

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

LIST OF BUSINESS

FOR FIRST SITTING ON TUESDAY, THE 30th AUGUST, 2016
(Time 10:30 A.M. to 1:00 P.M. and 2:00 P.M. to 4:00 P.M.)

LAYING OF PAPERS

1. **PU LALSAWTA**, Minister to lay on the Table of the House a copy of "The Mizoram Lotteries (Regulation) (Amendment) Rules, 2015."
2. **PU JOHN ROTLUANGLIANA**, Minister to lay Ordinance promulgated by the Governor and Explanatory Statement giving reasons for immediate Legislation by that Ordinance.

PRESENTATION OF REPORTS

3. **THE SPEAKER** to present to the House the Tenth Report of Business Advisory Committee.
4. **PU R. VANLALVENA** to present to the House the Fifth Report of Subject Committee-III on Action taken by the Government on the recommendations contained in the Fourth Report of Subject Committee-III relating to River Valley Project/Flood Prone Rivers under Soil and Water Conservation Department.

MOTIONS FOR ELECTIONS TO FINANCIAL COMMITTEES

5. i) **PU K. SANGTHUAMA**, MLAt to move motion for Election of Members to Public Accounts Committee.
- ii) **PU LALRINLIANA SAILO**, MLA to move motion for Election of Members to Committee on Estimates.
- iii) **PU N.K. CHAKMA**, MLA to move motion for Election of Members to Committee on Public Undertakings.

STATUTORY/OFFICIAL RESOLUTION

6. **PU LALSAWTA**, Minister to move an Official Resolution in the following form :-
"That this House ratifies the amendment of the Constitution of India falling within the purview of clauses (b) and (c) of the proviso to clause (2) of article 368, proposed to be made by the Constitution (One Hundred Twenty-Second Amendment) Bill, 2014, as passed by both the Houses of Parliament."

LEGISLATIVE BUSINESS

Bill for introduction, consideration and passing

7. **PU R. LALZIRLIANA**, Minister to beg leave of the House to introduce “The Mizoram Road Fund (Amendment) Bill, 2016”.

ALSO

to introduce the Bill

to move that the Bill be taken into consideration

AND

to move that the Bill be passed.

NGURTHANZUALA
Secretary

....

SPEAKER : For you are a people holy to the Lord your God. The Lord your God has chosen you out of all the peoples on the face of the earth to be his people, his treasured possession.

Deuteronomy 7:6

As we are aware, this session is an emergency session. The Indian Parliament has passed 122nd Amendment which requires ratification of at least half the states. Pu Lal Thanhawla, the Hon. Chief Minister is still on his tour and could not attend this session; Pu Ngurdingliana is on medical check-up; Pu R. Romawia, Parliamentary Secretary is granted leave due to important programme to attend.

We shall now call upon Pu Lalsawta, Hon. Minister to lay, “The Mizoram Lotteries (Regulation) (Amendment) Rules, 2015” on the table of the House.

PU LALSAWTA, MINISTER: Thank you, Pu Speaker. With the recommendation of the Governor of Mizoram and your kind permission, Sir, I hereby lay on the Table of the House, “The Mizoram Lotteries (Regulation) (Amendment) Rules, 2015”.

SPEAKER : Let the copy be distributed. Let us now call upon Pu John Rotluangliana, the Hon. Minister to lay on the table of the House, “Ordinance promulgated by the Governor and Explanatory Statement giving reasons for immediate Legislation by that Ordinance”.

PU JOHN ROTLUANGLIANA, MINISTER: Thank you, Pu Speaker. With the recommendation of the Governor of Mizoram and with your kind permission, Sir, I hereby lay on the table of the House, “The Mizoram Vehicle Taxation Amendment Ordinance, 2016”.

I would like to explain the reason why this ordinance has been promulgated. The Mizoram Vehicle Taxation Amendment Bill was passed in July, 2015 last year. However, in that bill, there was a provision for collection of life time tax on vehicles for 15 years. There was a petition from the vehicle owners as well as the owners of commercial vehicles that provisions should be made so that the tax could be paid on installment basis. Therefore, this ordinance is promulgated to allow them as such. The ordinance is required to be passed as a bill within 6 months. Hence, it is laid in the House. Thank you.

SPEAKER : Let the copy be distributed.

The BAC Report will now be laid in the House. The detail programme of the 10th Session of Seventh Legislative Assembly drafted by the Business Advisory Committee on 24.8.2016 was informed to the members through Bulletin Part II, No. 145, dated 26.8.2016. I hereby present the BAC Report in the House. Let the copy be distributed.

We shall now call upon Pu R. Vanlalvena to present to the House, the Fifth Report of Subject Committee II on Actions Taken by the Government on the recommendations contained in the Fourth Report of Subject Committee III relating to River Valley Project/Flood Prone Rivers under Soil & Water Conservation Department.

PU R. VANLALVENA : Pu Speaker, I hereby present the Fifth Report of Subject Committee-II on Actions Taken by the Government on the recommendations contained in the Fourth Report of Subject Committee III relating to River Valley Project/Flood Prone Rivers under Soil & Water Conservation Department. Thank you.

SPEAKER : Let the copy be distributed. It is now the time for election of the members of three Financial Committees. Let us call upon Pu K. Sangthuama, the Hon. Chairman of PAC to move the motion for the election.

PU K. SANGTHUAMA : Mr. Speaker, Sir, that the members of this House to proceed to elect in the manner required by sub-rule 1 of Rule 202 read with Rule 250 of the Rules of Procedure & Conduct of Business in Mizoram Legislative Assembly to serve as members of Public Accounts Committee, Mizoram Legislative Assembly for a period of 30 months. Thank you.

SPEAKER : Pu Lalrinliana Sailo may now move the motion for election of members of Committee on Estimates.

PU LALRINLIANA SAILO: Mr. Speaker, Sir, that the members of this House to proceed to elect in the manner required by sub-rule 1 of Rule 202 read with Rule 252 of the Rules of Procedure & Conduct of Business in Mizoram Legislative Assembly to serve as members of Committee on Estimates, Mizoram Legislative Assembly for a period of 30 months. Thank you.

SPEAKER : Pu N.K. Chakma may now move the motion for election of members of Committee on Estimates.

PU NIHAR KANTI CHAKMA: Mr. Speaker, Sir, that the members of this House to proceed to elect in the manner required by sub-rule 1 of Rule 202 read with Rule 254 of the Rules of Procedure & Conduct of Business in Mizoram Legislative Assembly to serve as members of Committee on Public Undertakings, Mizoram Legislative Assembly for a period of 30 months. Thank you.

SPEAKER : The Chairman of each Financial Committee has now moved motion for the election of members of the Committees. Nomination paper for this election could be availed from the Secretary Office. It should be submitted till 3:00 pm today and nomination could be withdrawn till 9:00 am tomorrow. However, it will be more appropriate if the House arranged the membership without such election process.

We shall now take up official resolution. Let us call upon Pu Lalsawta, the Hon. Finance Minister to move the resolution that ‘This House ratifies the amendment of Constitution of India falling within the purview of clauses (b) & (c) of the proviso to clause (2) of Article 368, proposed to be made by the Constitution (One Hundred Twenty Second Amendment) Bill, 2014, as passed by both Houses of the Parliament.’

PU LALSAWTA, MINISTER: First of all, Pu Speaker, I would like to explain the need of this Constitutional amendment. It was felt for a long time that amendment needs to be made on the taxation system of India. As a result, this Bill was passed in both the Houses; a calendar for ratification was made from the state. That is why this emergency session has been summoned.

This amendment is thus required to introduce Goods & Service Tax in India. In the present practice, the union collected taxes like Union Excise, Corporate taxes, etc. and distributed among the states. With the introduction of this new system, it is said that such revenues collected could be shared between the union and the states more rationally as it is practiced in developed countries also. We have faced delays in India due to check gates. It is proposed in this new system that transaction will be done online so as to eliminate the use of check gates.

As already stated, this amendment is for introduction of GST. The Finance Ministry requested that ratification should be sent within first week of this September so that the new GST Council could be formed within the third week of September. The GST Council will then formulate the bill and be passed in the parliament. It is further proposed that the GST Act will be implemented from 1st April, 2017.

Thus, Pu Speaker, with your permission, I hereby move the resolution that ‘This House ratifies the amendment of Constitution of India falling within the purview of clauses (b) & (c) of the proviso to clause (2) of Article 368, proposed to be made by the Constitution (One Hundred Twenty Second Amendment) Bill, 2014, as passed by both Houses of the Parliament.’ Thank you.

SPEAKER : We shall now have discussion on the resolution. Each member will have 10 minutes. Pu Zoram Sangliana will be the first.

PU P.C. ZORAM SANGLIANA: Thank you, Pu Speaker. I am pleased to learn that this resolution is moved today for ratification. It will be important especially for the north eastern states and other special category states as it contains special provision for such states. The GST system will merge with eight central taxes and nine different state taxes. It aims at curbing double taxation which leads to high prices of goods. I hope this will alleviate problem of the people to a large extent.

This act will not contain provision for collection of taxes from export products and will also be quite helpful for promotion of trade and industry in the country. On the other hand, on import products, there will be custom duty as well as GST. This is

an important measure to promote domestic products which will in turn open employment opportunities for the youth.

It is proposed that all transactions should be done online so as to simplify the process for the people. I am grateful to participate in the ratification process of this act.

The introduction of online process will also help in eliminating corruption. As it will be a transparent process through internet, there will be minimal chance of practicing corruption in the process. This is an important answer to the will of the people.

It is also notable that the GDP is expected to increase at 1 - 2%. As already stated, the GST is proposed back in the previous ministry also. I would like to gladly support this resolution to ratify this bill.

SPEAKER : Pu Zodintluanga, Minister.

PU ZODINTLUANGA, MINISTER: Pu Speaker, I am very grateful to be here as it is a historical moment. The GST bill seems to be of a bill which will lead us way ahead and a blessing especially for those consumer states like us. We used to pay 2-4% of CTS which is the revenue of exporting stated after which VAT was again paid in our state.

Besides, we used to face different problems on the way like the check gates of different states on the way. All such problems will be resolved under this new system. Besides, our states will be able to collect revenue from those imported goods from foreign countries which are not possible at present; this is a notable benefit for our state. Thus, I implore my fellow Members to support passing of this Resolution.

SPEAKER : Pu T. Sangkunga.

PU T. SANGKUNGA : Thank you, Pu Speaker. I am glad to participate in the discussion of which I consider as of the greatest touch after independence. It is a big issue not only for our state but also for the whole country. It used to be a big issue since the Congress ministry. The previous Congress Ministry wanted this bill to be passed in the parliament but failed due to fierce opposition from the BJP. However, it is amazing that the BJP ministry when came into power supported the bill and the Congress party started to oppose it. However, as the Union Finance Minister, Mr. Arun Jaitley accepts the demands of the Congress party, it was passed.

There is a provision that the GST Council should comprise of 2/3 representatives from the states and 1/3 members from the central government. This signifies that the states are given priority which is an important aspect from the state perspective. It is also accepted that the GST deduction should not exceed 18%. It is

estimated that India would gain around 15 billion dollar from this act every year. It is the small states that will be benefitted the most of this bill. It will also simplify tax-paying process to a great extent clubbing together all indirect taxes.

Lastly, I would like to mention that special consideration was made to collect taxes from those having 5 crore annual turnover while it is 10 crore in other states. This will make possible to have more revenue. Therefore, I am supporting this resolution to be passed in this House. Thank you.

Er. LALRINAWMA : Thank you, Pu Speaker. As already mentioned, this evolution of GST is a long process. It is a hot topic for the whole of India. There used to be a huge problems regarding tax rate in India due to unavailability of uniform tax rate. Other taxation like VAT has also been introduced where as this GST is also another step in this regard. As already mentioned, price hike is mainly due to double taxation in manufacturing sector amounting to 26 - 27% approximately which the central government is also trying to do away with as it have an immense effect on the consumers.

We do not know now what will be the exact effects. However, it is obvious that it will change the price of some goods; it will increase the price of some goods while reducing the price of some; it will have an adverse effect on the export sector as well. According to a survey conducted by NCAR, it is estimated that the GDP will increase by 1 - 2%. There are many manufacturers without paying taxes in India and this bill will help collecting revenue from such industries. It is expected to increase the country's export by 10 - 14%.

Further, it is said that 2% decrease in manufacture cost may bring 20% profit. Keeping this assumption in view, the decreased VAT will bring a profit of around 15 crore US dollar annually. The time spent by truck drivers is immensely wasted in waiting at the check gates. As this new bill will reduce the time spent, it will save the productivity of the truckers a lot.

Especially for Mizoram, we will be benefitted the most of this bill since we are mostly a consumer state at the moment. One thing which is very important is about the revenue neutral rate. There is a question how much tax should be collected besides CST to have the same amount of revenue. This needs to be carefully considered. There is a chance that our revenue collection may decrease due to this new system.

Lastly, there are some arguments that economic reversion due to tax reform is very rare. It is claimed that there is no real economic development to be imparted. However, that will be seen in the near future. Thank you.

SPEAKER : Pu Lalruatkima.

PU LALRUIATKIMA : Thank you, Pu Speaker. I am pleased to discuss this amendment bill. However, the real effect of this GST Bill for our state and India as a whole is still in vague not only for us but also in the parliament at the time of discussion. It has gone a long way before it was passed in the parliament. It will have effects on the central GST as well as state GST. It is a system which eliminates collection of taxes at different levels.

It appears that business having a turnover of more than 5 lakh annually should pay a tax of 15-19%. From that, those having a turnover more than 150 lakh will pay their tax to the central government while those having between 5-150 lakh as turnover will pay taxes to the state. It is also important to curb out black money. It will also prevent business carried out by plain people in the name of some local tribal.

There are provisions to rehabilitate the state if they could not get the previous revenue. The amendment has now included the formation of Foods and Services Tax Council under the chairmanship of Union Finance Minister. It seems that it is a favourable move for small states like us.

From the negative perspective, there is an opinion that this bill will make mandatory for us to pay income tax which we are exempted from. We need to consider this carefully. There may be many things to say about in this bill. The most important thing is to consider the best for our state. We also need to consider the strength of Taxation Department if they have sufficient manpower for proper implementation of GST. We need to provide them with better facilities and equipments with the introduction of this bill. Thank you.

SPEAKER : Pu John Siamkunga.

PU JOHN SIAMKUNGA : Thank you, Pu Speaker. The taxation system in India has gone a long way of reforms. It is started with MODVAT and later on it is changed to CENVAT. This GST is also termed as a system of VAT. Its difference is the clubbing together of Goods & Services Tax. It is a modified version of GST in other countries.

It will be a dual system of GST. There will be separate list which falls under the State GST which will be collected by the state. There will also be another list from which the central government will collect taxes from. There are also many things to be passed in the Parliament after this amendment has been ratified by the states.

The main purpose is to collect more revenue which will in turn works for the betterment of the people. All the Indirect Taxes will be clubbed together in one stream. It is further suggested that this may create common market throughout India. Meanwhile, the rate of taxation may drastically increase. In case a state could not match the prevailing revenue, there is a provision that the GST council will compensate such states. According to the recommendation made by the 14th Finance

Commission, the compensation will be 10% for the first three years, 75% in the fourth year and 50% in the fifth and final year. However, from what we experienced in the past, it is likely that no states will require such compensation.

The exemption of export products from this GST has an important objective. It is meant to promote and encourage establishment of manufacturing sector exporting more and more products to other countries. This will be a great advantage for Indian economy. Therefore, I am supporting this resolution for ratification from the Hon. Finance Minister. Thank you.

SPEAKER : Let us now call upon the Hon. Home Minister on behalf of the Chief Minister.

R. LALZIRLIANA, MINISTER: Pu Speaker, I am pleased to have a discussion for the ratification of One hundred Twenty Second Amendment of the Constitution. This is also the main reason why the emergency session is called for.

In order to pass the GST Bill, it is necessary to make certain amendments in the constitution of India. As soon as the amendment is finalized, the Central Government the GST Bill will again be discussed even in this House for its introduction.

However, the discussion today is only for the amendment of the constitution and not about the GST. Therefore, I beg this House to pass this resolution unanimously for the economic development of India as well as our state. Thank you.

SPEAKER : We shall now call upon the Hon. Finance Minister, Pu Lalsawta to wind up the discussion and to beg the house to pass the resolution.

PU LALSAWTA, MINISTER: Thank you, Pu Speaker. I am very obliged to hear informative and interesting discussions from my fellow members. It is a fact that taxation is the main source of revenue of the state. The GST will be benefitted mainly by the consumer states while it is not that favourable for the manufacturing states. This is why producing states like Haryana, Punjab and Gujarat are not in favour of GST. The taxes collected from GST are meant for the state finance. The producing states keep pressing the central government for compensation as their share is reduced. However, this is not a subject for our as we do not have manufacturing unit in our state. I expect that in the next bill regarding GST, it will include not only indirect tax under GST but also the direct taxes.

The oppositions from the producing states are also valid arguments. It is correct that encouraging the consumers rather than manufacturing units may cause negative effects. In this regard, the government is also trying to give compensation to some states like Gujarat and some other states for five years. However, the main

objective of GST is to check price hike. Therefore, it seems to be an effective measure in this regard. Lastly, I am grateful to witness this historical moment of discussion on ratification of amendment of Indian Constitution for the introduction of GST Bill. I would also like to beg my fellow members to pass this resolution unanimously. Thus, Pu Speaker, ‘that this House ratifies the amendment of the Constitution of India falling within the purview of clauses (b) and (c) of the proviso to clause (2) of Article 368, proposed to be made by the Constitution (One Hundred Twenty-Second Amendment) Bill, 2014, as passed by both the Houses of Parliament.’ Thank you.

SPEAKER : The Hon. Finance Minister has now beg the House to pass the resolution, ‘That this House ratifies the amendment of the Constitution of India falling within the purview of clauses (b) and (c) of the proviso to clause (2) of Article 368, proposed to be made by the Constitution (One Hundred Twenty-Second Amendment) Bill, 2014, as passed by both the Houses of Parliament.’ Those who agree to pass the resolution may say, ‘Aye’ and those who oppose may say, ‘Nay.’

If there is no opposition, I hereby declare the said resolution passed.

PU LALSAWTA, MINISTER: Thank you, Pu Speaker.

SPEAKER : Let us now call upon Pu R. Lalzirliana, the Hon. Minister to beg leave of the House to introduce ‘The Mizoram Road Fund (Amendment) Bill, 2016.’

PU R. LALZIRLIANA, MINISTER: Pu Speaker, I beg leave of the House to introduce “The Mizoram Road Fund (Amendment) Bill, 2016.”

SPEAKER : If we agree, he may now introduce the bill.

PU R. LALZIRLIANA, MINISTER: Pu Speaker. The Road Fund Bill has been passed in this House in 2007 and the rules being prepared in 2010. However, it remains unimplemented; and, today I am introducing ‘The Mizoram Road Fund (Amendment) Bill, 2016.’

There are certain reasons for its amendment. Regarding the constitution of Road Fund Board, the then E-in-C who is Secretary to Government needs to be amended. We are also now having Aizawl Municipal Council which does not exist back in 2007-2010. This also made the amendment necessary.

The Road Fund Board will be assigned to look after the road fund grants received for road maintenance fees, fines and other collection. The necessary amendments have been approved by the Subordinate Committee on Legislation. The meeting of Mizoram Law Commission had also discussed the matter with the Principal Secretary of PWD which the Cabinet Committee, Council of Ministers had

also approved. The Law Department had also vetted the amendments.

In this amended form, Sub-Section 4 of Section 4, regarding the Board members is amended as below: -

The Principal Secretary,
 The Secretary, Commissioner, PWD,
 The Secretary, Law & Judicial Department,
 The Secretary, Transport Department,
 The Secretary, Land Revenue & Settlement Department,
 The Engineer in Chief, PWD,
 The Chief Executive Officer, AMC,
 The Chief Engineer (Building), PWD.

After Section 5 (k), clause (l) should be added stating ‘to approve core road network to be maintained.’ Clause 7 should also be added in sub-section 2 of Section 5 stating ‘recommending the core road network proposed by the road agencies for approval to the Board.’ Besides, ‘and any other funds collected by PWD’ should be added in Section 6, Sub Section 2, Clause 6(b). Four other collecting agents should be added in Section 8.

I beg the House to pass this amendment. Thank you.

SPEAKER : It is an amendment bill which requires not much discussion. You may ask if there are some points requiring clarification. Pu Thanliana.

PU LALTHANLIANA : Pu Speaker, the AMC is now a corporation and thus, it seems that it should be written Commissioner in place of Chief Executive Member.

SPEAKER : Er. Lalrinawma.

Er. LALRINAWMA : Pu Speaker, regarding the constitution of the Board, there are no representatives of four collecting agent in the Board while Secretary, Land Revenue & Settlement Department is included. Two members from Transport Department, i.e. the Secretary and the Director are also included. This exclusion of the four collecting agents seems questionable. I would like to kindly request clarification in this regard.

Pu Speaker, I would like to request, if possible, the explanation of “and any other funds collected by PWD’ and ‘the core road network’ which are found in the amendment.

SPEAKER : Is there any other?

Dr. K. BEICHHUA : Pu Speaker, firstly, I do hope that the roads could be improved with this amendment in comparison with the present condition.

Secondly, looking into the amendment relating to powers, duties and functions of the Board, if only it is implemented and carried out as per the act, I think we should not have a very poor conditioned roads in our state. Even if we made a very good amendment, it is a must that we should pay heed towards its implementation. If concrete actions are not taken, mere amendment is not enough.

Thirdly, looking into the grants availed from central government and other sources, it seems we are having sufficient grants for maintenance of roads. In order to improve our roads, what we lack is determination. I would like to stress the importance of determination and dedication with the increasing revenue that we are expecting for PWD.

Fourthly, I would like to express my expectation for better road condition as the number of collecting agents is also increased to eight. Thank you, Pu Speaker.

SPEAKER : Pu Lalruatkima.

PU LALRUATKIMA : Thank you, Pu Speaker. I opined that the Department and other implementing agencies should try harder for proper implementation. I also find doubtful that the collecting agencies are not included in the Board members while two persons are included from some departments.

Pu Speaker, the Subordinate Legislation Committee studied “The Mizoram Road Fund Rules, 2010” in 2015 under the chairmanship of Pu John Siamkunga and it is important to implement our Rules that are benefitting for the Govt. and the people. However, this Fund Board may look like it is just for the name’s sake for not having a separate establishment and for having only two sittings till today though it was to be after every three months. So, the leaders need to put more effort into implementing our Rules.

If we are to have this Road Fund Act, it is important to make its Rules at the earliest convenience and we need to make proper use of the road fund. The responsible Minister should also pay more attention and put more effort to the roads. The Rules also needs to be implemented on the roads of the southern and western parts so that we can make some progress. Therefore, the people will also be willing to pay the tax if the roads are well maintained and the funds are properly spent. Apart from this, the Departments and the Ministers should also put more effort in implementing this amended Act for the development of the state. Thank you.

DEPUTY SPEAKER: Pu Speaker, section 8 is amended and its section no. is 8 and so, the collecting agent is 7 and not 8. We had changed the body of AMC and Chief Executive Officer and maybe it was not changed when it was drafted. So, it

would be appreciated if it is regarded as a typing mistake and patent error.

SPEAKER : Pu R.L. Pianmawia.

PU R.L. PIANMAWIA : Pu Speaker, I do not think it is necessary to include CE (Building) as a member of the Road Fund Board and I believe that we could make more progress if the opposition leader and PLAM are included among the Board members.

PU JOSEPH LALHIMPUIA: I would like the Minister to know that as on the Amendment No. 8 of the Collecting agency, the Climate Change & Forests will be taking the forests royalty products and the Geology & Mining will be taking the mineral products. Here, there are some disputes on the mineral product, environment product and forest product; I request the minister to have a clarification on this matter. Thank you.

SPEAKER : I request the Minister to have a clarification and beg the House to pass his Bill.

PU R. LALZIRLIANA, MINISTER: Thank you, Pu Speaker. In reply to Pu R.L. Pianmawia's question, it is required to include CE, Building as a member for he is in charge of supervising roads within Aizawl. Also, in regard to the rules mentioned by the said member, rules will be made and will be followed consistently. I would also like to mention that the wording, 'eight collecting agent' is a typing mistake and AMC (Aizawl Municipal Council) is also to be changed to Corporation.

The collected fund mentioned by Er. Lalrinawma will be deposited to road fund as it is a problem to hand it to the PWD. Roads are becoming major necessities and it is necessary to have road funds since the state doesn't have much to contribute when road funds are not provided by the Central. In response to Pu Joseph Lalhimpuia regarding forest produce, minerals that are within reserve forests are all forest produced and those that are outside forest area are not regarded as forest production but are under Geology and Mineral resources.

Being a hilly state, Mizoram is quite dependent on road transport (**Er. LALRINAWMA:** Pu Speaker, we have not yet received the answers as to why the representatives of Home Department, Environment Department and Geology & Mining are not included while Land Revenue & Settlement Department is included). IGP and DGP are included in Home and we will be having Bairabi-Sairang railway track of 53 kms. Our air services are only Aizawl-Kolkata-Delhi via Guwahati and we

still have no water transport. So, road is our main dependency and it is our responsibility to take care of it. Though the Govt. is willing to have smooth roads, it cannot be properly maintained due to lack of finances and the state cannot provide enough funds to PWD. So, if this Road Fund Act and Rules are implemented, road funds will be available and there will be proper maintenance.

Though the state impose a rotation system to ease the traffic problem in Aizawl, new vehicles are registered everyday and that is why the Govt. released an order to park every vehicle in a convenient garages from 1st Oct for those that have no garage. Secondly, vehicle owners will be given 426 days to have their own garage. The Transport Department will also maintain a proper public transport and will take measures together with UD & PA, AMC and Police Department so that taxi stands are no longer needed. Every vehicle owners will own a garage by 1.12.2017 and this will save out time, gas etc. and it will also make our environment cleaner.

Lastly, we will not need private vehicles if taxis are available for booking at anytime and we can spend the vehicle expenses on other purposes. So, the Govt. is taking measures to strictly apply these rules.

PU K. SANGTHUAMA : Pu Speaker, can we really achieve the garage? The vehicles parked between Bawnkawn-Kulikawn are not wholly of the neighbors and the majority is of other localities. So, it would be appreciated to know what measure will be carried out.

PU R. LALZIRLIANA, MINISTER: Pu Speaker, the Govt. is willing to implement strict rules.....

PU LALRUATKIMA : Pu Speaker, according to our Rules 60, Chapter 12, and copy of the statement made by a Minister shall be forwarded to the Speaker one day in advance of the day on which it is proposed to be made. It is the on-going bill and we should proceed by the rules.

SPEAKER : We are discussing about Road Fund and he mentions it since it is relevant.

PU LALRUATKIMA : We have rules and the Rules of Procedure & Conduct of Business states that it shall be forwarded to the Speaker one day in

advance and I was wondering if he can take up the statement tomorrow.

PU R. LALZIRLIANA, MINISTER: Pu Speaker, I am not giving a statement but I was sharing information to the members about the upcoming measures.

Many people with and without vehicles now own garages and most of them occupy their ground floor for this. This is also a great way to earn an income.

PU K. SANGTHUAMA : Pu Speaker, when will the Cinema Hall be reconstructed for parking lot?

PU R. LALZIRLIANA, MINISTER: We are starting to dismantle the building and a tender is released for the design. A large number of vehicles will be accommodated inside for parking..... (**PU K. SANGTHUAMA:** If the design is ready, can it be arranged for 500 vehicles?) There are separate members to deal with this matter.

PU LALRUATKIMA : Pu Speaker, we should follow our rules, and with your permission, Pu Speaker, I would like to read chapter 12, Statement made by the Minister. "A statement may be made by a Minister on a matter of public importance with the consent of the Speaker but no question shall be asked at the time the statement is made provided that a copy of statement shall be..."

PU ROHLUNA, MINISTER: The House Leader had mentioned that it is not a statement.

PU LALRUATKIMA: Pu Speaker, it is clearly a statement and we should follow the rules. We still have tomorrow for this and though we respect him a lot, we should abide by the rules.

PU LALSAWTA, MINISTER: Pu Speaker, as a Law Minister, our House Leader did not make a statement but gave information on how to ease the traffic congestion. You have your power as a Speaker and I request you to exercise as you wish.

SPEAKER : I request the Home Minister to proceed with his discussion and beg the Amendment Bill to be passed.

PU R. LALZIRLIANA, MINISTER: Pu Speaker, a wide space is proposed for multiple parking but I could not give the exact capacity since it is not my demand. Pu Speaker, I beg the House to unanimously pass “The Mizoram Road Fund (Amendment) Bill, 2016”.

SPEAKER : The Minister has begged the House to pass the Amendment Bill and is there anyone who objects to pass? If not, the House has unanimously passed “The Mizoram Road Fund (Amendment) Bill, 2016”. (**PU R. LALZIRLIANA, MINISTER:** Thank you, Pu Speaker.)

We have finished our business for today and we will continue tomorrow at 10:30 am. Today’s sitting is adjourned.

(Sitting adjourned at 1:20 pm)

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

LIST OF BUSINESS

FOR SECOND SITTING ON WEDNESDAY, THE 31st AUGUST, 2016
(Time 10:30 A.M. to 1:00 P.M. and 2:00 P.M. to 4:00 P.M.)

LAYING OF PAPERS

1. **PU R. LALZIRLIANA**, Minister to lay on the Table of the House a copy of "The Twenty Fourth Annual Report 2014-2015 of Mizoram Public Service Commission."
2. **PU LALSAWTA**, Minister to lay on the Table of the House a copy each of the following :-
 - i) The Mizoram Entry Tax Rules, 2015.
 - ii) Report of the Comptroller and Auditor General of India on General, Social, Economic, Revenue and Economic (PSUs) Sectors for the year ended 31 March 2015.
 - iii) Annual Technical Inspection Report on Rural Local Bodies and Urban Local Body for the year ended 31 March 2015.
3. **PU N.K. CHAKMA**, Chairman to lay on the Table of the House a copy of Statement on Actions Taken by the Government against Committee on Public Undertakings further recommendations contained in the Fourth Report, 2016 relating to Zoram Industrial Development Corporation (ZIDCO) for the year 2007-2008 and 2008-2009 under Industries Department.

PRESENTATION OF REPORTS

4. **PU N.K. CHAKMA**, Chairman to present to the House the following Reports of Committee on Public Undertakings :-
 - i) Fifth Report on Action Taken by the Government on the Recommendations contained in the Second Report of Committee on Public Undertakings on the Report of C&AG of India for the year 2007-2008 relating to Zoram Industrial Development Corporation (ZIDCO) under Commerce and Industries Department.

- ii) Sixth Report on Action Taken by the Government on the Recommendations contained in the Third Report of Committee on Public Undertakings on the Report of C&AG of India for the year 2010-2011 relating Zoram Industrial Development Corporation (ZIDCO) under Commerce and Industries Department.

- 5. **ELECTIONS TO FINANCIAL COMMITTEES** to elect Members of the three Financial Committees

LEGISLATIVE BUSINESS

Bill for introduction, consideration and passing

- 6. **PU JOHN ROTLUANGLIANA**, Minister to beg leave of the House to introduce “The Mizoram Motor Vehicles Taxation (Amendment) Bill, 2016”.

ALSO

to introduce the Bill

to move that the Bill be taken into consideration

AND

to move that the Bill be passed.

NGURTHANZUALA
Secretary

....

SPEAKER : Be on your guard; stand firm in the faith; be courageous; be strong. Do everything in love.

1 Corinthians 16:13-14

I request the hon. Minister, Pu R. Lalzirliana to lay on the table of the House, a copy of “The Twenty Fourth Annual Report 2014-2015 of Mizoram Public Service Commission”.

PU R. LALZIRLIANA, MINISTER: Mr. Speaker, Sir, I lay on the Table of the House a copy of “The Twenty Fourth Annual Report 2014-2015 of Mizoram Public Service Commission”. Thank you Sir.

SPEAKER : Let the copy be distributed. I request the hon. Finance Minister, Pu Lasawta to lay the following Reports on the Table of the House:-

- i) The Mizoram Entry Tax Rules, 2015.
- ii) Report of the Comptroller and Auditor General of India on General, Social, Economic, Revenue and Economic (PSUs) Sectors for the year ended 31 March, 2015.
- iii) Annual Technical Inspection Report on Rural Local Bodies and Urban Local Body for the year ended 31 March, 2015.

PU LALSAWTA, MINISTER: Mr. Speaker, with the recommendation of His Excellency, the Governor of Mizoram and with your permission, Sir, I laid the following Reports in respect of the Govt. of Mizoram on the Table of this august House: -

- i) The Mizoram Entry Tax Rules, 2015.
- ii) Report of the Comptroller and Auditor General of India on General, Social, Economic, Revenue and Economic (PSUs) Sectors for the year ended 31 March, 2015.
- iii) Annual Technical Inspection Report on Rural Local Bodies and Urban Local Body for the year ended 31 March, 2015.

Thank you, Sir.

SPEAKER : Let the copy be distributed. I request the hon. Chairman, Pu N.K. Chakma to lay on the Table of the House, a copy of statement on

“Actions Taken by the Govt. against Committee on Public Undertakings further recommendations contained in the Fourth Report, 2016 relating to Zoram Industrial Development Corporation (ZIDCO) for the year 2007-2008 and 2008-2009 under Industries Department”

PU NIHAR KANTI CHAKMA: Mr. Speaker, Sir, with your permission, I lay on the Table of the House a copy of statement on “Actions Taken by the Govt. against Committee on Public Undertakings further recommendations contained in the Fourth Report, 2016 relating to Zoram Industrial Development Corporation (ZIDCO) for the year 2007-2008 and 2008-2009 under Industries Department”. Thank you.

SPEAKER : Let the copy be distributed. I request the hon. Chairman, Pu N.K. Chakma to present to the House the following Reports of Committee on Public Undertakings:-

- i) Fifth Report on Action Taken by the Government on the Recommendations contained in the Second Report of Committee on Public Undertakings on the Report of C&AG of India for the year 2007-2008 relating to Zoram Industrial Development Corporation (ZIDCO) under Commerce and Industries Department.
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- ii) Sixth Report on Action Taken by the Government on the Recommendations contained in the Third Report of Committee on Public Undertakings on the Report of C&AG of India for the year 2010-2011 relating Zoram Industrial Development Corporation (ZIDCO) under Commerce and Industries Department

PU NIHAR KANTI CHAKMA : Thank you Pu Speaker. With your permission and of the House, I hereby present to the House: -

- i) Fifth Report on Action Taken by the Government on the Recommendations contained in the Second Report of Committee on Public Undertakings on the Report of C&AG of India for the year 2007-2008 relating to Zoram Industrial Development Corporation (ZIDCO) under Commerce and Industries Department.
- ii) Sixth Report on Action Taken by the Government on the Recommendations contained in the Third Report of Committee on Public Undertakings on the Report of C&AG of India for the year 2010-2011 relating Zoram Industrial Development Corporation (ZIDCO) under Commerce and Industries Department.
- ii) Sixth Report on Action Taken by the Government on the Recommendations contained in the Third Report of Committee on Public Undertakings on the Report of C&AG of India for the year 2010-2011 relating Zoram Industrial Development Corporation (ZIDCO) under Commerce and Industries Department

Thank you, Sir.

SPEAKER : Let the copy be distributed. We can proceed to the next business. A motion was moved yesterday for the election of 3 Financial Committee in which not more than 7 nominations being filed for each committee. The elected members are as follows: -

Public Accounts Committee- Pu Nihar Kanti Chakma MLA, Pu T. Sangkunga MLA, Pu Lalthanliana MLA, Dr. Ngurdingliana MLA, Dr. K. Beichhua MLA, Pu R. Vanlalvena MLA and Pu Lalruatkima MLA.

Committee on Estimates- Pu J.H. Rothuama MLA, Pu P.C. Zoram Sangliana MLA, Pu K. Sangthuama MLA, Pu Lalrobiaka MLA, Pu John Siamkunga MLA, Pu Chalrosanga Ralte MLA, and Er. Lalrinawma MLA.

Committee on Public Undertakings- Pu Lalrinliana Sailo MLA, Pu R.L. Pianmawia MLA, Pu Vanlalzawma MLA, Pu S. Laldingliana MLA, Pi Vanlalawmpuii Chawngthu MLA.

The Speaker will make an appointment for the Chairman. We will proceed to Legislative Business and I request Pu John Rotluangliana to beg the House to introduce “The Mizoram Motor Vehicles Taxation (Amendment) Bill, 2016”.

PU JOHN ROTLUANGLIANA, MINISTER: Pu Speaker, I beg leave of the House to introduce “The Mizoram Motor Vehicles Taxation (Amendment) Bill, 2016”.

SPEAKER : Let it be introduced and moved for discussion.

PU JOHN ROTLUANGLIANA, MINISTER: Pu Speaker, I hereby introduce “The Mizoram Motor Vehicles Taxation (Amendment) Bill, 2016” in this august House. The reason for its introduction is because the Ordinance that we make is valid for only 6 months and it should be introduced before the end of the 6th month.

“The Mizoram Vehicles Taxation (Amendment) Bill, 2015” was introduced and passed on July, 2015 and “The Mizoram Motor Vehicles Taxation (Amendment) Act, 2015 was implemented on 8th Feb, 2016. This Bill fixed the tax at 6% of the cost with a compulsory payment of lifetime (15 years) payment but the payment was changed to 1st, 2nd and 3rd installment on the request of the Commercial Vehicle Joint Action Committee. So, “The Mizoram Motor Vehicles Taxation (Amendment) Ordinance, 2016 was released on Official Gazette and this Ordinance was implemented from July, 2016. Since this Ordinance is valid for only 6 months and should be made into a Bill, I, hereby introduce “The Mizoram Motor Vehicles Taxation (Amendment) Bill, 2016” to be passed by the House. Thank you.

SPEAKER : This Bill was passed by the House but some slight changes are made and so the time is available for questions and clarifications.

PU K. SANGTHUAMA : Pu Speaker, it would be appreciated if a time is open for discussion as we still have the time.

SPEAKER : Do we all agree? Each member will be given 10 minutes.

PU K. SANGTHUAMA : Thank you, Pu Speaker. I do not agree with the

lump sum payment of tax for 15 years as there will hardly be any person who could own a well functioned 15 years old vehicle. Besides taxis, it would be impressive to include all vehicles including Govt. vehicles on the rotation system to reduce traffic congestion.

All the private vehicles still need to pay taxes for the next 15 years even though we will not be using the same vehicle for 15 years. Pu Speaker, 15 years is a lot and even if the year is not reduced, it would be appreciated if the taxes are paid in installment. Thank you.

SPEAKER : Dr. K. Beichhua.

Dr. K. BEICHHUA : It is impressive that the Hon. Minister presented “The Mizoram Motor Vehicles Taxation (Amendment) Bill, 2016”. I did not agree when it was passed in 2015 and I still do not agree to it.

The Minister had mentioned the reason of this amendment but this 15 years Lifetime tax is not even in accordant with our roads. Ordinance will last from 21.7.2016 to 20.1.2017 and it is unnecessary to call an emergency session if this is the case.

Pu Speaker, the word ‘operating’ and ‘Amendment of section 4(a)’ are absent on the Principle Act and it would be appreciated if an explanation is given. Thank you, Pu Speaker.

SPEAKER : Er. Lalrinawma.

Er. LALRINAWMA : Thank you, Pu Speaker. It is impressive that an amendment is to be made but this Lifetime tax is quite a problem. 6% is requested for one time tax (15 years), 4.2% for two time tax (10 years) and 2.2% for three time tax (5 years) and here, the tax percent has increased to 6.6% on the three time tax (15 years). So, it seems that advantages are taken to increase the tax on this installment process.

Apart from this, replacements will be done after 10 years and yet we charge taxes for 15 years. So, it seems that we are taking the 5 years tax in advance and this seems inappropriate. it would also be impressive to include each and every vehicle on

the rotation system and not only taxis. Anyway, since this Bill will lift the burden of the people, I agree it to be passed and would be appreciated if the lifetime tax is collected equally. Thank you.

SPEAKER : Pu Lalthanliana.

PU LALTHANLIANA : Thank you, Pu Speaker. In regard to replacement, there are many who paid a lump sum of lifetime tax (15 years) and since the replacement is for 10 years and above, will the amount paid be refunded?

As mentioned by the previous member, some of the vehicle owners are made to pay the lifetime tax within 5/10/15 years while some are within 3/4 months and some within 1 year. So, it would be appreciated if this tax is collected equally and I support this Bill. Thank you.

SPEAKER : Pu Lalruatkima.

PU LALRUATKIMA : Thank you, Pu Speaker. It is impressive that “The Mizoram Motor Vehicle Taxation (Amendment) Bill, 2016” is presented. However, it would be appreciated if our rules are discussed without ordinance.

This Lifetime Tax of 15 years needs to be amended and the mode of lifetime tax payment as well as the replacement should also be implemented equally since it creates a burden to the owners. We once lack HSRP (High Security Registration Plate) for two months and we need to put more efforts here since it is now illegal to obtain registration plate from private firm. I support this Amendment Bill though it is slightly flawed. Thank you.

PU K. LALRINTHANGA : Pu Speaker, this tax is necessary even though some members disagree to it. Mizoram is a hilly state and the roads are not lasting due to incompact soils. The Govt. has no budget for repairing the roads and the funds are often provided by the Central which usually takes time. So, paying of this tax is necessary if a person owns a vehicle.

I would also like to mention that pickup vehicles cannot be registered as private cars and it would be appreciated if this is given a concern. Private and public vehicles are not the same and there will be no means of transport for the villagers if

Maxi cabs follow the rotation system like taxis do.

We should keep in mind that not every car is driven everyday unlike taxi which is a source of income for some people. I would also like to mention that a vehicle may last for 15 years if it is taken good care of it. Thank you.

PU T.T. ZOTHANSANGA: Pu Speaker, Dr. K. Beichhua finds it necessary to call an emergency session but I assume that the session was called yesterday due to the amendment of the Indian Constitution and we laid the ordinance today because of the convenient time. This session is not called for today's issue. Pu K. Sangthuama, being the former Transport Minister has prefer the taxi owners a lot and as published on the Zozam newspaper, 3600 Nos. taxi permits were issued in 2004 and 400 Nos. in 2005.

Commercial and private vehicles are not the same and ordinance also happens a lot in the Central and the Parliament. In regard to replacements, buses should be replaced with a new one but not with old. We should keep in mind that Seling, Saitual, Thingsulthliah etc. are all under DTO Aizawl and they all use MZ-01 registration. So, we need to cover such places and I would also like to mention that Vehicle Act cannot be applied equally. Thank you.

SPEAKER : Col. Z.S. Zuala.

Lt. Col. Z.S. ZUALA : Thank you, Pu Speaker. It seems that we are not encouraging ourselves to pay taxes as some members disagree with increasing the tax. Replacement is quite necessary because a well functioned vehicle is needed for public transport. The members, being the public leaders should also take part on the rotation system and set example to the people. This system should also be applied to private vehicles. Thank you.

PU P.C. ZORAM SANGLIANA: Pu Speaker, it is important to keep in mind that the session was called since the validity of the ordinance is about to end and when ordinance is released, it is compulsory to present it at the House on the 1st session. It is impressive that the Transport Minister had introduced this Bill though our opinions may differ.

Pu Speaker, I appreciate the idea of our Minister on reducing traffic

congestion despite increasing motor vehicles and I support this Bill to be passed. Thank you, Sir.

PU VANLALZAWMA : Thank you, Pu Speaker. It is impressive that the Bill is to be amended. However, I was wondering if the mode of Lifetime tax payment could be equal among all commercial and private vehicles. We released an ordinance and I do not understand why we are in a hurry; I find it unnecessary to do it in between the sessions.

Aizawl Taxi Owners Union disagrees with the Lifetime Tax and it would be appreciated to know how the discussion ends. However, there are also some people who are content in the mode of payment. Vehicle insurance is a problem as it is needed every year and it would be impressive if the vehicles could be insured for 5 years in advance. Motor vehicles are increasing everyday and this also connects with Pollution Control. Thank you.

SPEAKER : I request the Minister to wind up the discussion and beg the House to pass the Bill.

PU JOHN ROTLUANGLIANA, MINISTER: Thank you, Pu Speaker. Ordinance is made legally and this does not belittle the members. The mode of payment of Lifetime tax is changed on the request of the Commercial Vehicle Joint Action Committee and the ordinance is made since it is needed to be applied as early as possible.

The 15 years Lifetime Tax cannot be amended as it instruction of the Central and the mode of payment therefore is amended. There is no final decision for replacement and the STA are currently making a decision. The rotation system is not applied by our Department but by the Traffic Management Committee under the Chairmanship of the Hon. Home Minister and we have no responsibility on this matter.

Pu Speaker, we own vehicles for different reasons where commercial vehicles are for a source of income and private vehicles are for making everyday life easier. So, the mode of payment cannot be applied equally and our today's issue includes commercial vehicles like auto-rickshaw, taxi, maxi cab and not trucks and buses. In response to Pu Rintluanga, a pickup vehicle is a commercial vehicle and so a private

registration cannot be applied for it.

As mentioned by Pu T.T. Zothansanga, Seling, Saitual, Thingsulthliah, Lengpui etc. are under DTO Aizawl and taxi vehicles are registered as MZ-01. So, to make things clear, we released an order to stick their respective town names on their vehicles like Saitual Taxi, Lengpui Taxi etc.

In response to Pu Zawma, Aizawl Taxi Owners Union is a new association and we recognize it only after we received their letter before our session. The issue of smokes from old vehicles is the purview of the Pollution Control and it is not included in our Bill.

In response to Dr. K. Beichhua regarding Principle Act, there is a slight mistake on the copy and our main Act is 2nd Edition, 2011. So, we have the 2015 Amendment Book and it can be given to the members after this session.....
(Interruption)

Dr. K. BEICHHUA : Pu Speaker, Point of Order. Can you assure that 'Opening', 'Schedule 3', 'Section 4A' do exist? (**MINISTER:** Yes) If not, it seems more like reconstruction rather than Amendment, Pu Speaker.

PU JOHN ROTLUANGLIANA, MINISTER: The missing 4A of the Principle Act is at the Amendment 2015, Page 3. It is a mistake and will be cleared when the copies are distributed.

PU LALRUATKIMA : Pu Speaker, It is a big mistake as it can misguide us. So, it would be appreciated if this does not happen again.

PU R. ROMAWIA, MINISTER: This Bill was passed in 2015 and I am sure we still have our own copy at home. We don't need to be alarmed and we need an understanding to each other for it seems like we are not familiar with the Bills that we had passed.

PU JOHN ROTLUANGLIANA, MINISTER: Pu Speaker, it was a mistake and we can provide the Amendment, 2015 after this session. In regard to Tax collection, TDC meeting (Transport Development Council) is a meeting among the Ministers of all the States and the Bill passed by this meeting is to be implemented instantly at

every state where buses and trucks are excluded.

In response to Pu K. Sangthuama, it is not necessary to pay for 15 years if the vehicle is damaged on the 10th year and the mode of payment here will be for 5 years and then another 5 years. If the vehicle is 2 years old and no Lifetime Tax and installment are paid, the owner has to pay for 3 years and then 5 years and then another 5 years if it is still in service. Likewise, if the vehicle is 7 years old, the mode of payment will be 3 years for the 2nd installment and then again 5 years for the last installment.

Our Ordinance is valid for only 6 months and I present it by a Bill since a session is currently held. Therefore, I beg leave of the House to pass “The Mizoram Motor Vehicles taxation (Amendment) Bill, 2016”

SPEAKER : Is there anyone who objects it? If so, the House has unanimously passed “The Mizoram Motor Vehicles Taxation (Amendment) Bill, 2016”

PU JOHN ROTLUANGLIANA, MINISTER: Thank you, Pu Speaker.

SPEAKER : This session is of the 7th Assembly, 10th session and an emergency session is called for the state needs to agree the Indian Constitution Amendment regarding GST. We have no time for Question & Answer since it is an emergency session. The Business Advisory Committee prepared a programme on 24.8.2016 which will be of two days.

The following are the business of this Session: -

1 Official Resolution was adopted, 2 Bills of the Transport Department and PWD were passed; 7 papers were laid on the Table of the House; 4 Reports were presented.

New Members were elected since the terms of the Election of the three Financial Committees such as PAC, Estimate Committee and COPU had ended.

I would like to mention that 37 Bills were passed during this 7th Assembly and the Assembly Secretary can be consulted anytime on the Govt. Bills and Rules which will be laid for discussion at the House. **(Dr. K. BEICHHUA:** I believe you have

granted me a Special mention regarding Pu L.C. Lalromawia who died in Lunglei prison) You are not granted; I would have given you permission if I did. The House should remember that a Special Mention and Zero Hour should be of recent occurrence that is before the matters become publicly known. The Special mention you had requested was of the 20th and 10 days had passed. So, we need your understanding. We have now finished our Session.

*(The House is adjourned **Sine die** at 12:15 pm)*