

## **Pyithu Hluttaw session continues for 48th day**

### **One proposal discussed, information to enlist given, formation of commission submitted, approval for one bill sought**

NAY PYI TAW, 16 Nov-The 48th day session of the Pyithu Hluttaw was held at Pyithu Hluttaw Hall of Hluttaw Building, here, at 10.15 am today, attended by Speaker of Pyithu Hluttaw Thura U Shwe Mann and 369 Pyithu Hluttaw representatives.

One proposal was discussed, information for enlisting given, formation of commission submitted and approval for one bill sought.

Two Hluttaw representatives discussed the proposal submitted by U Kyi Than of Gwa Constituency that it should not amend or add the Electricity Law.

U Aye Mauk of Mahlaing Constituency discussed that electricity was used by Burma Ruby Mine in Mogoke in 1908 for the first time. In 1910, supply of electricity was added in Yangon and Mandalay. To be free from danger of electricity, the Electricity Act (1910) was enacted and the Electricity Rules were issued in 1937.

As an electricity supply board should be formed, the Electricity Supply Act was promulgated in 1948. The Electricity Law as the Law No. 7 of Pyithu Hluttaw was enacted in 1984 and then electricity rules issued in 1985.

Although the law and rules were in conformity with a designated period, the Electricity Law 1984 must be amended compulsory due to improvement of electricity consumption, use of modern electronic equipment and supply system. Such law is being realized by Electrical Inspector-EI under the Industrial Supervision and Inspection Department of the Ministry of Industry-1.

Electrical Inspector is taking responsibility as medium to inspect and suggest prevention against danger of electricity and to avoid loss of opportunities between producers and consumers.

In successive eras, it can be found that the Electrical Inspector was formed under control of the ministries that did not concern with production suppliers.

Although there are many provisions in the Electricity Law, many losses can be found due to weakness of following the law. The departments are also to abide by the law and accept inspection of Electrical Inspector.

Therefore, the Electricity Law should be amended and added.

The Industrial Supervision and Inspection Department under the Ministry of Industry-1 has drawn the bill for amending the law. Therefore, Ministry of Industry-1, Ministry of Industry-2 and Ministry of Electric Power No. 2 are to make concerted efforts for emergence of the improved Electricity Law as soon as possible. In addition to the Ministry of Industry-1 that compiled the law, the Pyithu Hluttaw should coordinate the emergence of amended Electricity Law and other laws by forming the one committee.

U Win Oo of Yebyu Constituency said that efforts are being made for construction of small-scale hydropower projects to generate 500 kilowatts to be supplied to villages of Dawei District under the rural electricity supply and poverty alleviation. Although the Union ministries allowed region and state governments to undertake small-scale electricity generating tasks, these governments delay to issue permits due to lack of separate laws.

Thus, it is not enough to allow private entrepreneurs for doing business on electricity supply and sales under the MIC Law. Therefore, No 1 and No 2 Electric Power Ministries are to jointly draw the separate thorough electricity law and the Hluttaw should approve it.

With regard to the proposal, Union Minister for Electric Power No. 2 U Khin Maung Soe said that the ministry was extended with the aim of effectively taking responsibility of generating, feeding and supply of electricity to be able to rapidly supply electricity demand in development task of the State.

In the past, the Electricity Act was promulgated in 1910 for electricity supply tasks of Myanmar, and 1948 Electricity Act was enacted in 1948 for formation of an electricity supply board of Myanmar. Under the instruction of the Ministry of Industry, the Electrical Inspector drew an electricity law in 1974. The Electricity Law was approved as law No. 7 of Pyithu Hluttaw in 1984. Moreover, the Ministry of Industry-1 under the agreement of the Cabinet issued the Rules of Electricity Law 1985 based on Electricity Rules 1937 of India. Due to submission of the Ministry of Energy in 1990, the State Law and Order Restoration Council promulgated the law amending the Sections 30 and 31 of the Electricity Law as its law No. 3/90. In 2005, the Yangon Electricity Supply Board was formed for effective undertaking electricity task in the area of YESB and then the Yangon Electricity Supply Board Law.

In 1984-85 when the Myanmar Electricity Law was being drawn, there were one hydropower plant, six gas power plants, 19 main power stations and 1193.81 miles of national grids in Myanmar electricity system. At present, Myanmar has 17 hydropower plants, 10 gas power plants, one coalfired power plant, 154 main power stations and 5756.51 miles long power grids.

In the time of the State Peace and Development Council, the Prime Minister instructed the Electrical Inspector under Ministry of Industry- 1 to be assigned under Ministry of Electric Power No. 2 as the ministry concerned should inspect electrical matters. Moreover, the Office of the Prime Minister informed that the Ministry of Electric Power No. 2 should take responsibility for realizing the rules of Electricity Law in conformity with the current period and Ministry of Industry-1 and Ministry of Industry-2 are to coordinate with the EP-2 Ministry if necessary. Therefore, three ministries held many meetings.

In the time of the government of the Republic of the Union of Myanmar, instructions have been issued that if it is necessary to amend, add, revoke and redraw the laws inappropriate with the current period, ideas of the Union Attorney-General's Office are to be sought. Under the leadership of the Ministry of Industry that drew the Electricity Law in 1984, the work coordination meeting was held on 9 August, attended by officials of Ministry of Electric Power No. 1, No. 2, other ministries and the Union Attorney-General's office in addition to Myanmar Engineering Society and Myanmar Construction Entrepreneurs Association and electricians.

The provision in the Electricity Law 1984 said that "it must be concerned with exploration, generating, feeding, supplying and consumption of electricity across the nation and with electrical inspections to be free from danger of electricity for above mentioned tasks." The Electrical Inspector under the Ministry of Industry-1 is running its functions to be free from danger of electricity under law and procedures. However, the law did not prescribe control of electric power system in conformity with power plants, power station, control of national grids, generating power and consumption, generating electricity for supplying the demand of increasing power consumption, feeding of power, and drawing of electricity supply plan for extended supply of electricity.

Sub-paragraph (a) under paragraph 4 energy, electricity, mining and forest sector under Schedule 2 of the region or state legislative list in accord with the Section 189 of the Constitution said that "except the heavy electricity production and supply to be managed by the Union, the region or state that do not connect with national grid may run the small- and medium-scale electricity generating and supply."

Therefore, it is necessary to draw the plans of electricity supply to be undertaken by regions and states in line with the Electricity Law.

The existing law does not comprise provisions on supply of electricity in rural areas. Therefore, he said he has replied to promulgating the law for supply of electricity in rural areas.

Now, entrepreneurs and foreigners have been allowed to invest in electrical sector of the State. Therefore, electricity from Shweli-1 and Tarpein- 1 power plants is being sold at home for domestic consumption and to the People's Republic of China. Thus, it is necessary to prescribe clear and exact provisions for local and foreign electricity sales. Moreover, Thaukyaykhat-2 and Upper Biluchaung Power Plant are being implemented with the investments of entrepreneurs. There should be suitable laws for purchase of electricity from the power plants through power system as well as direct sales for consumers.

As it is important that type of electricity (volt, frequency and circuit) must be in conformity with electricity demand of consumers, power consumers are playing an important role in the electrical sector.

The government commenced to draw the new Electricity Law for all ministries, private entrepreneurs and power consumers included in the electricity generating, feeding supplying, consuming, controlling power system, selling electricity and drawing power system plans.

As ministries concerned commenced the tasks related to the proposal of U Kyi Tha, the proposal will be put on record. The Hluttaw approved that the Hluttaw will provide necessary assistance for the task.

Member of the Bill Committee U Soe Soe submitted the report of the committee concerning the Vacant, Fallow and Virgin Land Management Bill approved by the Amyotha Hluttaw.

He said that in reviewing the Vacant, Fallow and Virgin Land Management Bill, the Pyithu Hluttaw Bill Committee found that Amyotha Hluttaw has approved the bill with 15 points in 34 paragraphs in 10 chapters.

Depending on 12 points of scrutinizing the bills and amendments of the Amyotha Hluttaw, the Pyithu Hluttaw Bill Committee will submit the findings in line with Pyithu Hluttaw Rule-44. The original provision of paragraph 2 (b) in Chapter I said that "the Ministry means Ministry of Agriculture and Irrigation of the Union government", so the amendment of Amyotha Hluttaw was perfect.

The ordinary provision in paragraph 2 (f) in Chapter I said that "the virgin land means new land and fallow land regardless of forests, bamboo grooves, bushes, smooth or not geographical conditions. The word includes pasture lands, lake and lands of forest reserve officially cancelled for carrying out agriculture and livestock breeding tasks." Amyotha Hluttaw amended it as "the virgin land means new land and fallow land regardless of forests, bamboo grooves, bushes, smooth or not geographical conditions. The word includes forest reserve, pasture land and lakes officially cancelled for carrying out agriculture and livestock breeding, production of mining, and other businesses in line with the law." Therefore, the amendment and approval of the Amyotha Hluttaw is more perfect.

The original provision in paragraph 2 (h) in Chapter I said that “the land tax means the money for tax to be paid to the State by the person with right of doing business on vacant, fallow and virgin lands in line with the law.” The amendment of the Amyotha Hluttaw said that “the land tax means the money for tax to be paid to the State by the person with right of doing respective businesses on vacant, fallow and virgin lands in line with the rules of this law.” Therefore, it was found that the amendment of Amyotha Hluttaw was more perfect.

The paragraph 3 of Chapter II said that “the President shall constitute the Vacant, Fallow and Virgin Lands Management Central Committee with the Union Minister for Agriculture and Irrigation as Chairman, the directorgeneral of Settlement and Land Records Department as secretary and suitable persons of ministries concerned as members with the aim of effectively managing the tasks concerning the agriculture and livestock breeding on a commercial scale with the use of vacant, fallow and virgin lands for development of the State economy.” The Amyotha Hluttaw approved that “with the aim of effectively managing the tasks in line with the laws allowed by the government for agriculture, livestock breeding and mining tasks on a commercial scale, the Vacant, Fallow and Virgin Lands Management Central Committee must be formed as follows:-

- (1) Ministry of Union Agriculture and Minister Irrigation  
Chairman
- (2) Ministry of Environmental Conservation and Minister Forestry  
Vice-Chairman
- (3) Deputy Minister of Agriculture and (Agriculture) Irrigation  
Ministry member
- (4) Deputy Minister of Agriculture and (Irrigation) Irrigation  
Ministry member
- (5) Deputy Minister of National Planning and Economic Development  
Ministry member
- (6) Deputy Minister of Livestock and Fisheries  
Ministry member

(7) General Ministry member			Administration	Home	Director-General Department Affairs
(8) Myanma Ministry member			Managing Agriculture Agriculture	and	Director Service Irrigation
(9) Myanma Ministry member	Industrial of		Managing Crops Agriculture	Development and	Director Enterprise Irrigation
(10)Director-General Planning Ministry member	of	and Environmental	Statistics Conservation	and	Department Forestry
(11)Director-General Mining Ministry member			of		Department Mines
(12)Director-General Cooperative Ministry member			of		Department Cooperatives
(13)Director-General Planning Ministry member	of	National	Planning	and Economic	Department Development
(14)Director-General Settlement Ministry Secretary	and of		Land Agriculture	Records and	Department Irrigation
(15)Director-General Forest Ministry Joint Secretary	of	Environmental	Conservation	and	Department Forestry

(b)The Union government shall reshuffle the committee.” The amendment of Amyotha Hluttaw was found to be more appropriate.

The original text of paragraph (6), subparagraph (c) of Chapter (3) is “Protection of forest reserves and protected public forests and conservation of natural regions, watershed areas and natural waters will have to be undertaken in coordination with the ministry concerned.” The amendment of Amyotha Hluttaw is “(c) Protection of forest reserves and protected public forests and conservation of natural regions, watershed areas and natural waters will have to be undertaken in coordination with Ministry of Environmental Conservation and Forestry and other ministries concerned.

(d) Necessary suggestions for effective implementation of land use policy of the State will be made to the Union government.” It should be kept as in the original.

The original text of paragraph (10), subparagraph (a) of Chapter (4) is “In Sub-section (4), rural farmers and those who want to run manageable farm shall be allowed to use not more than 10 acres of vacant land, fallow land and virgin land.” The amendment of Amyotha Hluttaw is “It shall make arrangement to allow rural farmers and those who want to run manageable farm shall to use not more than 10 acres of vacant land, fallow land and virgin land by any local authority concerned.” As it is found that the permitted land for rural farmers should be 50 acres, the subparagraph should be “It shall make arrangement to allow rural farmers and those who want to run manageable farm shall to use not more than 50 acres of vacant land, fallow land and virgin land by any local authority concerned.”

The original text of paragraph (10) of Chapter (4) includes subparagraphs (a) and (b) to which Amyotha Hluttaw added subparagraphs (c) and (d). The inserted subparagraphs of Amyotha Hluttaw, “(c) The Union government shall allow mining in coordination with Ministry of Mines. (d) The Union government shall coordinate with respective ministry for other permitted industries in accord with the law,” make the facts complete.

The original text of paragraph (11) of Chapter (4) includes subparagraphs (a), (b) and (c) to which Amyotha Hluttaw added subparagraphs (d) and (e). The inserted subparagraphs of Amyotha Hluttaw, “(c) The Union government shall allow mining in coordination with Ministry of Mines. (d) The Union government shall coordinate with respective ministry for other permitted industries in accord with the law,” make the facts complete.

The amendment of Amyotha Hluttaw to paragraph (16), subparagraph (b) of Chapter (6) is “The reclamation and use of permitted land will have to be finished as designed within three years”. As fixed duration may impact on those who obtain the permit, it should be drawn as Rule. The original text, “The implementation will have to be finished as designed within designated period”, is more appropriate.

The original text in paragraph (16), subparagraph (e) of Chapter (6) is “It is required to adhere to regulations issued by the central committee regarding the use of vacant land, fallow land and virgin land at any time”. The amendment of Amyotha Hluttaw is “It is required to adhere to regulations issued by the central committee regarding the use of vacant land, fallow land and virgin land”. The phrase “at any time” bares intended meaning and enables the central committee to issue orders and directives at any time. The subparagraph should be kept as in the original.

The original text in paragraph (17) of Chapter (7) is “The central committee will have to form and task supporting groups and separate groups for management of vacant land, fallow land and virgin land in respective Regions or States to review and coordinate cases regarding the use of vacant land, fallow land and virgin land”. The amendment of Amyotha Hluttaw is “The central committee will have to form and task working groups and separate groups for management of vacant land, fallow land and virgin land in respective Regions or States to review and coordinate cases regarding the use of vacant land, fallow land and virgin land”. The phrase in amendment of Amyotha Hluttaw “working groups and separate groups” is more appropriate.

The amendments of Amyotha Hluttaw to paragraph (18) of Chapter (7) “The central committee shall form special group inclusive of respective departments to vet whether those who obtain permit for the use of vacant land, fallow land and virgin land manage the land in accord with designated rules”, to paragraph (19) “The central committee shall reoccupy the least area of land from the permitted vacant land, fallow land and virgin land if a situation arises”, and to paragraph (22), subparagraph (c) “Vacant land, fallow land and virgin land which are not reclaimed till the end of the permitted period are deemed to be reoccupied by the State” are more complete than the original ones. The amendments of Amyotha Hluttaw should be approved.

Regarding the amendment of Amyotha Hluttaw to paragraph (25), subparagraph (b) of Chapter (8) “The central committee (a) shall coordinate with departments and organizations concerned for protecting against disturbance, invasion and encroachment on the vacant land, fallow land and virgin land, (b) coordinate in accord with the law with local small entrepreneurs engaging in family trade on permitted vacant and virgin lands not to suffer loss”, the phrase “coordinate in accord with the law with” should be replaced with “designate appropriate compensation at current price for”.

The original text in paragraph (30) of Chapter (10) is “Offences in Sections 27, 28 and 29 are cognizable offences”. The amendment of Amyotha Hluttaw is “Offences in Chapter (9) are cognizable offences”. The amendment of Amyotha Hluttaw should be approved.

Vacant Land, Fallow Land and Virgin Land Management Bill would be sent back to Amyotha Hluttaw with amendments.

The discussion date would be announced and Hluttaw representatives who want to participate in discussion were to submit their request not later than 18 November noon.



The Pyithu Hluttaw Speaker reported the Hluttaw that Assessment Commission of Existing Laws formed on 28 August will be renamed to Studying, Examining and Reviewing Commissions on Legal Affairs and Special Cases. The commission will be formed with 15 members, including Chairman Deputy Speaker of Pyithu Hluttaw, Vice-Chairman U Thein Swe of An Constituency and U Htay Myint of Myeik Constituency, members Ambassador (Retd) U Lin Myaing, Director-General (Retd) U Than Tun from Ministry of Foreign Affairs, Professor (Retd) Dr Aung Tun Thet, Lt-Col Aung Khin Thein of Judge Advocate-General Office of the Commander-in-Chief (Army) Office, Professor Dr Tin May Tun, Professor Dr Thida Oo, Director (Retd) U Tin Win of Supreme Court, Region Law Officer (Retd) U Khin Maung Oo, Advocate U Myint Lwin, Advocate U Than Maung, Deputy Director (Retd) Daw Than Than Yi of Union Attorney-General Office.

The secretary will be announced separately. Duties, authorities, rights and terms are as follow:-

#### **Duties and rights of the commission**

##### **(1) The commissiona.**

a. will have to suggest amendment, revoking and drafting of laws after studying existing laws to the Hluttaw through the Pyithu Hluttaw Speaker.

b. will have to report to the Hluttaw through the Hluttaw Speaker after studying special cases, if any, from legal standpoint.

c. will have to accomplish duties assigned by the Hluttaw Speaker within designated period.

d. will have to share duties within the commission for special cases categorized by the Pyithu Hluttaw Speaker.

e. will have to make suggestions if requested by the Pyithu Hluttaw.

##### **(2) The commission shall invite responsible persons of related organizations and discuss with them.**

(3) The commission members could freely make discussions if not contrary to provisions in the Constitution of the Republic of the Union of Myanmar and Pyithu Hluttaw Laws.

(4) Behaviours and words of a member in the commission meeting are not to be publicized. The commission will have to approve the meeting record with detailed discussions. The records shall not be distributed. Copy of the report of the Hluttaw will have to be sent to the Hluttaw Office to file as a case.

(5) The commission meeting could be convened as and when necessary and the meeting is valid if half of the members attend it.

#### **Rights and opportunities of the commission**

(1) The commission members shall enjoy allowances of Hluttaw representatives in addition to rights designated by the Hluttaw when they are in the commission-based region to perform the duty of the commission and to attend commission meeting and when they are traveling on duty.

(2) The commission members are immune from other laws regarding discussions in commission meetings apart from Pyithu Hluttaw Law.

The commission is Union-level institution in accord with Sub-section (h) of Section (2) of Pyithu Hluttaw Law and its term is not more than one year.

The Pyithu Hluttaw Speaker explained that the commission has done its functions about five months ago. In so doing, occasionally encountering with irregular cases such as legal affairs, political and international affairs, economic and social affairs is very likely. With regard to legal affairs, it has been tried to include retired personnel and currently discharging personnel from judicial departments, personnel discharging at and retired from the Attorney-General Office of the Union and courts at different levels, advocates and lawyers, and instructors giving lectures on law in the commission.

Likewise, ambassadors, directors-general, and officials from the Ministry of Foreign Affairs Ministry who have experience in political and international affairs are assigned to the commission to be able to deal with political and international affairs.

So, the commission thanks to its comprehensive organizational structure can contribute greatly in analyzing special cases which emerge occasionally.

Hluttaws are mainly promoting the interests of the nation and the public. The commission was formed with selected members for it is assumed that the commission members can contribute to not only the Hluttaw but also the national and public interests with their knowledge, experience and goodwill.

In seeking the approval of the Hluttaw with regard to the Environmental Conservation Bill, U Htay Myint of Myeik Constituency discussed that according to the constitution, the main responsibility of the Hluttaws is drafting bills. Amending bills at the Hluttaw includes process of submitting and approving of newly-drafted bills and amending and assessing the existing laws. It needs to take time to enact a new law making least errors.

Then amended paragraphs and sub-paragraphs of the bill are discussed and sought approval of the Hluttaw.

Dr Sai Kyaw Ohn of Namkham Constituency made amendment to Sub-paragraph (e) of Paragraph-2 of the bill and Union Minister for Environmental Conservation and Forestry U Win Tun replied that he had no remarks as the amendment made no difference in meaning.

As no representative raised objection to the amendment, it is passed. Member of the Bill Committee U Thein Tun Oo proposed that the Sub-paragraph (f) of Paragraph-2 should be left unchanged as first proposed by the ministry explain that the changing may lead to misunderstanding and Union Minister U Win Tun replied that he seconded the proposal. All representatives showed support for the proposal and it was approved.

Again, Dr Sai Ohn Kyaw of Namkham Constituency proposed that Sub-paragraph (p) of Paragraph-2 should be left unchanged as proposed by the ministry saying that the amendment of Amyotha Hluttaw is unnecessary and Union Minister U Win Tun approved the proposal.

The proposal was then approved as no representatives rejected it.

U Thein Lwin of Chauk Constituency proposed to add a sub-paragraph under Paragraph-3 and Union Minister U Win Tun replied that the proposal is a good suggestion but it would be more appropriate to be included in by-laws. The proposal was approved by the Hluttaw as no representatives turned it down.

U Thein Lwin of Chauk Constituency again proposed to amendment to Sub-paragraph (e) of Paragraph-3 and Union Minister U Win Tun replied that the proposal is acceptable and the Hluttaw approved the proposal.

U Khin Maung Shwe of the Bill Committee made amendment to Sub-paragraph (a) of Paragraph-4 and Union Minister U Win Tun replied that he had no reason to reject the proposal as it has certain relation.

U Khaing Maung Yi of Ahlon Constituency proposed to amend the same paragraph and Union Minister U Win Tun said that the committee is formed representing the incumbent government and he is willing to accept if Hluttaw thinks the amendment is necessary and he has no reason to reject as the amendment will be more comprehensive.

U Thein Swe of An Constituency proposed that those amendments could be included in the by-laws and U Htay Myint of Myeik Constituency, U Htay Oo of Hinthada Constituency and U Soe Tha of Twantay Constituency seconded his proposal.

The Pyithu Hluttaw Speaker said that it needs to include chapters and paragraphs that can promote of the interests of the nation and the people and that have not yet been included in the bill. Pyithu Hluttaw had a wish to supplement necessary paragraphs in coordination with related ministries and there are chances to write and submit new paragraphs that should be included in the bill. Proposals of amendment are to be send by 12 noon 20 November and date for discussion will be fixed later.

He urged Hluttaw representatives to take necessary measures in discussing the bill again.

The fourth day second regular session of First Pyidaungsu Hluttaw will be held on 18 November.

Today's session came to an end at 2 pm and the 49th day session will be held after the Hluttaw has fixed a date.-MNA

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