Pyidaungsu Hluttaw continues for fifth day
One bill approved, report of Joint Bill Committee sought for resolution, names enlisted for discussion

NAY PYI TAW, 22 Nov- The Pyidaungsu Hluttaw session continued for the fifth day at Pyidaungsu Hluttaw Hall of Hluttaw Building here at 10 am today, attended by Speaker of Pyidaungsu Hluttaw U Khin Aung Myint, Speaker of Pyithu Hluttaw Thura U Shwe Mann and 586 representatives of Pyidaungsu Hluttaw.

During the meeting, one bill was approved and report of the joint bill committee was sought for resolution and names were enlisted for discussion.

Five representatives discussed the different views of Pyithu Hluttaw and Amyotha Hluttaw on the facts of the peaceful gathering and procession bill paragraph by paragraph.

Regarding the paragraph 2 (h) of the original bill, U Thein Nyunt of Thingangyun Constituency said that the Section 354 (b) of the constitution states that “Every citizen shall be at liberty in the exercise of the following rights, if not contrary to the laws, enacted for Union security, prevalence of law and order, community peace and tranquility or public order and morality (b) to assemble peacefully without arms and holding procession.” The provision expresses “without arms”. The State Flag Rules 3 (j) stated that if a group of the State Flag barriers participates in the State ceremony procession, the group shall stay in the front of the procession; if there is no group of flag barriers, but if there are State flags, the State Flags shall be flew in the front of the procession; if there is no group of flag barriers, but if there is a State Flag, the flag shall be flew at the centre of the front of the procession and if there are other flags besides the State Flags, the number of flags shall be odd and shall be flew at the centre of the procession.

International countries take an interest in the bill. Leaving the State Flag in the paragraph of the bill approved by Amyotha Hluttaw do not comply with the above mentioned rules and it is also not appropriate to leave the State Flag though flags or legal organizations are allowed to fly in procession, leading to the lack of sense of politic and unnecessary consequences. In the State Flag Section 17, said this law can be amended, added or revoked by the Union Hluttaw which is organized in accordance with the constitution of the Republic of the Union of Myanmar. This law is effective until the Pyidaungsu Hluttaw revokes it.

Hluttaw representatives should have an outlook not only on legislation but also on politic.

Considering the State Flag in the paragraph would promote the integrity of the State and works for human rights as well. Therefore, the lack of the State Flag in the rules shows lack of political farsightedness and it is obligatory to include the State Flag in the rules.

Afterwards, Dr Aye Maung of Rakhine State constituency No.1 said fundamental rights and duties of the citizens are expressed in the Chapter 8 of the State Constitution. This original bill would be enacted to provide protection for a peaceful procession and for those who don’t want to participate in a procession in accordance with law.

Besides, the bill is being expected too much by the people. As the State Flag represents the people, every citizen has a right to hold the State Flag in accordance with the rules and regulations and that right is also included in the original provisions of ministries. Section 13 (b) (2) of the State Flag stated that using the State Flag at the not permitted place, area and issues. Therefore, not to break the Section 13 (b) (2), the State Flag should be included in the paragraph 2 (h) of the bill. The objective of promulgation of the State Flag Law is to use and safeguard the State Flag in compliance with law in accordance with the integrity of the State Flag.
In the Section 4 of the law stated that the State Flag is marked with yellow, green and red stripes to show respect to the three-colour flag which was used during the struggle for the independence. Therefore, “the State Flag” should be included in this bill.

Afterwards, U Mya Thein of Bogale Constituency said that the State Flag Law and Regulations were promulgated on 21, October, 2010. He believed that those organizations who would make processions in accordance with the bill will represent the people. Apart from the flags of organizations concerned, flying the State Flag in front of the procession by the citizens in accordance with democratic practices is meant that they keep the State Flag on the fore, making more meaningful to the objective of the law. The State Flag should be used in accordance with rules and regulations and the approval of Pyithu Hluttaw is appropriate.

U Stephen of Kengtung Constituency said that peaceful procession cannot be assumed as a gesture of opposition but can be also used for welcoming and supporting. For such cases, can the procession have profound meaning only State flag is allowed to use in the procession. In the preface of the bill, it is stated that Pyidaungsu Hluttaw enacted this law to enable citizens enjoy rights prescribed in Article 354 of the Constitution of the Republic of the Union of Myanmar in line with the laws” Rules to be followed are comprehensively described in State Flag Law. Not allowing to use the State Flag may mean prohibiting the fundamental rights and thus only the phrase “State Flag” passed by the Pyidaungsu Hluttaw is inserted, can it be in conformity with the constitution.

With regard to the paragraph 2 (h), what Pyithu Hluttaw approved is “Flag includes State Flag, and flags of officially-registered parties and organizations” whereas Amyotha Hluttaw passed that “Flag includes flags of officially-registered parties and organizations.”

As the Pyithu Hluttaw had approved the original provision in the constitution, approval was sought from the Pyidaungsu Hluttaw concerning the amendment of Amyotha Hluttaw. The proposal that the amendment of the Amyotha Hluttaw should be the part of the constitution was decided through voting, in which 139 representatives voted in favour of, 416 against and 22 neutral. As “No” votes outnumbered than“Yes” it was decided that the original paragraph 2 (h) of the constitution is the part of the constitution.

With regard to the Paragraph-20, U Aung Mya Than of Nyaungdon Constituency said that the amendment seemed to be no difference in meaning in general but is different legally. Inserting the phrase “as prescribed in Chapter VII” by Amyotha Hluttaw is legally inappropriate. The phrase “actions taken according to this law” approved by the Pyidaungsu Hluttaw is more comprehensive than the phrase “as prescribed in Chapter VII” as it is a pithy and precise phrase being legally preferable and simple and easy to understand. Thus, the approval of the Pyithu Hluttaw is more appropriate.

With regard to the paragraph-20, the Pyithu Hluttaw approved that “Offence sued against this law is designated as cognizable offence” whereas Amyotha Hluttaw approved that “Offences prescribed in Chapter VII are designated as cognizable offences.”

As the Pyithu Hluttaw had approved the original provision in the constitution, approval was sought from the Pyidaungsu Hluttaw concerning the amendment of Amyotha Hluttaw. The proposal that the amendment of the Amyotha Hluttaw should be the part of the constitution was decided through voting and the result is 135 “Yes” votes, 418 “No” votes and 20 neutral votes. As “No” votes outnumbered than“Yes” it was decided that the original paragraph 2 (h) of the constitution is the part of the constitution.

Chairperson U Mya Nyein of Joint Bill Committee explained findings and resolution of the Joint Bill Committee with respect to Peaceful Assembly and Procession Bill.
Secretary of the Joint Bill Committee U T Kun Myat and Member of the Joint Bill Committee Daw Nan Wa Nu also made explanation. The Hluttaw decided to put clarifications of U Mya Nyein and U T Kun Myat on record.

In the session for seeking approval of the Hluttaw on survey report of the Joint Committee, three Hluttaw representatives discussed survey report of Joint Public Accounts Committee on 2011-2012 fiscal year budgets.

Dr Banya Aung Moe of Mon State Constituency No (7) said that being able to submit financial report is a good sign and there would have been much difficulties if the previous government had not drawn the budget. It is the responsibility of the Hluttaw to pass the budgets for 2012-2013 fiscal year. He concluded that he would like to urge the Hluttaw to draw the budget in time in order that experts can give advices and Hluttaw representatives can consider.

Dr Aye Maung of Rakhine State Constituency No (1) discussed that according to Article 221, 103 (b) and 103 (c) of the constitution, Pyidaungsu Hluttaw shall enact the budgets for operation of Union government and Region/State governments in a particular fiscal year as a law in advance and it needs to stick to that enacted budget, he assumed.

He continued that he did not wish to argue the provision to be submitted to Pyidaungsu Hluttaw according to Article 103 (a) of the constitution as 2011-2012 fiscal year budget was enacted by the State Peace and Development Council with Law No (9/2011 on 27 January, 2011.

It is necessary to submit the already prepared budget bill for 2011-2012 fiscal year to the holding second regular session of the first Pyidaungsu Hluttaw as quickly as possible, and if not, the budget bill is to be submitted to the Pyidaungsu Hluttaw’s Joint Public Accounts Committee one month ahead of third quarter implementation for scrutiny in the first week of 2011.

U Aye Mauk of Mahlaing Constituency said that not only Joint Bill Committee but also Joint Public Accounts Committee at first should make studies whether the tasks of the Union government need the decisions of the Pyidaungsu Hluttaw and tasks of the Union government were carried out with its prescribed authority.

Depending on the submission on the studies, the Pyidaungsu Hluttaw will review it if the approval of Pyidaungsu Hluttaw is needed.

Due to emergence of the region/state governments, there were some changes in the budget of the State. At this juncture, it can be found that the budget deficit declined in the Union government.

Moreover, original financial statement was changed and the accounts was inserted into the repaired accounts.

Generally, two joint committees are to continuously study the scrutiny of authority on the budget and time limit of the budget. Moreover, they are to submit some portions to be undertaken by the Hluttaw.

Chairman of the Joint Public Accounts Committee submitted a proposal to accept the report at the Hluttaw, the Hluttaw decided to accept it.

Secretary of the Joint Bill Committee U T Khun Myat explained the findings of the Joint Bill Committee and its remarks on Ward or Villagetract Administration Bill.

With regard to the bill, the Hluttaw representatives wishing to discuss the amendments directly concerning the different opinions between the two Hluttaws are to describe the briefed topic with their signatures and enlist after the meeting.

Pyidaungsu Hluttaw sent the Microfinance Bill approved by both Pyithu Hluttaw and Amyotha Hluttaw to the President on 15 November to sign it for promulgation. The bill was sent to Pyidaungsu Hluttaw
with remarks of the President on 21 Nov.

With regard to the bill, the representatives wishing to discuss the remarks of the President are to describe the briefed topic with their signatures and enlist after the meeting.

With regard to the Hluttaw affairs, the Speaker of the Pyidaungsu Hluttaw explained that speakers of two Hluttaws decided to complete the Pyidaungsu Hluttaw session on 25 November. As such, the Pyidaungsu Hluttaw will be convened soon. At that time, the Budget of the Union, National Planning of the State and the Union Taxation may be discussed.

The uncompleted laws in the second regular session will be carried out at the Pyidaungsu Hluttaw.

Therefore, the second regular session of the Pyidaungsu Hluttaw will be concluded after completion of all tasks on 25 November.

Today’s session came to an end at 12.30 pm and the 6th day session will be held at 10 am on 25 November.-MNA

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