

**It is up to two agencies to choose whatever political line of struggle of their own volition as both are independent ones formed in line with the constitution -
Speaker of Pyithu Hluttaw sends a message dated 14 August to President.
President sends back a message dated 20 August to Speaker of Pyithu Hluttaw**

NAY PYI TAW, 20 Aug - The Speaker of Pyithu Hluttaw sent a message dated 14 August, 2012 to the President of the Republic of the Union of Myanmar.

In the message, the Speaker said he sent the message to the President to advise him so that actions would be fair and could be at a least loss to those who concerned as the representatives of Pyithu Hluttaw did not accept the decision of the Constitutional Tribunal of the Union.

The Speaker said that 301 representatives which makes up the majority of the Pyithu Hluttaw, proposed him to impeach the Constitutional Tribunal of the Union through the Pyithu Hluttaw Rights Committee on 8 August, 2012, for the second time as they did not satisfy and accept the decision of the Constitutional Tribunal of the Union over the submission No. 3/Nya Ma (1) 3-1 (92) Na Pa Ta (72) made by the Union Attorney-General, on behalf of the President, on 2 February, 2012, On 26 April, 2012, 191 representatives of Pyithu Hluttaw filed the petition and sought approval from his through the Pyithu Hluttaw Rights Committee at the third regular session of the first Pyithu Hluttaw to submit a proposal to the Hluttaw to impeach Chairman and member of the Constitutional Tribunal of the Union, and he suspended the issue, and he and chairmen of the Pyithu Hluttaw committees and Secretary of the Union Solidarity and Development Party presented the issue to the President. The chairmen of the Hluttaw committees and secretaries retold the representatives about what the President replied to them saying that the President would settle the issue satisfying all. Though negotiations were made with those who were concerned in the issue in an attempt to find the best solution for the issue, still, the issue was not yet settled, he added in the message.

Therefore, 301 representatives of Pyithu Hluttaw filed the petition and sought approval from him to impeach the Constitutional Tribunal of the Union on breach of the provisions prescribed in the Sub-section (a) (ii) of the Section 334 of the Constitution and inefficient discharge of their duties assigned by law as prescribed in Sub-section (v), he added.

He did not want to reach such situation but he assumed that the suitable and best way to settle the issue is to withdraw the submission made by the Union Attorney- General, on behalf of the President, and resigning of the chairman and members of the Constitutional Tribunal of the Union at their own wish by 21 August, 2012, the Speaker said.

Regarding the issue, Legal Affairs and Special Cases Assessment Commission also suggested the Hluttaw that such action was suitable and fair and could be at least loss to the dignity of the State and the Hluttaws and those who were concerned in the issue.

Therefore, he sent the message to the President so that he could review and handle the situation, he said.

Regarding the above the message, the President replied the message to the Speaker of the Pyithu Hluttaw on 20 August.

In his message to the Pyithu Hluttaw, the President expressed his thanks to the Pyithu Hluttaw Speaker for his suggestions for bringing about fair and just actions with least trauma to the personalities concerned as Hluttaw representatives disapproved of the verdict of the constitutional tribunal of the Union.

In his response to the suggestion by the Pyithu Hluttaw to withdraw the proposal submitted by the Union Attorney- General on behalf of him, the President explained the so-called designation of committees, commission and organizations formed by the respective Hluttaws. The government is responsible to manage appropriate financial and administrative matters if those committees, commission and organizations are designated as Union level organizations. Such management needs to be within the framework of laws and rules and regulations. It was asked to the Constitutional Tribunal of the Union to define the meaning of Union level organizations so as to make sure whether committees, commission and organizations formed by respective Hluttaws are under the name of Union level organizations.

That asking the Constitutional Tribunal of the Union to define the provision of the constitution within the framework of regulations is in fact aimed to ensure legal rights and duties of members of the Hluttaw committees, commission and organizations.

As regards to the case, the Constitutional Tribunal of the Union delivered a verdict on 28 March, 2012, deciding that connotation of committees, commission and organizations formed by respective Hluttaws as Union level organizations is not in conformity with provisions of the constitution. It is the final verdict in accordance with Section 324 of the constitution and Article 23 of the Constitutional Tribunal of the Union. The case is not on trial but final verdict has been delivered and thus it is impossible to withdraw the proposal under the tradition and procedures of the courts. The President requested the pardon of Pyithu Hluttaw Speaker asking him to put himself in government's shoes.

The President then explained about allowing the chairperson and members of the constitutional tribunal of the Union retire before 21 August, 2012 of their own volition. The provision in sub-para (a) of Section 11 of the constitution is just aimed for possible most separation of three branches of national sovereignty-legislative power, executive power and judicial power and checks and balances. It would be against the law and unfair if the President would force the chairperson and members of the constitutional tribunal of the Union to resignation for the constitutional tribunal of the Union has acted freely to assume its responsibility vested by the constitution. Therefore, it cannot be forced the chairperson and members of the constitutional tribunal of Union to resign.

Members of the constitutional tribunal of the Union are nominated by the President and two Hluttaw Speakers and then appointed with the approval of the Pyidaungsu Hluttaw. The members are legal experts with long judicial experiences, some of whom even dutifully took part in the National Assembly held from 2004 to 2007 for drafting the constitution. It is believed that they would not make reckless decision either by mistake or due to impartiality.

All the Pyithu Hluttaw representatives including the President himself have taken affirmation or sworn in to uphold and abide by the constitution and adhere to the laws of the State in the presence of the Pyithu Hluttaw Speaker.

So, the president has to abide by the verdict of the constitutional tribunal of the Union according to the provisions of Section 324 of the constitution and provisions of the Article 23 of the law of the constitutional tribunal of the Union.

Myanmar has just taken step forward to global stage with infant democracy. So, in order not to impede the strides of reforms undertaken by the legislative, executive and judicial pillars for democracy promotion in Myanmar because of the disagreement at present time, and in consideration of the 60 million population, and in order not to undermine the unity of the three pillars, it is advisable for the Hluttaw to exercise the legal rights vested by Chapter (12) of the constitution rather than pointing a finger at someone. It is supposed to be appropriate approach without causing disadvantages to anyone.

The President in conclusion said that it is up to two agencies to choose whatever political line of struggle of their own volition as both are independent ones formed in line with the constitution.-MNA

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