

MIZORAM LEGISLATIVE ASSEMBLY SECRETARIAT

BULLETIN PART – II

(General information relating to Legislative and other matters)

No. 77

Thursday, the 14th November, 2019.

OFFICIAL RESOLUTION

The following is the Official Resolution submitted by Dr. K. Beichhua, Minister and admitted for consideration on 19th November, 2019.

“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 29th October, 2009 relating to the application of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 stands revoked”.

S.R. ZOKHUMA
Commissioner & Secretary