

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

LIST OF BUSINESS

FOR FIRST SITTING ON TUESDAY, THE 19th NOVEMBER, 2019
(Time 10:30 A.M. to 1:00 P.M. and 2:00 P.M. to 4:00 P.M.)

OBITUARY

1. **PU ZORAMTHANGA**, hon. Chief Minister to make Obituary reference on the demise of Pu Thankima, former Member of Mizoram Legislative Assembly.

QUESTIONS

2. **Questions** entered in separate list to be asked and oral answers given.

ANNOUNCEMENT

3. **THE SPEAKER** to announce Panel of Chairmen.

LAYING OF PAPERS

4. **Dr. K. PACHHUNGA**, to lay on the Table of the House a copy of Statement of Action Taken on the further recommendation 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.
5. **Dr. ZR. THIAM SANGA**, to lay on the Table of the House a copy Statement of Actions 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.

PRESENTATION OF REPORTS

6. **THE SPEAKER** to present to the House the Third Report of Business Advisory Committee.
7. **PU LALDUHOMA** to present 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 and 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.
8. **Dr. ZR. THIAMSSANGA** to present to the House the Fourth Report on Actions Taken by the Government on the Recommendations contained in the Second Report of Subject Committee-III of the Eighth Legislative Assembly of Mizoram relating to National Mission on Oilseeds & Oil Palm under Agriculture Department.
9. **PU RAMTHANMAWIA** to present 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.

OFFICIAL RESOLUTION

10. **Dr. K. BEICHHUA**, Minister to move 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 sodecides,”

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 underclause (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, theAct was made applicable in the State of Mizoram by an official resolution passed by the Legislative Assembly of Mizoram in its session on 29.10.2019 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 stakeholder 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 sensitizationand 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 ₹ 10 lakh 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 Right Act), 2006 stands revoked”.

11. **Dr. R. LALTHANGLIANA**, Minister to beg leave of the House to introduce “The Mizoram Anatomy (Amendment) Bill, 2019”.

ALSO
to introduce the Bill
to move that the Bill be taken into consideration
AND
to move that the Bill be passed.

S.R. ZOKHUMA
Commissioner &
Secretary

....

SPEAKER : *‘Where there is strife, there is pride, but wisdom is found in those who take advice’.*

Proverbs 13:10

Hon. Members, as we meet today after an interval of two months, it is a sad duty to inform the House of the demise of Pu Thankima, the former Member of this House. I now call upon the hon. House Leader to have his time.

PU ZORAMTHANGA, MINISTER: Thank you, Pu Speaker for the opportunity. Pu Thankima passed away on the 5th October, 2019 (Saturday) at 9:45 AM due to cancer.

Pu Thankima was the eldest son out of 9 children of Pu Thanchuailova ‘L’ and Pi Rotuahi ‘L’. He was born at Sialsuk on 15.3.1930. He married Pi Kawlchhunthangi on 15.12.1958; they had 3 sons and 10 grandchildren.

He completed his Lower class from Sialsuk in 1942, Class-IX from Mizo High School, Aizawl and his matriculation from Bengali High School, Imphal in 1952. From 1953 to 1954, he served as a teacher at Kawnpui Middle School. He joined the Indian Navy on 28th June, 1954. When he returned to Mizoram for a short holiday, he decided to give up his valuable service and joined the volunteers of Mizo National Front (MNF). He had served in the MNF underground as a Supply Minister for a certain period till the attainment of peace settlement.

In by-election for the seat vacated by the late leader, Pu Ladenga in the first election of the Mizoram State Legislative Assembly, he was elected from Sateek constituency and sworn in as a member on 29th April, 1987, he then served as Chairman of Apex Bank from 15th May, 1987 to 8th October, 1988.

Though weakened by old age, Pu Thankima had never been in a condition to be admitted in hospital. However, he started to have a problem of breathing with mild sickness since 3rd September and the condition compelled him to get admitted in Aizawl hospital where he was diagnosed with pneumonia. He was then taken care at ICU as cancer was found from the blood sample of his lungs. His condition deteriorated since then and succumb to his illness on the 5th October, 2019 at 9:45 AM.

Pu Thankima was a quiet person in nature and easy to be around with him. His demise is a great loss for this House as well as his family and friends. He contributes a lot and had so many worth-mentioning experiences during his service as the Indian Navy. Even in his 90s, he was strong and healthy considering his age.

Pu Speaker, I am deeply touched by the need to observe this kind of obituary. Last year, we observed the same for the late members Pu Chawngzuala and Pu S. Laldingiana, and for Pu R. Lalawia, in the beginning of this year.

Our Senior members had left us one by one as so now, Pu Thankima. The majority of today's members may not know the hardships we had experienced as underground. Today, I am deeply touched by the demise of a member who have had such experiences. I pray that God be with the family he had left behind. Thank you.

PU TAWNLUIA, DEPUTY CHIEF MINISTER: Pu Speaker, I, at the outset would like to mention that I was not able to attend the session for a long time due to cancer and that I am now healed through your prayers. I am deeply grateful for consideration of the House for my leave of absent and I thank God for his blessings.

Today, it is unfortunate that we are compel to observe obituary for the late Member, Pu Thankima.

During the period of MNF as underground, our CM, Pu Thankima and myself were assigned to back up our late leader, Pu Ladenga and I feel isolated with his demise. He was gentle, polite and always bear true mizo personality. He served in the Indian Navy for 10 years and had enough travel experiences. We had once accompanied Pu Laldenga on his meeting with the Indian delegates at Delhi in the wake of the demise of Pi Indira Gandhi. I am pointing out this to indicate the congeniality of Pu Laldenga as he surprised us by furtively arranging the opportunity to meet with our respective wives at Delhi. It was indeed a favourable surprise for the two of us.

Pu Thankima served as a treasurer of MNF party for a long time. I am happy for him that he had even been elected as a member and even claimed MLA pension grant. As i visited him at the hospital in his last hours as he was so weak to recognize me and I am deeply saddened by his demise when I was on medical check-up at New Delhi.

Today, we deeply mourn the loss of a friend and colleague, and at the same time, I express my condolence to the family he had left behind. I pray that God be with them in this time of trial. Thank you.

SPEAKER : Let me remind the members that we still have Questions and Answers to be taken up. Now, I call upon Pu Lalduhoma to have his time.

PU LALDUHOMA : Pu Speaker, Pu Thankima was a man who had given all efforts for the achievement of peace in Mizoram. As stated earlier, he was always around the late Pu Laldenga and served as his main aid. Though quiet in nature, I have known him from our meetings and dinners that he was a man of truth, polite and never hurt the sentiments of others.

I am deeply touched by his demise. At the same time, I express my condolence to the family he had left behind and pray that God be with them in this time of trial. Thank you.

SPEAKER : Now, let us all stand up and observe one-minute silence as a mark of respect.

(One-minute silence is observed by the House)

We will now take up Questions & Answers. Starred Question No. 1 and Pu Lalduhoma will ask.

PU LALDUHOMA : Will the hon. Minister for PWD be pleased to state: -

- a) Who is the contractor for blacktopping of Thenzawl - Zote road, his name and address?
- b) Estimate amount of the work and percentage of its physical and financial achievement?
- c) Time target for its completion?

SPEAKER : The hon. Chief Minister to give the answer.

PU ZORAMTHANGA, CHIEF MINISTER: Pu Speaker, my answer is: -

- a) Nayat Infrastructure Pvt. Ltd., Guwahati;
- b) ₹1,204.25 lakh; 100% of the work is completed, thus, 100% achievement.

PU LALDUHOMA : Pu Speaker, I had made a request in the previous session for inclusion of by-pass road of Thenzawl to Tualvungi Veng on which assurance had been made by the hon. Chief Minister. However, the work has not been initiated till today. I have no idea if this is responsibility of the department to pursue the assurance. It will be much appreciated if it is included this time since assurance had already been made to do so.

PU C. LALSAWIVUNGA: Pu Speaker, we have just passed a resolution appreciating performance of the government on improvement of road. While this is

the case, Pu Speaker, some roads have now again damages during this short period of time on which I expect the hon. Chief Minister to explain the reason. I would also like to ask as a supplementary if concerned contractors may be urged to expedite improvement of roads such as Champhai – Tuipui and Keitum – Tuipui for it is difficult for the concerned people to take this condition for granted. Also, may widening of Biate – Tuipui road be done for the safety of heavy loaded trucks plying on this narrow road? Thank you.

SPEAKER : I call the hon. Chief Minister to answer those questions as far as possible.

PU ZORAMTHANGA, CHIEF MINISTER : Pu Speaker, I think it is necessary to give more explanations regarding Thenzawl - Zote road. It is of 8th phase of PMGSY scheme being tendered in 2013. The work is of cell-filled concrete pavement (CFC) which has already been completed in 2018. The granular sub-base is 125 mm in thickness and the cell-filled concrete is 3.75 width and 100 mm in thickness. As of the road mentioned by Pu Duhoma, it is only of 1km and 145 lakh is estimated for the work. As already stated, there is barely a time to pursue the work within this short period since dry season. We have yet to decide if it is done by funding system or the fund expected through bamboo link road. We are now examining our budget status and the work will done as mentioned.

Regarding short-termed roads as claimed by Pu Sawivunga, there might have been a scratch in some portions but not on entirely. It is known to us all that we hardly had time and money to make an ideal performance within a short interval. What have been done so far were of patching works mostly done by means of road roller which the department have only a few. As we propose to purchase more road rollers for the work, the election code of conduct restricted us to proceed till the month of May. 20 Nos, road rollers somehow arrived by June but nothing much of patching work could be done in such a limited time.

As of Champhai - Keitum via Tuipui road mentioned by Pu Sawivunga, some portions are of BRTF but we may also take up as necessary. Likewise, widening may also be taken up as per fund availability. Thank you.

SPEAKER : Starred Question No. 2 and Pu Zodintluanga Ralte to ask.

PU ZODINTLUANGA RALTE: May the hon. Home Minister be pleased to state-

The boundary of Mizoram as per officially declared by the Govt. of Mizoram?

SPEAKER : Hon. Home Minister to give the answer.

PU LALCHAMLIANA, MINISTER: Pu Speaker, my answer to the Question of Pu Zodintluanga Ralte, Starred Question No. 2 is: -

The boundary of Mizoram with that of Assam, Tripura, Manipur, Myanmar and Bangladesh notified in the Inner Line Notification, 20th August, 1875 which had been made on the basis of Bengal Frontier Regulation, 1873 is accepted as the boundary of Mizoram with that of Assam.

SPEAKER : Supplementary Question from Pu Zodintluanga Ralte.

PU ZODINTLUANGA RALTE : Pu Speaker, I appreciate efficiency of the hon. Minister for being able to furnish a specific and timely answer to the question on our boundary with Assam which had been placed in June's Session. For we now had cleared-off our boundary dispute with Assam, I would like to know the step which has been taken so far by the government for preservation of our boundary.

Secondly, the statement of the hon. Chief Minister on the 22nd July at *Hnam Run* which indicate the strategy recently laid down by the government for resolving our boundary dispute is not a matter to be publicized; Pu Speaker, this statement put the people in panic. So, in order to normalise the situation, may the hon. Home Minister publicize in the House the said strategy mentioned by the hon. Chief Minister?

SPEAKER : Next is hon. Member, Pu Lalrinsanga Ralte.

PU LALRINSANGA RALTE: Pu Speaker, it is truly appreciative that the hon. Home Minister and an able Ministry has now resolved our boundary dispute. Relating to this, I would like to know if there was any finding or case being resolved under the Boundary Commission set up in the previous Ministry? We now have a specific boundary line which need to be taken care in the future. Thus, I would like to point out that there is a convenient location for settlement of border security force at Vairengte's boundary in case the government have in mind to do so. May I ask if there is any proposal to place IR Battalion to protect our boundary?

SPEAKER : Hon. Member, Pu Vanlaltanpuia is next.

Dr. VANLALTANPUIA : It is learned from the news that Indo-Tibetan Border Police (ITBP) and BSF are allegedly operating in the Mizoram-Assam border area. Is this a fact?

SPEAKER : So far, we have taken 3 Supplementary questions which is enough. I now call up the hon. Home Minister to give the answer as far as possible.

PU LALCHAMLIANA, MINISTER: Thank you, Pu Speaker. Firstly, to answer the question of Pu Zodintluanga, as soon as a new Ministry came into being, it is a must to reconstitute Crore Committee which had been set up in the previous Ministry to deal with any case relating to the boundary issue. We have collected documents relating to the issue so that we are able to maintain the same stance in any of the discussion with the central or Assam Govt. which may be taken placed. In my opinion, this is not a matter to be taken up single-handedly but necessary to pursue in coordination with various political parties and NGO's to discuss as to how to proceed with it.

As of a request to publicize a matter which is stated by the hon. Chief Minister unethical, I opine it is unbecoming to insist on.

PU ZODINTLUANGA RALTE : If there is a specific strategy laid down by the government as claimed, why is the need for the hon. Home Minister to keep on fussing with the issue, Pu Speaker?

PU LALCHAMLIANA, MINISTER: Pu Speaker, it is because there are few problems which need to be cleared still. As of the point raised by Pu Lalrinsanga, if I have not mistaken, the Boundary Commission had not been set up actually, yet, the Boundary Committee for setting up the commission. The Fact-Finding Committee had also been set up during UT era with the case being examined under the guidance of the late Rev. Zairema and Pu B. Punte.

PU LALRINSANGA RALTE : Interruption, Pu Speaker. If I have not mistaken, Pu Chawngkunga was the chairman either of the Boundary Commission or the Boundary Committee during the Congress Ministry.

PU LALCHAMLIANA, MINISTER: Pu Speaker, since it is not the state government's jurisdiction to set up the Boundary Commission, I think it was the Boundary Committee; I believe the said committee had not even submitted its report to the government. Anyway, in 2007, under the leadership of Pu Zoramthanga, the hon. Chief Minister, All-Party Meeting had also made a proposal for constituting the Boundary Commission to approach the central for boundary demarcation on the basis of 1875 notification. However, there was no further action being taken due to dual opinion on the issue. Also, there was a demand of Joint Action Committee being submitted to the central in 2018 with the undersigned of Pu F. Ngurbiakvela. This

much is i can say in this regard.

As stated by Dr. Vanlaltanpuia, I too have come across the news report of ITBP and BSF as being operated in the boundary area. So, instruction is given to our police for investigation on immediate case. As per the finding, the said forces had been detailed on duty in the area of Hailakandi only to maintain law & order situation within Assam during the declaration of NRC. So, I believe it is a misinformation.

SPEAKER : The boundary is generally an important issue every time a new ministry came into being and it has always been one of the most discussed issues in the House. Let us hope this problem is vanished when border roads to Myanmar and Bangladesh are achieved. Now, Dr. ZR Thiamsanga to ask Starred Question No. 3.

Dr. ZR. THIAM SANGA : Thank you, Pu Speaker. May the hon. Minister of P & E be pleased to state: -

- a) We have often faced power failure in the main line to Champhai District through 132 kV of Saitual. On such occasion, we receive through alternative line of Lungdar-Khawzawl-Champhai via Bukpui of 33 kV. May the alternative powerline we received may be upgraded to 132 kV level?
- b) Is there initiative on solar energy so as to alleviate our shortage in power supply?

SPEAKER : Now, Pu R. Lalzirliana, hon. Minister to give the answer.

PU R. LALZIRLIANA, MINISTER: Pu Speaker, the answer is as follows:

- a) Initiative has been made for improvement of power supply to Champhai District and the work is now in progress.
- b) Yes.

PU C. LALSAWIVUNGA : Pu Lalsawivunga, hon. Member to ask supplementary question.

PU C. LALSAWIVUNGA : It is a fact that insufficiency on power supply is intensive in our state. Yet, we hardly have a project which is worth-mentioning whereas some minor hydel projects which had been initiated were abandoned. My questions in this connection are –

- i) When will Tlawhva Mini-hydel project be commissioned?
- ii) If there is any plan to put more of grid connected root clubbed solar plants of 100 kW, 50 kW and 35.55 kW?

iii) Is there any plan for major solar project in our state and if there is initiative being made?

SPEAKER : Another Supplementary from Dr. ZR Thiamsanga.

Dr. ZR. THIAMSANGA : Pu Speaker, Champhai district is so far improving in power supply; yet, our main shortcoming is old insulator which remain in used for Saitual - Khawzawl line. Another problem is private owned teak plantation which covers a wide range across the line obstructed improvement works of the department. So, I think it takes cooperation of owners of such plantations to resolve the problem. It is appreciative that PHE has come a long way on solar project as we now have achieved numbers of solar generated pumping system. Likewise, construction of 20 mW of Vankal project also is now in full swing; I thank the government for such initiatives. Thank you.

SPEAKER : The hon. Member Pu BD Chakma.

PU B.D. CHAKMA : Pu Speaker, my Supplementary Question is – Power supply in the area of Tuichawng valley so far is good. Yet, no improvement is seen in Theka valley on which I have to ask the government if measure may be taken in this regard.

PU R. LALZIRLIANA, MINISTER: Pu Speaker, in reply to the question of Pu ZR Thiamsanga, I have to state that insufficiency of power supply and frequent load shedding in our state is known to all. And, in order to improve the system, there are various obstructions for the workers as stated by Pu Thiamsanga such as private plantations of teak and betel nuts etc. along the lines.

Regarding a substitute for 132 kV to Champhai District through Bukpui-Lungdar-Khawzawl, 32 kV is given for we could not afford 132 kV as demanded. As of now, estimate amount of 795.76 lakh for 132 kV has been initiated for replacement of 32 kV line. The approved sanction of 231 lakh had already been allotted under SEDP for the year 2018-19 whereas 562.25 lakh has also been provided through SEDP for the year 2019-20. As of the progress of work, 53% is completed and is scheduled for completion by 2020. Despite few problems evolves in the process, all possible efforts are given so that it is completed within the stipulated time.

As of the question on Tlawva hydel project from Pu Sawivunga, it is regretted that the project could not be completed on time due to various problems; yet, intensive effort is being given so that it is completed by 2020.

Regarding roof-top solar generating, effective step could not be maintained

since it is centrally funded. Yet, there is a plan for roof-top power supply targeting 500 kW which may be started by 2020. As of Vankal project of 20 mW, the work is in full swing so that it is completed by 2020. Sanction of 21.07 crore has already been received and DPR for internal project is now ready.

Zoram Energy Development Agency (ZEDA) is now working on 2 mW of Tlungvel at the cost of 14 crore and pressure has been made so that it is completed within 2019.

Regarding the question raised by Pu BD Chakma, it is often targeted by the department to take up Tlabung and other areas but could not be proceed due to road damaged in rainy season; yet, the project is noted for immediate action.

None has asked regarding power supply for Aizawl and the surrounding villages, yet, it may be noted by the House that intensive effort is given by the department for upgrading distribution transformers, repair and replacement of damaged parts and for village/town extension. We have now installed at least 4 Nos. at Zuangtui which is of a reasonable strength for the area covering.

Knowing the importance of power supply, the hon. Chief Minister has fulfilled our demand for allotment of fund from SEDP out of which transformer of 132 kV and 12.5 mW had been purchased and for distribution transformer of 11.433 kV being processed. Apart from this, Finance Deptt. has approved sanction for purchase of another transformer of 12.5 kV which may be installed without calling tender. As per the request of a fellow Member for improvement of power supply in his constituency, file has been initiated for purchase of 6 Nos. of 500 kV. Likewise, there is a plan for purchase of 16 Nos. of 250 kVA, 25 Nos. of 100 kV, 30 Nos. kVA and 30 Nos. of 25 kVA at the same time; this is never happened in the history of the Govt. of Mizoram.

For all the above, and on behalf of my department, I express my appreciation to the hon. Chief Minister for his cooperation. Thank you.

SPEAKER : A few minutes left for Questions & Answers. I call up Pu BD Chakma to ask Starred Question No. 4.

PU B.D. CHAKMA : Thank you, Pu Speaker. Will the hon. Minister for Education be pleased to state:

If there are Science and Mathematics teachers at Borapansuri High School? If not, is there any proposal to fill up the vacant posts?

SPEAKER : The hon. Minister will give the answer but no

supplementary question will be taken. Pu Lalchandama Ralte, the hon. Minister.

PU LALCHANDAMA RALTE, MINISTER: Pu Speaker, my answer is –
Boranpansuri High School has 1 Science Teacher but no Mathematics Teacher.
Yes, proposal is going on for filling up the vacant post.

SPEAKER : Pu KT Rokhaw could not attend the session today for he is attending Pu Hiphei to Guwahati for medical treatment.

The following Members are appointed as Panel of Chairmen during this Session: -

- 1) Pu Vanlalhlana, MLA;
- 2) Pu K.T. Rokhaw, MLA;
- 3) Pu Z.R. Thiamsanga, MLA;
- 4) Pu C. Lalmuanpuia, MLA.

We will now move on to Laying of Papers and I call upon Dr. K. Pachhunga to lay on the table of the House, the Statement of Action Taken on the further recommendation 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.

Dr. K. PACHHUNGA : With your permission and of the House, Pu Speaker, I hereby lay on the table of the House, the Statement of Action Taken by the Government against further Recommendation of Committee on Estimates contained in the First Report relating to Urban Development & Poverty Alleviation Department. Thank you.

SPEAKER : Let the copy be distributed. Next is Dr. ZR Thiamsanga to lay on the table of the House, the Statement of Action Taken by the Government against further Recommendation of Committee on Estimates contained in the Third, 2019 of Subject Committee-III relating to HIV/AIDS under Health & Family Welfare Department.

Dr. ZR. THIAM SANGA : With your permission and of the House, Pu Speaker, I hereby lay on the table of the House, the Statement of Action Taken by the Government against further Recommendation of Committee on Estimates contained in the Third, 2019 of Subject Committee-III relating to HIV/AIDS under Health & Family Welfare Department. Thank you.

SPEAKER : Let the copy be distributed. The Business Advisory Committee, in its meeting on the 22nd October has passed for summoning this Session; I hereby present the copy to this House. May the copy be distributed. Now, I ask if the House agree with it. (MEMBERS: Yes.)

Now, I call upon Pu Lalduhoma, Chairman, PAC to lay on the table of the House, the Reports of Public Account Committee, such as: -

- i) The 1st 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) The 2nd Report on the Report of Comptroller & Auditor General of India for the year 2014-15 and 2015-16 relating to Food, Civil Supplies & Consumers Affairs Department; And,
- iii) The 3rd Report on the Report of Comptroller & Auditor General of India for the year 2014-15 relating to Health & Family Welfare Department.

PU LALDUHOMA : With your permission and of the House, Pu Speaker, I hereby lay on the table of the House, the 1st 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 which concern incorrect assessment of the revenue turn-overs to be paid by the businessmen. The Committee in its meeting expresses its concern for excessive cases of *Bakijai* in the department. The committee further finds out unequal treatment to those having liabilities after introduction of MVAT and GST and therefore urged the department to have a discussion on this matter with AG office.

Secondly, on the 2nd Report on the Report of Comptroller & Auditor General of India for the year 2014-15 and 2015-16 relating to Food, Civil Supplies & Consumers Affairs Department, the committee finds the department is lack of efficiency in record keeping, inspection of godowns and also for excessive amount of misuse of funds. Besides, the committee is in the opinion that suspension rules more or less encourages the practice of corruption among the staffs. Also, the committee finds the process of recovery to the defaulters as considerably slow and equal treatment thus be brought in the case of demised and staff under suspension, and if necessary, evidence may be taken and Public Demand Recovery Act, 2001 be prevailed.

Lastly, I present the 3rd report on the report on Comptroller and Auditor General of India for the year 2014 -2015 relating to Health and Family Welfare Department. Pu Speaker, in an effort to minimize mortality rate, five vehicles were purchased and the price was given in advance. So far, only one vehicle has been received which I opine should be attended immediately. Thank you.

SPEAKER : The House Committee has been working very hard. Let us now call Dr. ZR. Thiamsanga, Chairman, Subject Committee-III to present “The Fourth Report on Action taken by the Government on the recommendations contained in the Second Report of Subject Committee-III of the Eighth Legislative assembly of Mizoram relating to National Mission on oilseeds and oil palm under Agriculture department.”

Dr. ZR. THIAMSSANGA : Pu Speaker, with your permission and of the House, I present the Fourth Report of Subject committee-III Action taken by the Government on the recommendations contained in the Second Report of Subject Committee-III of the Eighth Legislative Assembly of Mizoram relating to National Mission on oilseeds and oil palm under Agriculture department.

SPEAKER : Let the copy be distributed. We will now call Pu Ramthanmawia, Chairman, Committee on Government Assurance, to present “The First Report on Action taken by the Government against the recommendations of the committee on Government Assurances contained in its Eighth Report of Seventh Legislative Assembly relating to Public Health Engineering Department; and, the Second report relating to Government Assurance given by the Ministers in the Fourteenth & Fifteenth Sessions of the Seventh Legislative Assembly of Mizoram.

PU RAMTHANMAWIA : Pu Speaker, with your permission and of the House, I present “The first Report on Action taken by the government against the Recommendations of the Committee on Government Assurances contained in its Eighth Report of Seventh Legislative Assembly relating to Public Health Engineering Department.

Pu Speaker, with your permission and of the House, I present, the Second Report relating to Government Assurance given by the Ministers in the Fourteenth & Fifteenth Sessions of the Seventh Legislative Assembly of Mizoram.

SPEAKER : Let the copy be distributed. Today we have official resolution. Let us now call hon. Minister, Dr. K. Beichhua to move it.

Dr. K. BEICHHUA, MINISTER: Pu Speaker, the official resolution is “Resolution of scheduled tribe and other traditional forest dwellers (Recognition of Forest Rights) Act, 2006”. Pu Speaker, as per India Constitution article 371G of the Constitution provides inter alia that,

“Notwithstanding anything in this Constitution

- (a) No act of Parliament in respect of –
1) Religious of social practices of the Mizos;

- 2) Mizo customary law and procedure,
- 3) Administration of civil and criminal justice involving decisions according to Mizo customary law,
- 4) 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.”

The scheduled tribe and the traditional forest dwellers recognition of the forest Rights Act, 2006 is implemented in all the States except Jammu & Kashmir. Due to this act, Mizoram Legislative Assembly passed the official resolution on 29.10.2009 and issued a notification on 3.3.2010; it was implemented on dt. 31.12.2009.

The Scheduled Tribe and other Traditional forest dwellers recognition of Forest Rights Act 2006 was translated into Mizo and 5,000 copies were distributed to Gram Seva, Village Council and shareholders for awareness, yet, none has claimed their right. Two contractual in facilitators were appointed to provide awareness to the public concern. However, they were discharged of their duty on 2016-2017 since the receipt is Nil as none has claimed the right.

The central government funding ended in 2014-2015. Despite Consultation and Sensitization awareness programmes being provided in the state district and block level and shareholders committees, no one claim the rights. Thus, it is concluded that this act does not hold any value in Mizoram.

To implement the act, the demand of 10 lakh rupees to the Ministry of Tribal Affairs which has been made in pursuance of proposal made by PAC meeting had been rejected. It is stated that the case of Mizoram had been decided by the same committee.

I now submit the “Traditional Forest dwellers recognition of forest rights Act, 2006, which may be revoked by the House. Thank you.

SPEAKER : The hon. Minister has clearly stated the reason to revoke this act. I think there is not much to be discussed and 5 minutes is allotted to each member. Pu Lalduhoma will start.

PU LALDUHOMA : Thank you, Pu Speaker. In short, I will mention it as forest Rights Act. Under this act which was passed in the Parliament, there are various provisions for scheduled tribes to claim their lands. With the help of these provisions, some tribes were given back their lost land. It is an act to safeguard scheduled tribes who have made their livings out of forests. Knowing the importance

and significant of the act, the previous ministry had submitted this act as official resolution and was passed in the Assembly. A study group was sent to Tripura; it is learned that there are 80% of land which was given back to the scheduled tribes.

Pu Speaker, I opine enough awareness is not given and is a shame for the government that the funding had to be stopped whereas in other states, the concerned tribes were taught how to claim. We will begin SEDP and project forest and this act will then prove crucial.

Due to negligence of providing awareness, it is regretted that we have official resolution to revoke the Act. When there is a government who governs the people, this will be essential tool to safeguard their source of livelihood but it is sad we are against this resolution.

Prof. F. LALNUNMAWIA : Pu Speaker, thank you. I would like to state few words regarding this official resolution.

This Act is to safeguard the tribal people of India as other States have implemented it successfully. It is now 10 years since implementation. As we have heard, the act does not have any impact in spite of giving awareness and campaign. Mizoram is tribal area but this act may not be essential as other states. We are under Article 371G and we can survive without rules. There is a provision where the rules can be misused. Government land can go to the hands of the individual. At present, we can do without this rule and we may thus support the resolution to revoke the Act. Thank you, Pu Speaker.

SPEAKER : Hon. Member, Pu B.D. Chakma.

PU B.D. CHAKMA : Pu Speaker, thank you. Like hon. Member Pu Lalduhoma has stated, I am against revoking the act. In Mizoram, there is land based activities. Say for example, as in NLUP which is now SEDP, I am wondering if there is a clash between Agriculture & Allied activities and Forest Department. I thus opposed the resolution of revoking the standing act. Pu Speaker, thank you.

SPEAKER : Hon. Dy. Chief Minister, Pu Tawnluaia.

PU TAWNLUAIA, DEPUTY CHIEF MINISTER: Pu Speaker, thank you. The Mover has clearly stated that we are safeguard by Article 371G. Thus, it is not wise to go against the article which give provision to safeguard the people of Mizoram. We have to safeguard "Ownership & Transfer of Land" in which even the Parliament could not interfere. So, let us support and pass the resolution. Thank you.

SPEAKER : Alright, there can be of different interpretations. Hon. Dy. Chief Minister has highlighted the Article 371G of the provision for our safeguard which read, “Religious or social practices of the Mizos, customary law and procedure, administration of civil and criminal justices involving decision according to Mizo customary law. We are further safeguarded by “Ownership & Transfer of Land”. Thus, the present Act can interfere in the said articles and intervene in the privilege that we have in Article 371G.

PU LALDUHOMA : Pu Speaker, we are twisting in the wrong direction; we are not stating that Article 371G nor does the resolution aims to omit. However, if there is any act we prefer, passed by the parliament can be adopted through article 371G. Thus, the said Act was adopted in 2009 believing to be useful for our state. After availing 371G, we have not achieve in retaining even an inch of the forest land under Indian Forest Act. We only stated that if this Act is in use, we will benefit. We did not indicate amending Article 371G.

SPEAKER : If so, 371(g) is sufficient. Thus, the Mover moved that another act is not required. Let us now call Pu Robert Romawia Royte, hon. Minister.

PU ROBERT ROMAWIA ROYTE, MINISTER: Pu Speaker, thank you. Today’s resolution moved by hon. Minister, Dr. K. Beichhua is an important resolution.

Pu Speaker, at the time of “Memorandum of Settlement,” Peace accord between MNF and central government, Article 371(g) vested high power to the Mizoram Legislative Assembly. In my maiden speech, I have highlighted that it is a privilege to be able to sit in this august House. Pu Speaker, it is only Nagaland and Mizoram, as per Article 371(g) that can oppose the ruling of Parliament. No other state has this privilege.

Pu Speaker, this act is applicable when tribal are surpassed by other minorities. In our State we are all tribal and Mizoram is the land of tribal superiority. Therefore, it is a wise idea to revoke this Act. Pu Speaker, Article 371(g) came into existence through constitutional amendment. Therefore, let us trust this Article 371(g) for our safeguard. Thank you.

SPEAKER : Let us now call hon. Chief Minister, Pu Zoramthanga.

PU ZORAMTHANGA, CHIEF MINISTER: Pu speaker, thank you. There can be

argument from various angle since it is a huge subject.

In article 371(g), we are given the ultimate authority on the soil of Mizoram. It stated that “Notwithstanding anything in the constitution of India”. Pu Speaker, India Parliament will not have authority in Mizoram in the following – Religious and social practices of the Mizos, Mizo customary law and procedure, in the administration of civil and criminal justice, in any decisions which concern Mizo customary law and in ownership and transfer of the land. Thus, the Constitution has given us the final authority in transfer of the land which is in the hand of Mizoram Legislative Assembly.

Pu Speaker, there is a notification which may be declared as forest area; there is steps and guideline provided and the intellectual will study carefully. We can tell them they have no rights as per Article 371(g) vested to us the right.

PU LALDUHOMA : Pu Speaker, we should remember that Article 371(g) has certain points which are not included. We should remember that all central Act before declaring Mizoram to full-fledged state are not included and Indian Forest Act is one of them. If forest land can be reclaimed through Article 371(g), I would be satisfied. According to our opinion, this Act is the only mean we have to reclaim forest area. Pu Speaker, it is all for the betterment of our state with same vested interest.

PU ZORAMTHANGA, CHIEF MINISTER: It is all same vested interests, Pu Speaker. We are safeguarded by Article 371(g) thus we do not need this new tribal Act. Therefore, it is a message that we are safe by Article 371(g). So, let us all support this resolution and pass it. Thank you, Pu Speaker.

SPEAKER : Let us now call the Mover of the resolution. Let him wound up and seek the permission of the house to pass the resolution.

Dr. K. BEICHHUA, MINISTER: Pu Speaker, thank you. 6 Members have participated in the discussion, 4 members agreed with the resolution and two opposed to revoke the Act.

Pu Speaker, this Act had been implemented for the past 10 years and not a single claim had been received despite awareness, consultation and sensitization given at district and block level. This shows how this Act is not required in Mizoram. The two contractual facilitators have to be terminated since there is nil receipt.

Pu Speaker, I now request this august House to pass, “Resolution of Scheduled

Tribe & other traditional Forest Dwellers (Recognition of forest rights) Act, 2006”.
Thank you.

SPEAKER : The hon. Minister for Social Welfare has now requested the House to pass his official resolution.

Dr. K. BEICHHUA, MINISTER: Pu Speaker, with your permission, if it could be mentioned as ‘Social Welfare & Tribal Affairs’.

SPEAKER : Alright. The Resolution is 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 Right Act) 2006 stands revoked”.

Now, those who agree with the resolution say, “yes” and those who disagree may say, “no”. Alright, the House has unanimously adopted the Resolution.

We will now move on to the next Business. There is one more bill, “The Mizoram Anatomy (Amendment) Bill, 2019”. Let us now call hon. Minister, Dr. R. Lalthangliana to introduce the Bill.

Dr. R. LALTHANGLIANA, MINISTER: Pu Speaker, thank you. It is a simple bill. The Mizoram Anatomy bill, 2019 was passed in the House. Now that the name of the medical college has been changed to Zoram Medical College and is no longer appropriate to highlight the name ‘medical College’. Thus, it is required to change the name to ‘Zoram Medical College’. There is not much to discuss if we can pass as it is.

SPEAKER : Now that the hon. Minister have introduced the bill, each member will be given 5 minutes. who will start the discussion? Pu Lalduhoma will start.

PU LALDUHOMA : Pu Speaker, since it does not involve Article 371(g), we can all agree.

SPEAKER : Alright, let us call hon. Health Minister to seek the permission of the House to pass the bill.

Dr. R. LALTHANGLIANA, MINISTER: Pu Speaker, there is nothing much to clarify. I now request this august House to pass, “The Mizoram Anatomy bill, 2019.

SPEAKER : Now, that the hon. Minister has requested the House to pass

“The Mizoram Anatomy Amendment Bill, 2019” all those who agree, say “yes” and those who disagree, say “no”. The House has unanimously passed “The Mizoram Anatomy Amendment Bill, 2019”

We have come to the end of today’s business. Meeting will resume tomorrow at 10:30 AM 20th November, 2019.

House is adjourned.