass the Bill may say "Agree" (Members Agree) Is there anyone against it? Okay, the Bill stands passed.

Let me sum up the workings of the House during this session. The session cover 22 days out of which the number of working days is 14 and attendance of members is quite satisfactory. I would like to thank the Finance Minister for laying the budget at an early date which enabled us to have a good chance for discussion.

The opposition party also has made a good contribution. Members may not be satisfied with the times allotted to them, but it was impossible to allot more time.

As many as six official bills have been adopted during this session. Out of twelve Private Members Resolutions only one has been passed, two have been dropped and the remaining nine are left due to non-availability of time. Out of 118 starred questions admitted, answered. That is the activities of the House in brief during this session.

The debate as a whole is lively and there are some instances of personal attack among members and also utterances of unparliamentary terms. I would like to advise members to refrain from such practices. Members show a great deal of progress in their behaviour inside the House.

The programme set by the BAC has been followed upto the end without making any change, amidst many possible inconveniences. Answers to questions not asked during the session will be circulated in due course. You may also ask the same questions in the next session.

I convey my heartfelt thanks to all members for diligently attending the session and for the valuable contribution they made.

The House is adjourned Since Die.

The House is adjourned since die at 3:40 P.M.

L.C.THANGA
Secretary.