Existing farmland laws most appropriate to safeguard peasants' rights
Pyithu Hluttaw continues first regular session for sixth day

NAY PYI TAW, 9 March-The first regular session of Pyithu Hluttaw went on for the sixth day at Pyithu Hluttaw Hall of Hluttaw Building here this morning.

The attendance of 431 made up 99.54 per cent of the 433 Pyithu Hluttaw representatives, and the sixth-day session was therefore valid, declared Pyithu Hluttaw Speaker Thura U Shwe Mann.

Of the questions submitted under Pyithu Hluttaw Rule 116 by Pyithu Hluttaw representatives, permitted ones were raised, and members of respective Union level organizations responded to the questions.

U Aung Tun Tha of MraukU Constituency asked if the government had a plan for MraukU archaeological region in Rakhine State to be on the list of UNESCO-recognized world archaeological sites.

Minister for Culture U Khin Aung Myint replied that the Ministry of Culture has submitted such Pyu city states as Srikestra, Vissano and Hanlin in accordance with the procedures of the world heritage committee to UNESCO to put archaeological sites in Myanmar on the list of world cultural heritage sites in 2010.

He said that the ministry submitted the Pyu city states first that emerged between 1st century BC and 4th century AD which were earliest in the course of Myanmar history; that according to the conditions and evidences, the earliest three Pyu city states were submitted as related city states on the same list.

Under the plan, a site is submitted a year, so MraukU archaeological region will be submitted in its turn.

U Aung Zin of Pazundaung Constituency said that land ownership forms were various in previous periods, but a policy was laid down that the State was the ultimate owner of the lands; that the government promulgated Tenancy Law and The Law Safeguarding Peasant Rights in 1963; that the peasantry were pleased with the law enacted in their interests; that however, now lands of peasants are nationalized in terms of compensation, construction of factories, agricultural projects, and multipurpose crops and perennial crops projects, and so peasants became tenant farmers; that regarding land ownership, peasants are suffering grievances; and that he would like to know if the government had a plan to deal with the issue in line with The 1963 Law Safeguarding Peasant Rights, The 1963 Tenancy Law, other related procedures, directives and orders.

Minister for Agriculture and Irrigation U Htay Oo said that the Ministry of Agriculture and Irrigation is safeguarding the rights and serving the interests of peasants who constitute the majority of the nation's population in accordance with existing laws, procedures and directives; that Article 38 (1) of The Land Nationalization Act (1953) says, "If the President may deem benefitable to the State or to the agriculturalists, by growing some specific crops in some areas and by using specific means to agricultural lands, the President may deem to apply or ask to apply specific crops or specific means to use on agricultural land respectively", that Article 39 of the law says, "However, other provisions of

this Act mentioned, the President or authority appointed by the President for this particular matter, may deem necessary, any agricultural land can be summoned to use specific mean or method", that The 1963 Tenancy Law was enacted under Law No (8) of the Revolutionary Council of the Union of Myanmar in 1963; that under the law, peasants enjoy the rights: (a) No one except farmers can do agricultural farming. (b) Land can be inherited if it is farmed as a family business. (c) No need to pay rent. (d) Land can be farmed as long as land rules are not violated.

In order to address farm issues, the government promulgated The 1963 Tenancy Law; that Article 3 (1) of The Law Safeguarding Peasant Rights promulgated under Law (91) of the Revolutionary Council of the Union of Myanmar says,"Notwithstanding anything elsewhere contained in any existing law, a Civil Court shall not make a decree or order for:-

(a) A warrant of attachment for or confiscation of agricultural land; neither for employed livestock and implements, harrows and implements, other animate and inanimate implements, nor the produce of agricultural land.

(b) Prohibition of work upon or entry into agricultural land.

(c) Prohibition of movement or sale in whole or part or use of employed livestock and implements, harrows and implements, other animate and inanimate implements, or the produce of agricultural land.

(d) Arrest and detention of a peasant in connection with any matter included in paragraphs (a), (b) and (c).

Today, the laws are still in force; that in general, active lands of peasants are not nationalized; that however, there is a project in national interests, the maximum area of land was used, and there were events in which lands were nationalized under the arrangements of local authorities in line with the 1988 terms replacing act according to the power vested under Article 39 of The 1953 Land Nationalization Act; that in the process, coordinated arrangements are made under the supervision of local administrative bodies for reasonable compensations to peasants with grievances; that some lands nationalized in terms of compensations for urbanization projects cannot be launched on schedule; that before launch of such projects, green light is given to farm lands temporarily in the national interest; that sometimes, permission is granted to entrepreneurs for boosting agricultural production; that in that regard, administrative bodies supervise processes to keep balance of interests between the entrepreneurs and farmers who are farming the lands temporarily; and that the ministry works in cooperation with related bodies in line with the laws, procedures and directives issued by regional authorities to avoid grievances of peasants.

U Ye Tun (a) U Min Tun of Hsipaw Constituency said that he learnt that some companies occupied farmlands but pay small amount of compensations, and peasants are angry with them; that Myanmar is an agrobased country, so he believes that only if farmland issues are addressed properly will it be possible to serve the interest of peasants; that in addition, peasants have to borrow money at high interest rates due to the fact that farmers have the right to farm lands but not every farmer has the right to own lands; and that in that regard, he asked if the forthcoming government has a plan to deal with such cases, promulgating necessary laws.

Minister U Htay Oo responded that Article 38 (1) of The Land Nationalization Act (1953) says, "If the President may deem benefitable to the State or to the agriculturalists, by growing some specific crops in some areas and by using specific means to agricultural lands, the President may deem to apply or ask to apply specific crops or specific means to use on agricultural land respectively"; that Article 39 of the law says,"However, other provisions of this Act mentioned, the President or authority appointed by the President for this particular matter, may deem necessary, any agricultural land can be summoned to use specific mean or method"; that if necessary, lands are nationalized, but in general active farmlands are

not nationalized except unavoidable conditions; that regarding alternative means according to Article 39 of the Land Nationalization Act (1953), if and when there are projects for national development, related administrative bodies make sure that the minimum area of lands is to be nationalized and reasonable amounts of compensations are to be paid; that so if there is an unusual case, it is needed to deal with relating administrative bodies in the Region or State concerned; and that the ministry will help coordinate the tasks.

He said that all the lands belong to the State, but The Tenancy Law (1963) was enacted to protect the rights of farmers; that it says that no one except farmers can do agricultural farming; land can be inherited if it is farmed as a family business; no need to pay rent; and land can be farmed as long as land rules are not violated; that Article 3 (1) of The Law Safeguarding Peasant Rights (1963) says, "Notwithstanding anything elsewhere contained in any existing law, a Civil Court shall not make a decree or order for:-

(a) A warrant of attachment for or confiscation of agricultural land; neither for employed livestock and implements, harrows and implements, other animate and inanimate implements, nor the produce of agricultural land.

(b) Prohibition of work upon or entry into agricultural land.

(c) Prohibition of movement or sale in whole or part or use of employed livestock and implements, harrows and implements, other animate and inanimate implements, or the produce of agricultural land.

(d) Arrest and detention of a peasant in connection with any matter included in paragraphs (a) ,(b) and (c).

The above-mentioned provisions guarantee that farmers have the rights to farm lands so long as they do not violate farm rules; that if farmers have the rights to mortgage, hand over and sell their farms, their farms may be confiscated when they cannot repay the money they owe; that the Myanmar Agricultural Development Bank provides agricultural loans to farmers increasingly year by year; that for some crops, it provides small loans for agricultural expenses; that the Ministry of Cooperatives is working in cooperation with the ministry; that in addition, the ministry is forming special crops associations and mobilizing participation of entrepreneurs who favour interests of farmers; that it has a plan to organize farmers to save money to contribute to the plan to provide agricultural loans; that maybe the majority of rural people have to borrow money at high interest rates due to various reasons; that Myanmar saw many cases in which farmers' lands flowed to the in the hands of a handful of capitalists due to the rights to hand over, mortgage and sell farmlands; that under the existing laws and rules, the government has bestowed the right to farm lands to peasants who really farm lands; and that therefore, the existing farmland laws are the most appropriate to safeguard peasants' rights.

U Aung Thein of Ywangan Constituency asked if the government notices that local farmers are burdened with the land reclamation project that are not beneficial to them; if it notices some projects harm environmental conservation; and if it does not do so, he wants to know whether an investigation committee will be formed to review the project.

Minister U Htay Oo said with the aim to boost production of crops suitable for the regions, cash crops, and crops that can contribute to the State and neighbouring countries, the ministry is granting permission to persons and companies that can reclaim vacant lands for agricultural purposes; that vacant, fallow and virgin lands belong to the State; that these lands are reclaimed to grow marketable crops in the interest of the nation and the people; and that in response to their application, permission is granted to only individuals and organizations capable of farming lands with capitals, so that does not burden local peasants; that the ministry does not grant permission to reclaim such lands that are not arable; that permitted crops are perennial crops such as rubber, oil palm, mango, cashew and coffee;

that Ywangan Township grows commonly coffee and mango; that perennial trees give many benefits such environmental conservation, jobs to local people, improvement of the socio-economic status of the regions, prevention of soil deterioration, and conservation of underground water sources; and that the ministry will render assistance if farmers contact Region/State governments and staff of the ministry for unusual cases.

Then, the session was adjourned. When the session resumed, proposals were submitted for approval for discussion.

U Pe Than of Myebon Constituency tabled a motion that when a Region or State is hit hard by a strong natural disaster, the Union government has to declare the Region or State as a disaster-hit region and provide direct assistance for rescue and rehabilitation.

The motion was seconded by U Thein Swe of An Constituency. Pyithu Hluttaw approved the motion for discussion.

The motion tabled by U Pe Than of Myebon Constituency will be under discussion at the seventhday session of Pyithu Hluttaw tomorrow.

The speaker announced that according to Pyithu Hluttaw Rule 138 (c), hluttaw representatives wishing to hold discussions may register in the deputy director-general of Pyithu Hluttaw this afternoon.

Dr Sai Kyaw Ohn of Nankham Constituency tabled a motion to set up a national health programme to grant health care to low-income people.

The motion was seconded by U Khun Lein of Falam Constituency. Pyithu Hluttaw approved the motion for discussion.

The motion will be discussed at the seventhday session of Pyithu Hluttaw.

The speaker announced that according to Pyithu Hluttaw Rule 138 (c), hluttaw representatives wishing to hold discussions may register in the deputy director-general of Pyithu Hluttaw this afternoon.

U Tun Hsar (a) U Sai Tun Win of Tangyan Constituency tabled a motion to set up a clear and easy system to form social, economic, religious, literary and education organizations for discipline-flourishing
democracy.

U Ye Tun (a) U Min Tun of Hsipaw Constituency seconded the motion, and Pyithu Hluttaw approved the motion, which will be discussed the eighthday session.

The speaker announced that according to Pyithu Hluttaw Rule 138 (c), hluttaw representatives wishing to hold discussions may register in the deputy director-general of Pyithu Hluttaw this afternoon.

U Ngun Maung of Haka Constituency tabled a motion on the rights of national races to take part in administrative and management sectors.

U Sai Win Khaing of Hsenwi Constituency seconded the motion, and Pyithu Hluttaw approved the motion, which will be discussed the eighth-day session.

The speaker announced that according to Pyithu Hluttaw Rule 138 (c), hluttaw representatives wishing to hold discussions may register in the deputy director-general of Pyithu Hluttaw this afternoon.

The Pyithu Hluttaw speaker said that hluttaw representatives may put questions, proposals and bills in line with Pyithu Hluttaw Laws and Rules; and that some MPs could not differentiate between questions and proposals.

The speaker announced the conclusion of the sixth-day session, and the first regular session of Pyithu Hluttaw takes place at 10 am tomorrow.

The session ended at 12.20 pm.

First regular session of Amyotha Hluttaw continues for sixth day
Means approved at Amyotha Hluttaw for raising and replying to queries, submitting proposals, holding discussions

NAY PYI TAW, 9 March-The first regular session of Amyotha Hluttaw continued for the sixth day at Amyotha Hluttaw Hall of Hluttaw Building, here, at 10.30 am today, attended by Speaker of Amyotha Hluttaw U Khin Aung Myint and Amyotha Hluttaw representatives.

After taking position, Speaker of Amyotha Hluttaw U Khin Aung Myint announced the validity and start of the sixth-day session as 222 or 99.55 per cent of 223 Amyotha Hluttaw representatives were present.

Of the questions submitted under Amyotha Hluttaw Rule 116 by Amyotha Hluttaw representatives, permitted ones were raised, and members of respective Union level organizations responded to the questions.

Minister for Communications, Posts and Telegraphs U Thein Zaw replied to three questions.

Dr Myat Nyana Soe of Yangon Region Constituency- 4 said that as modern communication networks and communication technology are developing in the Union of Myanmar, the international standard communication services are being given to the people across the nation. Although technologies of GSM, CDMA 800 MHz, CDMA 450 MHz and Mc Will are different in wireless telecommunication system, all the telecommunication systems use SIM Cards only. In the international communication service, it is unnecessary to pay initial installation charge, but to buy pre-paid system SIM Cards. The Myanmar Wireless Telegraph Act was promulgated in 1933, and some points should be amended in the Electronic Communications Law (Law No. 5/ 2004). As such, the amendments are to be submitted to Hluttaws.

He raised a question whether pre-paid SIM cards can be sold at reasonable price in kyat or not after cancelling the system of initial installation charge to enable all the people to use wireless telephones for ensuring greater development in the communication sector, and whether the opportunity can be created for private and foreign investors in the communication sector or not.

U San Tun of Kachin State Constituency No. 11 said that the information technology plays an important role in shaping the Union of Myanmar as a modern and developed nation. He raised a question regarding arrangements made for applying information technology on a wider scale in urban and rural areas of Myanmar.

U Paul Thang Thaing of Chin State Constituency No. 3 said that Thantlang Township of Chin State is sharing border with India.

Although the government installed auto-telephones in the township about two years ago, the people have easy access to urban area only, facing difficulties in making trunk calls. He raised a question how the departments concerned will make arrangements for better telecommunication for the township.

With regard to three questions, Minister for Communications, Posts and Telegraphs U Thein Zaw, member of respective Union level organization, replied to the question raised by Dr Myat Nyana Soe of Yangon Region Constituency-4 at first. He said that there are 1,090,323 auto-telephones and 2,101,427 mobile phones, totalling 3,191,750 at present compared with 74,855 telephones in 1988. Telephone density hit 5.4 per cent in the entire nation, 30 per cent in Yangon and 20 per cent in Mandalay.

There remains lesser telephone density in rural areas. Efforts are being made for installation of cellular, CDMA-450, CDMA-800 and GSM mobile phones for the increase of telephone density, better facility of telephone use and wider coverage of telephone in the rural areas. Plans on SIM card and mobile telephone technology are being implemented in Myanmar step by step. With regard to the question of the representative, the Ministry of CPT has set plans to be implemented.

Regarding the competitiveness of private and foreign investments in communications sector, Yatanarpon Teleport Co Ltd was established with the contribution of 40 % of the ministry and 60 % of private entrepreneurs and it can be continued to function in accord with the Constitution and existing laws. Laws relating to communications have been drafted and works are underway for the approval.

In replying the question raised by U San Tun of Kachin State Constitu-ency No (11), he said the Ministry of Communications, Posts and Telegraphs set up Information and Technology Department on 22 June 2006 for development of Information and Technology in Myanmar and it is moving into high gear.

Regarding the Internet access, the number of the Internet users has increased from only four in 1998 to 78010 in March 2008, 93585 in March 2009 and 351390 in March 2010.

The numbers of Netizens will hit 380000 in March 2011.

Arrangements have been made to transfer and receive data through Enhanced Data Rates for GSM Evolution-EDGE in GSM system and Evolution Data Optimized-EVDO in CDMA-450 MHz and CDMA-800 MHz systems.

McWill (Multi Carrier Wireless Internet Local Loop) Broadband Wireless Access system has been put into service in Yangon and Mandalay plus Khamti, Homalin, Kalewa and Bamauk townships in Sagaing Region and plans are underway to extend the system in urban and rural areas.

Works are being carried out to provide services with the use of ADSL (Asymmetric Digital Subscriber Line) and Triple Play system, FTTH, Fiber to the Home system in Yangon, Mandalay and major towns by Myanma Posts and Telecommunications and Yatanarpon Teleport Co Ltd. Intranet service is being provided by Yatanarpon Teleport and arrangements have been made to have access to Internet through Intranet.

In replying the question raised by U Paul Thang Thaing of Chin State Constituency No (3), KY-1000XM Exchange with a capacity of 330 lines and exchange phone number 60 xxx was put into service in Thantlang on 28 February 2009.

Services with CO Line (8) Lines (013330041/ 3 3 3 0 0 4 2 / 3 3 3 0 0 4 3 / 3 3 3 0 0 4 4 / 3 3 3 7 5 9 0 / 3 3 3 7 5 9 1 / 3 3 3 7 5 9 2 / 3337593) of MPT Satellite Terminal is being provided for trunk calls from Thantlang Exchange to other townships. The eight lines for trunk call can be busy as the number of lines has increased from 80 to 190.

For better trunk call service, the ministry has made arrangements for extension of microwave trunk call connection and CDMA-450 MHz system in Thantlang Township.

Next, the session was adjourned.

Then submitting pro-posals and making decision on whether or not proposals should be discussed were carried out at the meeting.

U Steven Thabeik of Chin State Constituency (4) submitted a proposal"to form a board comprising experts and experienced persons in order to review the present education system."

U Phone Myint Aung of Yangon Region Constituency No (3) seconded the motion.

Approval was sought for holding discussions on the proposal and the Hluttaw approved it.

The Hluttaw representatives wishing to participate in the discussions may enlist at the deputy directorgeneral of the Hluttaw Office beginning this evening.

U Paul Hlyan Lwin of Chin State Constituency-9 submitted the proposal "to open college in suitable area of Chin State".

U Paul Thang Thaing of Chin State Constituency- 3 seconded the motion.

Approval was sought for holding the discussion on the proposal and the Hluttaw approved it. The Hluttaw representatives wishing to participate in the discussions may enlist at the deputy director-general of the Hluttaw Office beginning this evening.

U Steven Thabeik of Chin State Constituency-4 submitted a proposal "to form a board with the participation of experienced experts for adopting the best system for health care service as it is weak.

U Gam Hsaing of Chin State Constituency-2 seconded the motion.

Approval was sought for holding the discussion on the proposal and the Hluttaw approved it. The Hluttaw representatives wishing to participate in the discussions may enlist at the deputy director-general of the Hluttaw Office beginning this evening.

U Paul Hlyan Lwin of Chin State Constituency- 9 submitted the proposal"to issue physician licence to Chin national race doctors who had completed their studies as soon as possible and to assign them to necessary areas of Chin State".

Dr Banya Aung Moe of Mon State Constituency- 7 seconded the motion.

Approval was sought for holding the discussion on the proposal and the Hluttaw approved it. The Hluttaw representatives wishing to participate in the discussions may enlist at the deputy director-general of the Hluttaw Office beginning this evening.

The Speaker of Amyotha Hluttaw announced the first regular session of Amyotha Hluttaw for sixth day ended and the seventhday regular session will be held at 10 am tomorrow.

The session came to an end at 12.05 pm.