

**EIGHTH LEGISLATIVE ASSEMBLY OF MIZORAM  
(FOURTH SESSION)**

**BULLETIN PART - I**

(Brief record of Proceedings)

First sitting on Tuesday, the 19th November, 2019.

No. 23

Tuesday, the 19th November, 2019.

**10:30 AM** : Hon'ble Speaker at the chair.

**OBITUARY**

**Pu ZORAMTHANGA**, Leader of the House made obituary references on the demise of Pu Thankima, former Member of Mizoram Legislative Assembly.

The following Members also joined the obituary references:

1. Zodintluanga Ralte
2. Pu Tawnluia, Deputy Chief Minister
3. Pu Lalduhoma

Members stood in silence for one minute as a mark of respect to the departed soul.

**10:47AM** :

**QUESTIONS**

**(a) Starred Questions :** Starred Questions No.1-4 with Supplementary questions thereto were asked and oral answers given.

Replies to Starred Questions No. 5 - 20 listed for the day, but not called for answers within the time available during Question hour shall be circulated and form part of the proceedings of the day.

**(b) Unstarred Questions :** Replies to Unstarred Questions No. 1 - 9 were laid on the Table of the House.

**10:37 AM** :

**LEAVE OF ABSENCE**

Leave of absence was granted to Pu K.T. Rokhaw

**11:37AM** :

**ANNOUNCEMENT**

The Hon'ble Speaker announced the names of Panel of Chairmen:

1. Pu Vanlalhlana
2. Pu K.T. Rokhaw
3. Dr. ZR. Thiamsanga
4. Pu C. Lalmuanpuia

**11:38 AM :**                                **LAYING OF PAPERS**

1. **Dr. K. PACHHUNGA** laid on the Table of the House a copy of Statement of Action Taken on the further recommendations of Committee on Estimates contained in the First Report of 2019 relating to State Investment Programme Management Implementation Unit (SIPMIU) under Urban Development & Poverty Alleviation Department, Government of Mizoram.

2. **Dr. ZR. THIAMSANGA** laid on the Table of the House a copy of Statement of Action Taken by the Government against further recommendations contained in the Third Report, 2019 of Subject Committee-III relating to HIV/AIDS under Health & Family Welfare Department.

**11:40 AM :**                                **PRESENTATION OF REPORT**

1. **The SPEAKER** presented to the House the Third Report of Business Advisory Committee. The House adopted the same.

2. **Pu LALDUHOMA** presented to the House the following Reports of Public Accounts Committee:

(i) First Report on the Report of Comptroller & Auditor General of India for the Year 2011-12, 2012-13, 2013-14, 2014-15 and 2015-16 relating to Taxation Department.

(ii) Second Report on the Report of Comptroller & Auditor General of India for the Year 2014-15 and 2015-16 relating to Food, Civil Supplies & Consumer Affairs Department.

(iii) Third Report on the Report of Comptroller & Auditor General of India for the Year 2014-15 relating to Health & Family Welfare Department.

3. **Pu RAMTHANMAWIA** presented to the House the Following Reports of Committee on Government Assurances:

(i) First Report, November 2019 on Action Taken by the Government against the recommendation of the Committee on Government Assurances contained in its Eighth Report of Seventh Legislative Assembly relating to Public Health Engineering Department.

(ii) Second Report relating to Government Assurances given by Ministers in the Fourteenth & Fifteenth Sessions of the Seventh Legislative Assembly of Mizoram.

**11:48 AM: OFFICIAL RESOLUTION**

**Dr. K. BEICHHUA**, Minister of State moved an Official Resolution in the following form:

“WHEREAS Article 371 G of the Constitution provides, inter alia, that-

“Notwithstanding anything in this Constitution-

- (a) no Act of parliament in respect of-
  - (i) Religious or social practices of the Mizos,
  - (ii) Mizo customary law and procedure,
  - (iii) Administration of civil and criminal justice involving decisions according to Mizo customary law,
  - (iv) **Ownership and transfer of land,**

Shall apply to the State of Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution so decides,”

AND WHEREAS the Scheduled Tribe & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is an Act of Parliament which extends to the whole of India except the State of Jammu & Kashmir. However, since the Act falls under clause (a) of article 371G of the Constitution, in order for the Act to be applicable in the State of Mizoram, resolution of the Legislative Assembly of Mizoram is necessary. Consequently, the Act was made applicable in the State of Mizoram by an official resolution passed by the Legislative Assembly of Mizoram in its session on 29.10.2009 as required by clause (a) of Article 371 G of the Constitution and subsequent notification vide No.A.14014/35//09-SWD dt. 03.03.2010 was issued in this regard and the Act became applicable with effect from 31.12.2009.

AND WHEREAS THE Scheduled Tribe & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 was translated into Mizo language in 5000 copies during 2011-2012 and disseminated to all Gram Sabhas (Village Councils) and other stakeholders as part of awareness of the Act. However, claims for rights have never been received. Two facilitators were engaged on contractual basis since 2011-2012 for sensitization and awareness of the Act. However, the engagement was terminated from 2016-2017 due to NIL receipt of claims and stoppage of funds by the Government of India since 2014-2015. In spite of many Consultation/sensitization/Awareness programmes conducted at the state level, District and Block level to stakeholders and community leaders, no claims have been received.

AND WHEREAS it is therefore very clear that the Act has little or no relevance/applicability to the context of Mizoram. Further, the Ministry of Tribal Affairs in its Project Appraisal Committee (PAC) meeting held on dt. 8.4.2015 has declined proposal amounting to Rs. 10 lakh for implementation of Forest Right Act in Mizoram and remarked that the matter in Mizoram is settled. Consequently, funds for implementation of Forest Right Act had been stopped since Financial Year 2014-2015.

AND WHEREAS THE Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 was made applicable in the State of Mizoram by virtue of the resolution of the Legislative Assembly of the State of Mizoram, the only way to revoke its applicability in respect of the State of Mizoram is again by way of resolution of the Legislative Assembly of the State of Mizoram.

NOW, THEREFORE, THIS House resolves

That the official resolution passed by the Mizoram Legislative Assembly on 29<sup>th</sup> October, 2009 relating to the application of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 stands revoked”.

The following members participated in the discussion of the Resolution.

1. Pu Lalduhoma
2. Dr. F. Lalnunmawia
3. Pu B.D. Chakma
4. Pu Tawnluia, Deputy Chief Minister
5. Pu Robert Romawia Royte, Minister of State

**Pu ZORAMTHANGA**, Chief Minister also spoke on the Resolution.

**12:45 PM** : **Dr. K. BEICHHUA**, Minister of State wound up the discussion and moved that the Official Resolution be adopted by the House.

**12:46 PM** : The Official Resolution was put to the vote of the House and was adopted.

**12:47 PM :**                    **LEGISLATIVE BUSINESS**

**Dr. R. LALTHANGLIANA**, Minister begged leave of the House to introduce ‘The Mizoram Anatomy (Amendment) Bill, 2019.’

Leave having been granted, he introduced the Bill. He moved the Bill for consideration of the House.

He moved that the Bill be passed by the House.

**12:51 PM :** The Bill was put to the vote of the House and was adopted unanimously.

**12:52 PM :** The sitting was adjourned till 10:30 AM on Wednesday, the 20th November, 2019.

S.R.ZOKHUMA  
Commissioner & Secretary.

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