

**SEVENTH LEGISLATIVE ASSEMBLY OF MIZORAM
(SIXTH SESSION)**

**BULLETIN PART – I
(Brief record of Proceedings)**

No. 31

Thursday, the 9th July, 2015.

10:30 AM

QUESTIONS

a) **Starred Questions** : Starred Questions No. 19 – 23 with Supplementary Questions thereto were asked and oral answers given.

Replies to Starred Questions No. 24 – 33 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 Question No. 9 - 51 were laid on the Table of the House.

11:35 AM

SPECIAL MENTION

With the permission of the Hon'ble Speaker **Pu LALRUATKIMA** availed Special Mention and made a statement regarding the unfortunate incident that took place at Zokhawthiang on 28th March, 2015 in which the Committee on Government Assurances were ambushed by HPC(D). He appealed the members to condemn such kind of dastardly act of violence and expressed his hope that such kind of cowardly act shall not be repeated in future.

11:37 AM : Hon'ble Deputy Speaker at the chair.

11:40 AM

LAYING OF PAPERS

Pu LAL THANHAWLA, Hon'ble Chief Minister laid on the Table of the House "The Mizoram Information Technology (Electronic Service Delivery) Rules, 2015".

Pu JOHN ROTLUANGLIANA, Minister laid on the Table of the House the following:

1. The Mizoram Food Security Rules, 2015.
2. Guidelines for Selection of Beneficiaries under The National Food Security Act, 2013 in the State of Mizoram.

11:48 AM

PRESENTATION OF REPORTS

Pu LALRINLIANA SAILO presented to the House The Statement of Action Taken on Action Taken Report of Committee on Estimates, Public Works Department on Pradan Mantri Gram Sadak Yojana (PMGSY).

Pu LALTHANLIANA presented to the House the following Reports of Public Accounts Committee:-

1. Ninth Report on Action Taken by the Government on the recommendations contained in the Fifth Report of the Public Accounts Committee on the Report of C&AG of India for the year 2009-2010 relating to Higher & Technical Education Department.
2. Tenth Report on Action Taken by the Government on the recommendations contained in the Second Report of the Public Accounts Committee on the Report of C&AG of India for the year 2009-2010 relating to Food, Civil Supplies & Consumer Affairs Department.
3. Eleventh Report on Action Taken by the Government on the recommendations contained in the Seventh Report of the Public Accounts Committee on the Report of C&AG of India for the year 2010-2011 relating to Environment & Forest Department.
4. Twelfth Report on Action Taken by the Government on the recommendations contained in the Eighth Report of the Public Accounts Committee on the Report of C&AG of India for the year 2010-2011 relating to Animal Husbandry & Veterinary Department.

11:57 AM

OFFICIAL RESOLUTION

Pu ZODINTLUANGA, Minister moved Official Resolution standing in his name in the following form:-

““**WHEREAS** elimination of dry latrines and manual scavenging, and the rehabilitation of manual scavengers in alternative occupations has been an area of high priority for the Government. Towards this end the Central Government had

enacted the **Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.**

AND WHEREAS consequent upon the enactment of the said Central Act, under clause (1) of Article 252 of the Constitution of India, resolutions had been passed by all Houses of Legislatures of the states of Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura and West Bengal for the adoption and regulation of the said Central Act by the Parliament by law; and accordingly, the said Central Act stood automatically applied in those states in the first instance.

AND WHEREAS sub-sections (2) and (3) of Section 1 of the said Central Act provide that:

“(2) It applies in the first instance to the whole of the States of Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura and West Bengal and to all the Union Territories and it shall also apply to such other State which adopts this Act by resolution passed in that behalf under clause (1) of Article 252 of the Constitution.

“(3) It shall come into force in the States of Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura and West Bengal and in the Union Territories on such date as the Central Government may, by notification, appoint and in any other State which adopts this Act under clause (1) of Article 252 of the Constitution, on the date of such adoption.”

AND WHEREAS a writ petition W.P (C) No. 583 of 2003 was filed in the Hon’ble Supreme Court of India by Safai Karamchari Andolan and others against Union of India and all States and Union Territories, praying, inter alia, for directing the Respondent State Governments which had not adopted the said Central Act ‘to explain on affidavit the steps taken by their respective Legislatures to pass appropriate resolution under Article 252 of the Constitution of India for adopting the said Central Act’.

AND WHEREAS by its order dt. 11.12.2007 in the said Writ Petition, the Hon’ble Supreme Court observed and directed as follows:

“It has been brought to our notice that the states of Jammu and Kashmir, Nagaland, Himachal Pradesh, Manipur, Meghalaya, Sikkim, Mizoram, Arunachal Pradesh, Delhi and U.T. of Chandigarh have not adopted the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. The concerned States and U.T. shall file affidavit explaining the reasons for non-adoption of the Act in their respective States.”

AND WHEREAS in pursuance of the directive of the Hon’ble Supreme Court, the Sixth Mizoram Legislative Assembly in its tenth Session moved and

passed a resolution for the adoption of the said Central Act in the whole state of Mizoram.

AND WHEREAS taking into consideration the continued prevalence of manual scavenging, the Parliament has recently enacted a new Central Act viz. **“The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013” (Central Act No. 25 of 2013)**. This Act, inter alia, has provision for elimination of insanitary latrines and complete prohibition of employment of manual scavengers. The provisions in the new Act encompass those in the previous Central Act of 1993.

AND WHEREAS Section 3 of *The Prohibition of Employment as Manual Scavengers and their rehabilitation Act, 2013* stipulates that:

“The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 or in any instrument having effect by virtue of any other law.”

AND WHEREAS the Central Act of 1993 has now outlived its utility and may, consequently, be repealed.

AND WHEREAS Section (2) of Article 252 of the Constitution of India provides that:

“Any Act so passed by Parliament may be amended or repealed by an Act of parliament passed or adopted in like manner but shall not, as respects any State to which it applies, be amended or repealed by an Act of the Legislature of that State.”

Now, therefore, as required under Article 252 of the Constitution of India, the Seventh Mizoram Legislative Assembly in its Sixth Session proposes to resolve as follows:

“That the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 stands repealed in the whole State of Mizoram.”

12:09 PM : The Resolution was put to the vote of the House and was adopted unanimously.

12:10 PM

FINANCIAL BUSINESS

Pu LALSAWTA, Minister submitted to the House ‘Vote on Account (August to October, 2015)’ for consideration.

He moved that Vote on Account (August to October, 2015) ₹ 167635.27 lakhs be passed by the House.

The Demand was passed by the House unanimously.

12:40 PM

LEGISLATIVE BUSINESS

Pu LALSAWTA, Minister begged leave of the House to introduce “The Mizoram Entry Tax Bill, 2015”.

Leave having been granted, he introduced the Bill and moved that for consideration by briefly explaining the principles of the Bill.

12:45 PM : Pu S.Laldingliana at the chair.
Er. Lalrinawma participated in the discussion of the Bill.

12:58 PM : **RECESS**

2:00 PM : Hon’ble Deputy Speaker at the chair.

2:00 PM

LEAVE OF ABSENCE

Leave of absence was granted to:

1. Pu K.Sangthuama
2. Pu K.S.Thanga
3. Pu H.Zothangliana

Discussion on the Bill continued. The following member participated in the discussion:

1. Dr. K.Beichhua
2. Pu Lalruatkima

2:09 PM : **Pu LALSAWTA**, Minister wound up the discussion and clarified the points raised by the members. He also moved that the Bill be passed by the House.

2:27 PM : The Bill was put to the vote of the House and was passed unanimously.

2:28 PM : **Pu ZODINTLUANGA**, Minister begged leave of the House to introduce “The Mizoram Municipalities (Third Amendment) Bill, 2015”.

2:30 PM : Hon’ble Speaker at the chair.

Leave having been granted, he introduced and briefly explained the principles of the Bill. He moved the Bill for consideration of the House and briefly explained the principles of the Bill and pointed out 7 reasons for bringing up the Bill.

The following member participated in the discussion of the Bill:

1. Pu Lalruatkima
2. Er. Lalrinawma

2:47 PM : **Pu ZODINTLUANGA**, Minister wound up the discussion clarifying the points raised by members. He also moved that the Bill be passed by the House.

The Bill was put to the vote of the House and was passed unanimously.

2:50 PM : **Pu LALSAWTA**, Minister begged leave of the House to introduce “The Mizoram Appropriation No. 4 (Second Vote on Account) Bill, 2015”.

Leave having been granted, he introduced the Bill. He moved the Bill for consideration of the House and also moved that the Bill be passed.

3:07 PM : The Bill was put to the vote of the House and was passed unanimously.

3:08 PM : The Hon’ble Speaker highlighted a brief record of the business transacted during the Sixth Session and thanked the members for their co-operation during the Session.

3:15 PM : The sitting was adjourned Sine Die.

NGURTHANZUALA
Secretary.