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True patriotism

* It is very important for every one of the nation regardless of the place he lives to have strong Union Spirit.

* Only Union Spirit is the true patriotism all the nationalities will have to safeguard.

President sends message to Pyidaungsu Hluttaw Speaker stating issues related to low salaries of union level personnel, increased pensions of retired service personnel and establishing Myanmar National Human Rights Commission

NAY PYI TAW, 28 April — Pyidaungsu Hluttaw sent a message dated 28 March, 2012, to the President of the Republic of the Union of Myanmar.

The message said that Speaker of Pyithu Hluttaw Thura U Shwe Mann sent a message dated 14 March, 2012, to the Speaker of Pyidaungsu Hluttaw, stating some undertakings of the Union Government. The report on findings and remarks of the Joint Bill Committee over the message to the Speaker of Pyidaungsu Hluttaw was put to vote at a session of Pyidaungsu Hluttaw held on 23 March, 2012. As there were 477 votes in favour, three against the motion with seven abstentions, Pyidaungsu Hluttaw decided to agree the remarks. Therefore, Pyidaungsu Hluttaw had to send the message to the President to assess the decision of Pyidaungsu Hluttaw over the report on remarks made by the Joint Bill Committee.

Following is the translation of the message sent by Speaker of Pyithu Hluttaw Thura U Shwe Mann to the Speaker of Pyidaungsu Hluttaw and it was attached to the message sent to the President.

- It is assumed that the following issues of Union Government which is taking governing duties of the State are needed to be scrutinized though the body carried out the tasks with goodwill. They are:
 - Though the salaries for the union-level personnel have been set by the law, they are enjoying the salary set by the State Peace and Development Council and they are not in conformity with the law.
 - Increased pensions of retired service personnel.
 - Establishment of Myanmar National Human Rights Commission and the commission was designated as the union level body and expenditure the commission is included in the Budget Bill.
- Pyidaungsu Hluttaw is requested to scrutinize the above measures whether they are in conformity with the constitution and other existing laws, and if not, the Hluttaw is requested to help carry out the measures so that they can be in conformity with the law.
- The undertakings of the Hluttaw which are the executive body and the legislative body of the State must highlight that they attached importance to the rule of law. The cooperation between the governing body and the hluttaws in accordance with the law must be the vanguard and a role model for the State and the people.
- Hence, I am sending this message so that the above issues can be assessed.

Similarly, **following is the translation of the report on findings and remarks of Joint Bill Committee about the message sent by Speaker of Pyithu Hluttaw Thura U Shwe Mann to the Speaker of Pyidaungsu Hluttaw and the report was attached to the message sent to the President.**

- The Pyithu Hluttaw Speaker sent a message to the Pyidaungsu Hluttaw Speaker so that he could check whether the tasks of the Union government taking charges of executive duties of the State were in conformity with the law.
- Regarding the message, the Pyidaungsu Hluttaw Speaker sent a letter to the Joint Bill Committee for its findings and suggestions. The committee received the letter on 21-

3-2012. On that day, members of the Joint Bill Committee and Financial and Legal Affairs Study Commission made discussions.

Findings

- The message of the Pyithu Hluttaw Speaker states three points that are necessary for monitoring the tasks of the Union government whether they are in line with the law although it has been shouldering executive duties with goodwill.
- The three points are as follows:-
 - With regard to Union level personnel enjoying the same allowances and salaries as those in the time of the State Peace and Development Council as not prescribed by the law although allowances, and salaries have been set exactly by the law according to the provisions of Article 29 of Chapter (4) of the law of allowances, expenses and facilities of Union level personnel, they can be amended, supplemented or revoked only by the Pyidaungsu Hluttaw.
 - With regard to the increased pensions of retired service personnel, it is found that the matter was not submitted to the Pyidaungsu Hluttaw for approval although it must be included in the State budget and financial laws of the Union and dealt with in accord with the provisions of Section 103 of the constitution.
 - With regard to the formation of Myanmar National Human Rights Commission, designation of the commission as a central level organization and inclusion of its spending in the budget bill, they are not included in the provisions on formation of central level organizations, duty assignments and impeachment prescribed in Sections 200, 202, 203, 232 (f), 232 (g) and 233 of the constitution of the Republic of the Union of Myanmar. It is also found that provisions on Myanmar National Human Rights Commission are not stated in Articles 6, 9, 12 and 13 of the Union Government Law. Regarding the issue, the 21st day third regular session of the first Pyidaungsu Hluttaw held on 16-3-2012 decided on the cancellation of designation of Myanmar National Human Rights Commission as a central level organization and inclusion of its spending in the budget.

The committee's remarks

- Thus, Union level personnel accepting reduced allowances and salaries as not prescribed by the law, increased pensions of retired service personnel, formation of Myanmar National Human Rights Commission and designation of the commission as a central level organization and inclusion of its spending in the Union budget bill are not in conformity with the constitution and the existing laws.
- If Union level personnel wish to accept reduced allowances and salaries, a proposal on amendments to the law of allowances, expenses and facilities of Union level persons must be submitted to the Pyidaungsu Hluttaw and approval must be sought.
- As for the increased pensions of retired civil servants, it must be included in the Union budget bill according to the constitutional provisions and the case should be submitted to the Pyidaungsu Hluttaw in accord with the financial procedures and approval should be sought.

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President sends message...

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8. Concerning the formation of Myanmar National Human Rights Commission, only advisory groups can be formed in accordance with Article 23 (a) of the Union Government Law. Accordingly, the Union Government can award allowances, expenses and facilities to those advisory groups and the spending can be born from its budget.

Regarding the message sent by the Speaker of Pyidaungsu Hluttaw, the President sent a message dated 9 April, 2012, to the Speaker of the Pyidaungsu Hluttaw.

Following is the translation of the message sent by the President to the Speaker of Pyidaungsu Hluttaw.

1. A message was sent to the President to check whether the following three decisions made by him were legal or not:
 - (a) The decision to reduce the monthly salaries of Union level officials.
 - (b) The decision to increase the pensions of retired service personnel.
 - (c) The decision to form the Myanmar National Human Rights Commission.
2. In connection with the matter concerning the acceptance of reduced amount of monthly salaries, they have already made a pledge saying that in view of the State's prevailing condition, financial situation and the people's interest they will not enjoy the full amount of their allowed salaries and that they will enjoy salaries that are equal in amount to allowances during the time of the State Peace and Development Council at the ceremony to heed the presidential address and to make affirmation held at President Office on 31 March 2011. The following points are stated for consideration:
 - (a) The matter is just the reduction of the monthly salaries of the Union level personnel. They are enjoying allowances as per the law. No amendment, addition or revocation is made to the legal stipulations in connection with allowances, expenses and facilities of Union level personnel.
 - (b) The matter is within the executive power of the President entrusted to him as per the Constitution.
 - (c) The President's pledge had already been passed by the Union cabinet meeting (1/2011).
 - (d) For example: during President Sao Shwe Thaik's administration, the ministers led by Prime Minister U Nu according to the minutes of the cabinet meeting on 20 January 1949, agreed to the 50 percent reduction of their salaries fixed according to 1948 Act No 4 of the (salaries of cabinet ministers) of the Union government and the parliamentary secretaries 40 percent reduction of their salaries.
3. The matter concerning the reduction of the salaries of the Union level personnel according to the pledge of the President may be carried out under Pyidaungsu Hluttaw's approval.
4. The matter regarding the increased pensions with effect from 1-7-2011 is stated as follows:
 - (a) The matter is within the executive power of the President entrusted to him as per the Constitution due to the responsibility to take care of their socio-economic lives. It is simply an act to honour and care the pensioners facing hardships resulting from inflation and rising commodity prices even though they were enjoying their pension due to their good discipline in discharging duties.
 - (b) Increased pension rate was allowed under the provisions of the Union Government

Law, Finance and Revenue Ministry also has issued notification under the agreement of the Union Government in line with Civil Service Regulations.

- (c) Pension for the retirees was allocated from pension expenditure under 2011 Budget Law of the State promulgated by the State Peace and Development Council.
 - (d) The adjusted budget for 2011-2012 fiscal year clarifying the amount of pension granted was passed by the Pyidaungsu Hluttaw.
 - (e) In addition, increased pension expenditure was set in the 2012-2013 Union Budget Law and was already passed by the Pyidaungsu Hluttaw.
5. Regarding the increased-rate pension scheme, above-mentioned measures were taken in accord with the law. However, it is mentioned here that Pyidaungsu Hluttaw may, if it wishes, increase the pension rate with its own decision.
 6. Regarding the formation of Myanmar National Human Rights Commission as central level institution and budget allotment proposal for its expenses, it is explained as follows:
 - (a) Myanmar National Human Rights Commission was formed neither under the constitution nor a certain law. It is the commission formed under executive action according to the executive power vested by the constitution. (Explanation: The Section 217 of the Constitution describes the executive power of the Union shall be vested in the President, subject to the provisions of the constitution. The Section 218 (a) describes all executive actions of the Union Government shall be taken as action in the name of the President. In Section 216, it is described that subject to the provisions of the constitution, the executive power of the Union extends to administrative matters over which the Pyidaungsu Hluttaw has power to make laws.
 - (b) It was formed necessarily in the time of the new government elected in line with the constitution to reduce alien pressures for national interests and protection and promotion of fundamental rights of citizens.
 - (c) Designation of the commission as central level institution and expenditure proposal in 2012-2013 fiscal year Union budget had been cancelled.
 - (d) Designation of the commission chairperson and member as Union minister level and deputy minister level had been cancelled.
 - (e) The commission would remain as it was formed under executive power, and was essential for protection and promotion of national interests and fundamental rights of citizens. Its expenses would be drawn out from the funds of the President Office and Union Government Office. Furthermore, a bill is under drafting for transformation of the commission into legally organized one. Under the approval of the Pyidaungsu Hluttaw, the law would be enacted and measures would be taken for further development of the commission.
 7. The President is acting under laws in the interest of Myanmar society walking right to the democracy goal. Message was sent to be considered regarding those three cases presented by the Pyidaungsu Hluttaw.

The President sent a message saying low salaries of union level personnel, increasing pensions of retired service personnel and establishing Myanmar National Human Rights Commission to Pyidaungsu Hluttaw, and the dailies issued on 25-4-2012 carried the news that the Speaker of the Pyidaungsu Hluttaw read out the message at the 27th day meeting of the third regular session of the first Pyidaungsu Hluttaw and the Hluttaw put it on the record.