6 SIXTH SITTING ON FRIDAY, MARCH 19, 1982. AT 10: A M.

C. Chawngkunga, Deputy Speaker, at the Chair, Chief Minister, Four Ministers and 20 Members were present.

BUSINESS

1. Questions entered in separate list to be asked and answers given.

PRESENTATION OF THE BUDGET

- 2. Pu Lalhmingthanga to present to the House -
 - (i) Annual Budget for 1982-83 and Allied Papers relating to the Government of the Union Territory of Mizoram.
 - (ii) Supplementary Demands for 1981-82 relating to the Government of the Union Territory of Mizoram.

OFFICIAL RESOLUTION

3. Pu F. Malsawma to move an Official Resolution.

DEPUTY SPEAKER: Whose loveth instruction loveth knowledge; but he that hateth reproof is brutish. A good man obtaineth favour of the Lord; but a man of wicked devices will be condemn. A man shall not be established by wickedness; but the root of the righteous shall not be moved.

Proverbs 12: 1-3.

We shall begin our Business. Item No I, Starred Question Pu Rammawi to ask.

PU H.RAMMAWI: Pu Deputy Speaker, *17. Will the Hon'ble Minister in-charge PHE Department be pleased to state -

- (a) What is the total amount of money earmarked for Lawngtlai PHE Division in the Annual Budget for 1981-82.
 - (b) What are the works executed under Lawngtlai PHE Division for the period between 1.4.'81 and 1.2.'82?
 - (c) What are the works being taken up by the said Division?
 - (d) Is it a fact that PHE Department Lawngtlai Division surrendered a huge amount of money to the Government in the year 1980-81.
 - (e) If so, what is the exact amount carmarked for 1980-81 but surrendered to the Government?

PU LALHMINGTHANGA: Pu Deputy Speaker, the answers are as follows:-

- (a) Rs. 25-61 lakhs.
- (b) Water Supply Schemes at Tuipang, Tawipui 'N', Lawngtlai, Tringfal, Saiha, Construction of PHE Staff Quarters at Lawngtlai and water supply by truck carriage are under execution during the said period.

- (c) Works being undertaken by Lawngtlai PHE Division is at Annexure I.
- (d) No.
- (e) Out of 32% lakhs alloted, an amount of Rs. 25.62 lakhs was spent by PHE Lawngtlai Division. The balance amount was adjusted for procurement of Pressed Steel Tanks for various other Schemes of PHE.

DEPUTY SPEAKER: Are there any supplementary questions.

PU H.RAMMAWI: Pu Deputy Speaker, in answer to (C) the Hon'ble Minister mentioned the works under-taken. However, no traces of these are to be found in the said Villages. For example, Tuidangtlang is entirely a new village set up by the Riang who were previously at Lunghau, and are likely to move again. I do not think that the said village is really included in the work-schedule. Work has not yet started at Lungtian and Bualpui which might be because there is no Executive Engineer at Lawngtlai Division.

Is it too difficult for the Government to post an Executive Engineer at Lawngtlai

PU LALHMINGTHANGA, MINISTER: Pu Deputy Speaker, in the PHE Department, our first work is Investigation. After the necessary investigations are done, the source of the water is identified. It does not mean that pipe lines will be laid than and there. There are many technical stages to go through.

Regarding the temporary Riang Villages, there is no report received by the Government. It is also the desire of the Department to fill up the posts of Executive Engineers, however, Engineers cannot be produced so easily, and the Government is facing this problem of qualified technical personnels.

PU S.VADYU: Pu Deputy Speaker, a supplementary Question. The Village of Tuidangtlanga is in the Pawi District Council. This village is existing without the permission of the Pawi District Council. The Council have given an order of eviction to them. Is it possible for the Government of Mizoram to include this village in the water scheme without obtaining prior permission of the Council? Secondly, is it a fact that Rs. 7 lakhs has been drawn for Tuipang Water supply Scheme in 1980-81, and over one lakh spent for Mampui Water Supply Scheme.

PU LALHMINGTHANGA MINISTER: Pu Deputy Speaker, that is only a rumour and not a fact, I have already said, in the Water Supply Scheme about 70% is spent towards the cost of materials and the labour cost an ground is only about 25% Pipes are purchased and if necessary Pump machine is procured. Therefore unless the works is completed, the work of construction may not be seen.

Regarding Tuidangtlang, the Government of India is not notified of the eviction order. If there is such an order, the investigation will bring it to light.

PU H.RAMMAWI: Pu Deputy Speaker, is the Government aware that under the PHE Division lawngtlai, false water Bills were drawn in the name of Pu C.Lalmuana, Lawngtlai, Pu Sangianga Lawngtlai and Pu Lalchunga Chinzah, witnout their knowledge.

PU LALHMINGTHANGA MINISTER: Pu Deputy Speaker, the Government is not aware of such a thing. The Hon'ble member may kindly give his information to the Government as it is a serious matter, so that investigations may be made.

PU S.VADYU: Pu Deputy Speaker, is the Government aware that from the tender called for construction of Tuipang Water Tank, contract work has been given to non-tenderers.?

PU LALHMINGTHANGA: Pu Deputy Speaker, the Government is not aware, neither as I believe that it is a fact.

DEPUTY SPEAKER: Our Question hour is over, we shall go to Business Item No. 2, Pu Lalhmingthanga, Finance Minister to present the annual Budget for 1982-83 and other Supplementary Demand 1982-83.

PU LALHMINGTHANGA MINISTER: Budget speech to be typed.

DEPUTY SPEAKER: The Hon'ble Finance Minister has now presented to the House the Annual Budget 1982-83 and Supplementary Demand 1982-83. According to the power conferred by the President of India under 27 section, sub section(1) of U.T. Act 1963, the Administrator has recommended to lay the Demand in the House. According to the Rules, there should be a lapse of two days before we can discuss the Budget General Discussion will therefore start on 22.3.82. Now the Budget may be distributed among the members

We shall now go to Business Item No. 3. Pu F. Malsawma to move an Official Resolution.

PU F. MALSAWMA: Pu Deputy Speaker sir, with your kind permission I beg to move an Official Resolution which reads as follows:-

1. "Whereas under the customary law and practices, in Mizo Society a make member can claim his right over a give only because of his making love earlier with that girl;

And, whereas such a system under which girls are often subject to a wretched condition which brought down the status of women in the whole society;

And, whereas, the well being of a society depends on the moral sense of the society;

And, whereas, such practices are also against the religious belief of the Mizo society;

And, whereas, it is necessary to emancipate the women of the Mizo Society by doing away with such evil practices;

Now, therefore, this House resolves to put an end to such so called right of the man over a girl on the basis of Mizo customary law and practices and requests the Government to take all necessary steps to give effect to this resolution as early as practicable". Pu Speaker, the main aim of this resolution is that, although not written in the Mizo customary law, the practice that a boy claims his right over a girl because of his making love earlier with that girl should be done away with, in other words abolish it.

As we all know, we have just spent the International Year of Women and while it is the aim of India and every other country to emancipate

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And, whereas, the well being of a society depends on the moral sense of the society;

And, whereas, such practices are also against the religious belief of the Mizo society;

And, whereas, it is necessary to emancipate the women of the Mizo Society by doing away with such evil practices;

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As we all know, we have just spent the International Year of Women and while it is the aim of India and every other country to emancipate

the status of women in society, it is only right that we should abolish this customary law which degrades the status of women in Mizos society. Not only this, the Constitution of India provides equal Fundamental Rights to men and women.

It also degrades the status of the Mizo Society. Women have and will always play the most important role in society, it is therefore our duty to give them their due status. It is also in accordance with the Prime Minister's 20 Point Programme. I am sure all the respected women, this need to emancipate them is indeed greatly looked forward to.

I have therefore made the conclusion of the Resolution thus :-

"Now, therefore, this House resolves to put an end to such so called right of the man over a girl on the basis of Mizo customary law and practices and requests the Government to take all necessary steps to give effect to this resolution as early as practicable". I hope this resolution of mine is accepted by the House.

DEPUTY SPEAKER: As this is an official Resolution it is not necessary to second the motion. I am sure most of the Members would like to take part in the discussion. Let us therefore raise hands. (all raise hands). If so, we may allot 5 minutes each for every member. Now Pu Joe Ngurdawla may speak on the matter.

PU JOB NGURDAWLA: Pu Deputy Speaker, this is indeed a very important. However, I would like to suggest taking Precaution any steps before we plunge into the main thing. It would be good to feel the pulse of society as it involves social change, and is a senitive matter. I therefore would like to propose an amendment, however, I do not know if this will be accepted by the House.

PU F.MALSAWMA, MINISTER: Pu Deputy Speaker, our intention is to take the opinion of the Members before the Government takes the steps or makes the Government Draft for the Rules, thus an amendment would not be necessary.

PI K.THANSIAMI: Pu Deputy Speaker, this is the happiest day for me as a Member. The need to emancipate Mizo women has been one of my greatest concerns. I therefore greatly appreciate the Resolution moved by the Hon'ble Minister i/c Social Welfare. It is a fact that the women in Mizo Society were greatly looked down upon by the men, and this remains so, even to this day. We are like slaves who need to be set free from bandage. It was the main aim of men to seduce as many women as possible and boast about it. In doing so, the girls are despised and may even lose their prospective husbands. Women do not enjoy equal rights with the men and this is against the fundamental rights of our Constitution. Mr Macdonald who was Superintendent of Lushai Hills from 1945–1949 was well aware of the pitiful condition of women in Mizo Society. He said that the Mizo women are one of the most oppressed women in the world. Their hand work and sacrifice is incomparable to that of anyone else. While the competition of the men is to reduce as many women as possible, the women compete in being able to carry water as soon as possible after giving birth to a child. Inspite of the hand work and sacrifices she makes for the family, the woman has no share of the property in case of divorce. Women are down trodden and treated like slaves.

It is high time to stop these old practices and customary laws which only degrading our society. May such practices be unheard of in the future and may the Government do its best to do away with this great social evil. Thank you.

DEPUTY SPEAKER: Pu J.Thankunga.

PU J.THANKUNGA; Pu Deputy Speaker, our subject today is not a very easy one. It might not be wise to alter what has been practiced for many decades by our society unless some sort of an amendment is made.

The Mizo household today is quite different from what it used to be in olden days. In fact our women are so liberated that they do not need emancipation. Rather it is we, the men who are now in need of emancipation. Not only this, now-adays we do not see many people who claim their rights over the girls they have made love with. This practice is now more or less wiped out.

If we pass this resolution without amending it, I fear that we may find we have bitten more than we can chew. I am in full support of the resolution if it is to be amended as suggested by Pu Joe Ngurdawla. Public concensus is also to be taken in this matter. I am therefore suggesting that we should take precautionery measures before passing the resolution.

PU HIPHEI: Pu Deputy Speaker, I would like to state a few points where I do not agree with the resolutions.

I the clause, "And, whereas, such practices are also against the religious belief of the Mizo society", the religious belief of the Mizo society could be interpreted as the old beliefs of our ancestors. Therefore if this could be amended as 'Christianity' or 'Christian Principles' it would be more applicable.

The Mizo women of today are very different from those of olden days. Their present status does not show any signs for the need to emancipate them. Hawever, the social evils have multiplied tremendously and the misuse of sex among the young generation is indeed appalling. Inspite of this, it would be almost impossible to put a stop to it. I therefore think that it would be better to re-consider this case and make necessary amendments before we pass it.

PU F.MALSAWMA, MINISTER: Pu Deputy Speaker, it would not be proper to cite a particular religion in this respect. However, as we are all Christians it would be better to have such customary law abolished, and I do hope the hon'ble members will agree with me. In the rural areas, they still practice these so called rights of men over their girl and the women are still in boundage.

Therefore, their rights need to be practiced and we should bear in mind that this will not be the final decision. The Government will make proposals again an this matter for the members to decide.

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However, we have done it before and I do not think we will be able to pass it without the necessary amendments. (Pu Deputy Speaker: it depends on our unanimity, although there is the existing rule). (H.Rammawi: Pu Deputy Speaker, there seems to be no reason why we cannot amend it if at all we are unanimous).

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DEPUTY SPEAKER: Pu J. Thankunga.

PU J.THANKUNGA; Pu Deputy Speaker, our subject today is not a very easy one. It might not be wise to alter what has been practiced for many decades by our society unless some sort of an amendment is made.

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PU F.MALSAWMA, MINISTER: Pu Deputy Speaker, it would not be proper to cite a particular religion in this respect. However, as we are all Christians it would be better to have such customary law abolished, and I do hope the hon'ble members will agree with me. In the rural areas, they still practice these so called rights of men over their girl and the women are still in boundage.

Therefore, their rights need to be practiced and we should bear in mind that this will not be the final decision. The Government will make proposals again an this matter for the members to decide.

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However, we have done it before and I do not think we will be able to pass it without the necessary amendments. (Pu Deputy Speaker: it depends on our unanimity, although there is the existing rule). (H.Rammawi: Pu Deputy Speaker, there seems to be no reason why we cannot amend it if at all we are unanimous).

PI L.THANMAWII: Pu Deputy Speaker, I do not know why the male Members of this August House should be so harassed by this resolution. According to our existing customary law, the man's claim over a girl owing to previous love making is justified even to the extent of harming the girls social status. Our demand is therefore to have equal rights with the men. We want the Government to see that justice is done without favouring either sex. It is wrong for the men to use their right as a weapon upon their girls —

DEPUTY SPEAKER: Do the Members insist on making an amendment

PU HIPHEI: Pu Deputy Speaker, in some cases the girls may hush up the affair and manage to get a decent marriage in the Church.

PU J.THANKUNGA: Pu Deputy Speaker, can we cite of any cases where men have interfered and postponed the marriage of their girls.

PU B.LALCHUNGNUNGA: Pu Deputy Speaker, it is a fact that our customary law is not adequate not only in this matter but also in many other aspects.

However, in these modern times we do not often came across such cases where the boy exercises his claim over a girl. It is rather very much the opposite now. However, I believe that this law prevents the girl from sexual permissiveness. Our social practices change with the times and I do not think it very essential to have it passed in the House. We should rather adopt our ways with the changing times.

DEPUTY SPEAKER: It would be best to have recess now and resume our discussion at 2 P.M.

Recess till 2 P.M.

2. P. M.

DEPUTY SPEARER: We shall go back to our Business item No. 3. six members have participated, now Pu C.L. Ruala.

PU C.L.RUALA: Pu Deputy Speaker, this official resolution needs very careful consideration. In this ever changing society, it is often the girls who create problems. However, the Han'ble Minister has gone through much investigation and brought up this resolution. It may be a good idea to pass the resolution and the Government may see to the necessary adjustments later.

I agree with what the member from Tawipui has said. This case can be used as a licence for move sexual permissiveness by the girls.

However, as I have said, let us pass this resolution and the necessary adjustments may be made later by the Government.

PU S.VADYU: Pu Deputy Speaker, in my opinion the women are already enjoying equal rights with the men. They do not appear to be in need of emancipation.

However, I am in favour of passing this resolution and not only this, I think more ways for the better social standing for women be made.

DEPUTY SPEAKER: We should not address those in the Visitors' Gallery support our speeches. We shall now call Pu Bualhranga.

PU BUALHRANGA: Pu Deputy Speaker, this official resolution is in principle against the unjust practice of Mizo men which still prevails in many parts of Mizoram. The girls are forced against their consent just because of the so called right of the boy owing to previous love making. It would be much better if this customary law is done away with. This seems to be the very aim of the resolution. Therefore, we may pass this resolution and do away with this social stumbling block.

PU BIAKCHUNGNUNGA: Pu Deputy Speaker, this resolution needs to be studied by mature minds. It is most unfair and unjust that the girl should be proclaimed as quilty just because of a previous love affair. In these cases the girl is raped or forced without her consent and when she sues the boy is count, the girl is pronounced as quilty during to the so called right of the boy. This is very unfair. The parents of the girl have no thing more to say and they shamefully retreat. This can never be called justice. It does not give any chance of improving their life once they are proclaimed as quilty.

I am therefore of the opinion that we should pass this resolution in order that justice may be done for the Mizo women who deserve a better treatment.

PU L.PIANDENGA: Pu Deputy Speaker, the status of Mizo women today is extremely different from that of olden days. However, I believe that we the men should take the responsibility and see that they are given more freedom and justice. Therefore let us pass this resolution unanimously.

DEPUTY SPEAKER: We shall now call on Pu F. Malsawma, mover of the resolution to read out his resolution and request the House to pass it.

PU F.MALSAWMA, MINISTER: Pu Deputy Speaker, it is a good thing that we all want to improve the status of women in our society. I hope we all agree to pass this resolution and the House for the same. The resolution reads:

"Whereas under the customary law and practices, in Mizo Society a male member can claim his right over a girl only because of his making love earlier with that girl.

And, whereas, such a system under which girls are often subject to a wretched condition which brought down the status of women in the whole society.

And, whereas, the well being of a society depends on the moral sense of the society;

And, whereas, such practices are also against the religious belief of the Mizo society;

And, whereas, it is necessary to emancipate the women of the Mizo society by doing away with such evil practices;

Now, therefore, this House resolves to put an end to such so-called right of the man over a girl an the basis of Mizo customary law and practices and requests the Government to take all necessary steps to give effect to this resolution as early as practicable". The Government will see that necessary steps be taken in this respect. I therefore request the House to pass this resolution.

DEPUTY SPEAKER: Now the mover has read out the resolution, Let us raise our hands to show our willingness to pass it. (All raise hands)

We are unanimous, therefore the resolution which has been read out by the hon'ble Minister is declared passed. Now we will go to No.2, we shall call on the hon'ble Minister to request the House to discuss the proposed amended from of the resolution.

PU F.MALSAWMA, MINISTER: Pu Deputy Speaker, with your permission I beg to move the resolution which reads:

"Whereas, under the customary law applicable to the Mizo society, the penalty for sexual offences leading to birth of illegitimate children is so meagre that it does not serve as a deterrent against such undesirable practices;

And, whereas, such a system under which young girls are depted into a situation leading to the birth of illegitimate children which affects not only such matters and such children but also their relationship with different members in the family and affects family life which is the basis foundation on which the well being society is built upon;

And, whereas, the well being of a society depends on the moral sense of the society;

And, whereas such practices are also alien to the religious belief of the Mizo Society;

And, whereas there is now a great amount of public opinion against such indulgence in illegitimate relationship in the Mizo society;

Now, therefore, this House is of opinion that the Government should take all necessary steps, administrative as well as legal to put an end to such undesirable practices in the society,"

Now the amended form reads thus :-

"Whereas, under the Customary Law applicable to the Mizo society, the penalty for usual offences leading to birth of illegitimate children is so meagre that it does not serve as a deterrent against such undesirable practices;

And, whereas, such a system under which young girls are duped into a situation leading to the birth of illegitimate children which affects not only such matters and such children but also their relationship with different members in the family and affects family life which is the basis foundation on which the well being of a society is built upon;

And, whereas the well being of the society depends on the moral sense of the society;

And, whereas such practices are also alien to the religious belief of the Mizo Society;

And, whereas there is now a great amount of public opinion against such indulgence in illegitimate relationship in the Mizo society;

Now, therefore, this House is of opinion that the Government should take all necessary slips, administrative as well as legal to put an end to such undesirable practices in the society. The steps taken by the Government to give effect to this resolution be presented to the House for its consideration and adoption before enforcement." Pu Deputy Speaker, this resolution is very important in many aspects.

1. The number of children born out of medlock have increased tremendously in our society today. This itself is a great social evil, in which the child is the one who suffers most. These children grow up without parental love and care and turn into irresponsible citizens.

Our religous belief is also against such behaviour. It is therefore the responsibility of the Government to put an end to this unfavourable practice, we need some sort of law to bind us in this matter. It is time for the Government to assist the Church in doing away with this social evil. It is also in keeping with the family planning programme of the 20 Point Programme. The amended form provides consideration and adoption by the House before enforcement.

I therefore request the members of this August House to pass this resolution.

DEPUTY SPEAKER: Pu Joe Ngurdawla.

PU JOE NGURDAWLA: Pu Deputy Speaker, the amended form is just what is needed. (Deputy Speaker: it may be distributed in the House). Therefore, it would be good to pass it in the amended form. It needs to be discussed thoroughly. Our society must check this great social burden with the help of the Government. It needs a realistic approach with a great deal of caution. I am in support of the principle. I do urge the Government to be careful in the measures it takes in this matter.

PU ELLIS SAIDENGA: Pu Deputy Speaker, I think there is much to be discussed and as the hon'ble member has just said, we should be very cautions in the measures we decide to take.

It would be wrong to punish the male member too severely in the case of an unwanted child. This also applies to the girl - However, the aim of the resolution seems to be to lessen the number of unwanted children in the society. It also binds the society from disintegration. It would therefore be good to pass it.

PI K. THANSIAMI: Pu Deputy Speaker, it is a fact that social evils grow as civilization grows in. The most civilized countries has the biggest sex probems. The same has happend to our society. It is therefore the duty of the Government to take measures in reducing the number of unwanted children. The penalty of Rs. 5,000 for sexual offence leading to the birth of an illegitimate child also needs a little explanation. The original penalty of Rs. 40 was in the time of our forefathers a huge some of money. As time goes by, inflation has reduced the value of this penalty and does not serve as a deterrent. Therefore the equivalent of this penalty today is about the said Rs. 5,000. The aim is not the penalty itself, but if the Government can solve it by some other means it would be acceptable by the women even if it may be in terms of punishments inflicted to both man and woman.

We are aware that girls today are not the shy, reticent beings they used to be. Many girls are behaving outrageously immoral. Therefore it would not be the best thing to punish only the boy. We should not rely only on the Government, our society should condemn this social disgrace. I am of the opinion that we should pass this resolution.

PU HIPHFI: Pu Deputy Speaker, this resolution is indeed very important and I would like to add one more point. I am sure this resolution has emenged from the need of the hour and if we pass it, it will surely have its merits and demerits.

According to the existing customery law, the penalty for the birth of an illegitimate child falls on the man alone.

On the other hand there may be some women who really want to have a child out of wedlock as they prefer to remain unmarried. And if the child is born with the consent of both man and woman then lot it not be cuiled a bastard.

Lastly, would this enforcement include the Chhimtuipui District which is in the District Council area.

DEPUTY SPEAKER: We shall now call upon the Hon'ble Minister.

PU F. MALSAWMA, MINISTER: Pu Deputy Speaker, our discussion has been very informative. We should bear in mind that the intention is not solely to punish the boy.

The suggestion to legalise the illegitimate child may be a good idea, but it would not be too easy. However, this august House which is the highest legislative body in the state wishes to abolish on do away with this great social evils in our society. The Public opinion in support of this is most important and will be most solicited.

Therefore, Pu Deputy Speaker, I do not think more discussion is needed in this matter. The Members seem to be quite unanimous. Therefore this resolution which reads:

"Whereas, under the Customary Law applicable to the Mizo Society, the penalty for sexual offences leading to birth of illegitimate children is so meagre that it does not serve as a deterrent against such undesirable practices;

And, whereas, such a system under which young girls are deeped into a situation leading to the birth of illegitimate children which affects not only such matters and such children but also their relationship with different members in the family and affects family life which is the basic foundation on which the well being of a society is built upon.

And, whereas, the well being of a society depends on the moral sense of the society;

And, whereas, there is now a great amount of public opinion against such indulgence in illegitimate relationship in the Mizo society;

Now, therefore, this House is of opinion that the Government should take all necessary steps, administrative as well as legal to put an end to such undesirable practices in the society. The steps taken by the Government to give effect to this resolution be presented to the House for its consideration and adoption before enforcement".

I request the House to pass this resolution,

DEPUTY SPEAKER: We have had a lengthy discussion and now we shall put it to the vote of the House by raising our hands. (all members raise hands). We have all consented and therefore Resolution No. 2 is declared passed by the House.

We shall now adjourn the House till Monday 22nd March 1982 at 10:30A.M.

Meeting adjourned at 3:10 P.M.

J. Malsawma, Secretary.