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A Close Scrutiny on Mandalay Region Hluttaw

A Million Kyat Worth Questions, Six Laws and Nearing a Five-year Term

November 30, 2020

The five-year term of the second Mandalay Region Hluttaw, dominated by the National League for Democracy (NLD) MPs, is coming to an end in the coming months.

When the second Mandalay Region Hluttaw began its regular sessions, it was lively with high spirit, and the people were watching it enthusiastically.

The first motion submitted in the second term of Mandalay Region Hluttaw was “to scrutinize large areas of public land and fallow land given to some individuals and to manage them for public good.” As the hluttaw discussed about ongoing land issues in Mandalay, local

people rendered it praise and interest in it was high.

However, as time passed, the Mandalay Region Hluttaw meetings began to lose its momentum of high spirit and liveliness. Not a single MP attempted any discussion on budgetary laws in the hluttaw session held in the last few months. Instead, lawmakers in the hluttaw nodded quietly to the proposed laws submitted by the government without any amendments.

Compared to the first Mandalay Region Hluttaw even in terms of figures, the number of legislations, motions, questions and discussion was significantly low, as is found in the hluttaw records and reports.

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140 Days of Hluttaw Meeting

There are 76 lawmakers to attend the hluttaw meeting, of which 57 are elected representatives and 19 are military appointees.

Of the 57 elected representatives, 49 are from the NLD, 7 from the Union Solidarity and Development Party (USDP) and 1 from the Democratic Party (Myanmar) (DPM). (In the first Mandalay Region Hluttaw, 56 MPs were from the USDP and 1 from the DPM.)

The second Mandalay Region Hluttaw held a total of 20 regular sessions from February 2016 to October 2020. With 3 special meetings and 1 emergency meeting, 24 meetings were held. The total number of meeting days amounted to 140 days. On average, 4 meetings a year and a one-month long meeting a year were held.

In the first Mandalay Region Hluttaw, 14 regular sessions and 3 special meetings (a total of 17 meetings) were held, meaning the second Mandalay Region Hluttaw held 7 more meetings.

Regional or State MPs receive a salary of 500,000 kyats a month. On the days of the meetings they are entitled to a per diem of 15,000 kyats, and the MPs from out of town are entitled to 5,000 kyats for accommodation, according to the hluttaw officials. Therefore, an elected MP is entitled to 30 million kyats in salary in five years, 2.1 million Kyats for per diem. In addition, when the MPs take up hluttaw committee's responsibilities, they are entitled to other payments. Therefore, in five years, each Mandalay Region MP is entitled to 33 million kyats on average.

When auditing the capability and performance of MPs, the most obvious measures considered are the number of questions and motions they submitted to the hluttaw and the number of legislations.

A Question is Worth More than A Million Kyats

In the Second Mandalay Region Hluttaw term, MPs asked 1,377 starred questions, 575 unstarred questions, the hluttaw records show. The starred questions are sent to the hluttaw in advance and relevant government representatives have to appear in the hluttaw to answer the questions. The unstarred questions, on the other hand, can be answered in writing by the government and sent to the hluttaw. There were 2,140 starred questions raised in the first Mandalay Region Hluttaw.

As there are 76 MPs, and each of whois entitled to 500,000 kyats in salary, it costs 38 million kyats a month to pay MPs. In a year it costs 456 million and for five years 2.28 billion kyats.

When the 1,300 plus starred questions are taken ratio with the payment in kyats for salary, each question raised in Mandalay Region Hluttaw costs over 1.7 million

kyats. Such amount can sustain a five-member household for 6 months.

Although 1,300 starred questions were raised in the hluttaw, most of the questions concerned only road and bridge construction, school repairs or building wells.

“A question is worth a million kyats, but the questions don't benefit the people. It's sheer waste. There were a lot of questions like ‘Could we have a road here? And electrification there?’ that could be answered ‘yes, if we have the budget’. Such questions are not valuable questions,” commented U Saw Thaug Tin, an MP for Mogok (2) and the current Chairman of Hluttaw Representatives Scrutiny Committee of Mandalay Region Hluttaw.

The value of a question can be measured both in monetary value and how much benefit it brings to the people and the kind the government could fulfil the needs of the people, added U Saw Thaug Tin.

Raising questions by making a big deal about what the government actually should be doing for the people lowers the value of the question, he said.

The questions presented to the hluttaw in five years by hluttaw representatives were checked by Hluttaw Representatives Scrutiny Committee and decided whether the question should be submitted to the hluttaw or not, as some questions fall under the jurisdiction of the union hluttaw, the regional hluttaw cannot aske questions and have to be turned down, and if the questions were deemed to clash with the government, they are turned down too. Moreover, even after the Affairs Committee allowed the questions, they could be turned down by the Hluttaw Speaker, according to the member of the committee.

“Let me give you an example. We have a gem law for Mogok. According to the constitution, by-laws have to be drafted in 90 days. But it's been two years since, but no by-laws have come out yet until now. If we raised such questions, they could potentially clash with the government, so we have to keep it under control. Although we want to ask such questions, we have to swallow it,” said Chairman of Affairs Committee U Saw Thaug Tin.

Most of over-a-million-worth questions raised in the Mandalay Region Hluttaw were about bridges, schools, roads and bridge repairs. To be fair, there were a few questions that uplifted the image of the hluttaw.

They included the question on the objectives, vision and current situation of extended Silicon IT City on 10,000 acre from 21 Mile Village to Thonetaung Village in Pyinoolwin township, the motion to adjust rental fees of public assets leased to private Sectors and Investments

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Comparing the performance of the first and second Mandalay Region Hluttaw

Mandalay Region Hluttaw	First Hluttaw	Second Hluttaw
Total meetings	17	24
Questions	2,140	1,377
Approved Motions	86	20
Laws	29	6
By-laws	39	1

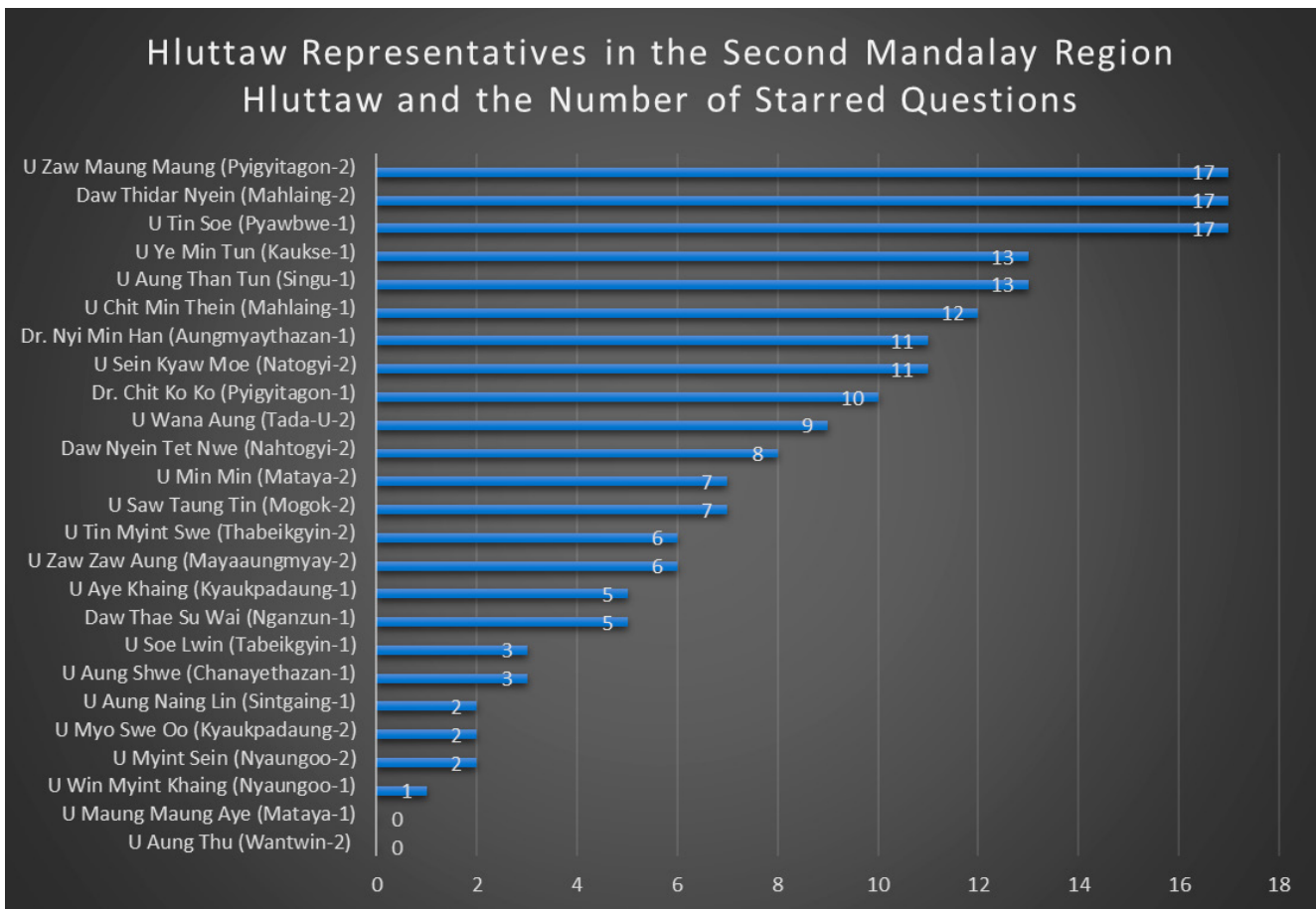


Chart-1: Chief Minister and Ministers are not included.(Data Reference: Hluttaw Culture)

in the going rate, the question on whether there were any plans for public transport to reduce traffic congestion in Mandalay, the question on how to deal with gambling. Such questions are in the benefit of the welfare of the people.

Hluttaw Representatives Who Asked A Lot of Questions and Those Who didn't Ask Any

According to the hluttaw procedure, an MP can ask a maximum of 10 starred questions in a regular meeting. Representatives who asked questions the most were USDP MPs; and MP for Tharsi Township (1) U Moe Myint Thein asked 143 questions; MP U San Tun of Tharsi Township (2) asked 110 questions; and MP U Aung Kyaw Mow of Meiktila Township (1) 104 questions.

From the NLD, an MP who asked questions the most are U Min Aung (Myitthar-1), U Ye Min Oo (Patheingyi-2), U Kyaw Soe Naing (Nganzun-2), and each of them raised 50 to 66 questions.

There are Hluttaw MPs who did not ask a single question in the five-year term of the second Mandalay Region Hluttaw. And these MPs are from the NLD.

MP U Maung Aye of Mataya (1), MP U Aung Thu of Wantwin (2) and MP U Aung Kyi of Kyaukse (2) did not ask any single question in the 140 meeting days in the five-year term of the hluttaw.

Of the three MPs, U Aung Kyi was made the Minister for Immigration and Human Resource of Mandalay Region Government on July 2019.

The first motion submitted to the Mandalay Region Hluttaw was "to scrutinize large areas of public land and fallow land given to certain individuals and to manage them for public good."

Because of this motion, the regional government reviewed the process of illegally granting land to those who are close to the previous USDP government. According to a statement by Dr Zaw Myint Maung-led Mandalay Region Government, within the transitional period from January 1 to March 30, 2016 the USDP government granted a large amount of land that was under the management of Mandalay Region Government to individuals close to the party, amounting to 72 plots of land and more than 166 acres. Out of such land, large amounts were given to four individuals.

However, how much of the land was taken back by the government and what the last situation of the motion was never made known to the public by Mandalay Region Government.

Such motions as "to emphasize the peaceful existence of the people, reduction and elimination of theft, rape and robbery; to better supervise courts in Mandalay in their tackling of cases; to monitor medical treatment that were given in Mandalay without proper licences" were submitted to the second hluttaw term.

64 motions were submitted to the second Mandalay Region Hluttaw, of which 20 were approved, 9 archived, 3 rejected, 7 suspended, 4 turned to questions, and 20 disallowed, according to a report presented to the

Hluttaw Representatives in the Second Mandalay Region Hluttaw and the Number of Starred Questions

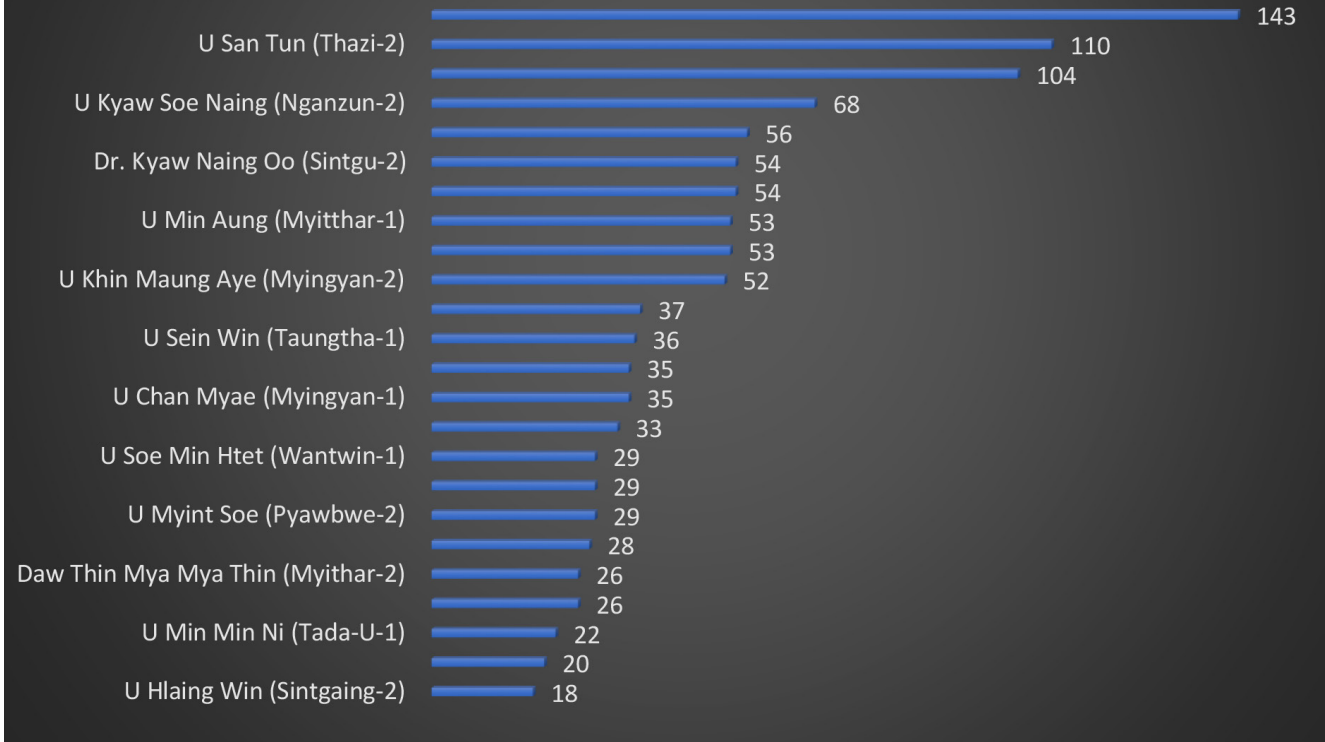


Chart-2: Chief Minister and Ministers are not included. (Data Reference: Hluttaw Culture)

hluttaw by Hluttaw Representatives Scrutiny Committee. In the first Mandalay Region Hluttaw, 105 motions were submitted, and 86 were approved, hluttaw records show. According to the chairman of the committee U Saw Thaung Tin, the motions that were disallowed in the current hluttaw were contrary to the 2008 constitution and the ones that clash with the government, and they could have negative consequences. U Saw Thaung Tin admitted that although the Chief Minister, who is a party leader and an MP at the same time, did not interfere personally in submitting questions and motions to the hluttaw, the situation calls for MPs to act according to circumstances. "We dare not ask questions that could upset them [party leaders]. Just like in the military era. If "the weather" is good we can talk openly, but if "the weather" is bad, we don't even dare to walk past them. It's as though ash trays would come flying your way. That was the situation in the past. Now, it's not that bad. But still we have to act according to the signs of the time," he said. There were 12 MPs who submitted motions in the second Mandalay Region Hluttaw, and all 12 were from the NLD. The MP who submitted the motions the most is U Tin Aung of Chanmyathazi Township (1) and submitted 6 motions. Furthermore, U Myint Aung Moe (Chanmyathazi-2), U Hlaing Win (Sintkai-2), U Aung Min (Pyinoolwin-1), Dr Nyi Min Han (Aungmyaythazan-2), U Myint Swe (Amarapura-2), U Min Min (Mataya-2), U Chan Myae (Myingyan-1), U Chit Min Thein (Mahlaing-1), Daw

Thida Nyein (Mahlaing-2) and Daw Thin Mya Mya Thin (Myithar-2) submitted motions. As there were 20 approved motions in five years, it could be said that 4 motions were submitted a year. Of all the motions, about half were about motions proposing for the approval of budget. **The Hluttaw that Passed only 6 Laws** The hluttaw's main responsibility is to make laws. However, the report by Hluttaw Representatives Scrutiny Committee pointed out that the second Mandalay Region Hluttaw was unsatisfactory in this regard. There were only 2 amended laws and 4 newly promulgated laws, legislating only 6 laws in five years. (Annual Budget Law and Local Planning Laws are not included in this figure.) According to U Tin Aung, a regional MP representing Chanmyathazi Township (1) and chairman of Mandalay Hluttaw Legislation Committee, the reasons the current hluttaw was weak in making new laws included the unnecessary to pass new laws as 42 laws were passed in the first hluttaw, MPs were not interested in making new laws, and MPs do not have necessary capacity to draft laws. "Sometimes I wonder if they [MPs] thought they have no responsibility to make laws. They seem to think that their duties concern only developmental works," U Tin

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Aung said.

He also added that even for lawmakers themselves they find it hard to draft laws, and there were not any organizations helping them with necessary technical skills for drafting laws.

An MP has three main responsibilities: (1) to raise questions and submit motions in the interest of the people or fulfil the needs of the constituencies, (2) to administer the budget in order to check and balance the government, and (3) to make laws, explained U Myint Aung Moe, the chairman of Mandalay Hluttaw Security, Administration and Municipal Committee and MP for Chanmyathazi Township (2).

Although the Mandalay Region Hluttaw passed only 6 laws in this current term, he did not think the hluttaw's performance was unsatisfactory.

"If asked whether the hluttaw was weak in passing the laws, I don't think so. I don't compare it with other regional and state hluttaws. Mandalay Region Hluttaw passes laws that are good for the people. There are still other laws yet to be passed, and in the eyes of people only six laws have been passed, such laws bring benefits to the people. I don't think the hluttaw is weak in this regard," he said.

As the laws which the regional hluttaw wants passed cannot go against the union laws, it has to wait, and this is one reason only a few laws were passed, he continued.

The amended laws during the second term of Mandalay Region Hluttaw are the amended law of municipal law and the amended law of excise tax. The newly promulgated laws are Mandalay Region land tax law, Mandalay Region tourism law, Mandalay Region municipal law, Mandalay Region small and artisanal gem law.

As for by-laws, only Mandalay City Development Committee by-law was passed.

Although the questions and motions reflected the voice of the people in the second Mandalay Region Hluttaw, and checking and balancing the government was carried out, it should make more laws, said Daw Nyein Thet Nwe, a member of Hluttaw Representatives Scrutiny Committee and MP for Natogyi Township (1).

"I suggest that more should be done on passing laws that protect and fulfil the interest of the people and promote the rights and opportunities and amending the laws suitable for the current situation," she said.

In the first Mandalay Region Hluttaw, 42 laws including 13 budget laws were passed, and 39 by-laws were written, show the hluttaw records.

Article 188 of the 2008 constitution endows regions and states hluttaws in schedule 2 the power to make laws for the regions or states.

Under the provision of schedule 2, the first Mandalay Region Hluttaw has 43 sectors on which it can make laws. However, now that some amendments were made to the constitution in 2015, under schedule 2, region and state hluttaws have more sectors, 75 to be exact, on which they can pass laws.

Under the provision of the constitution, although there are a lot of sectors on which the Mandalay Region Hluttaw can pass laws, the union laws leave few rooms for region and state hluttaws that there are challenges to write new laws, according to U Tin Aung.

"Region and state hluttaws can pass laws on the elderly. But in the union law, region and state hluttaws were entitle to only make suggestions and does not

leave rooms for what they can and should do. So, region and state hluttaws don't know what to do. And they cannot make any new laws, he gave an example.

Checking and Balancing the Government

Hluttaw MPs often point out and discuss budget laws submitted to the hluttaw by the government and local planning laws. However, in the hluttaw meetings held in the last few months, few MPs discussed about them.

U Myint Aung Moe explained that checking and balancing the government was reduced due to collaboration of respective governmental departments and elected representatives.

"As budget proposals reach the hluttaw, they are given to respective committees. MPs are responsible to read them. For example, if the budget concerns agriculture, hluttaw agriculture committee conducts field visits and inspections. After that, they meet the respective government departments and ask them to make necessary adjustments or remove some sections. Committees and the departments discuss budget proposals prior to submitting them to the hluttaw. That's why there are fewer discussions in the hluttaw. It's not that the hluttaw does not check on them anymore," he said.

However, in the budget and expenditure report by Mandalay Region Chief Auditor on 2018 (from April to September) submitted to the hluttaw on the 16th regular hluttaw session, there some discrepancies appeared.

Especially, in projects carried out with allowed fund, finance was returned to the region, and such occurrences as refunding less than original amount, refunding without any receipts were not in line with financial regulations and procedure, mentioned the report.

Moreover, a corruption case of a junior engineer, a chief engineer and a vice director from Meiktila Township Municipal Team in Mandalay Region was reported by Myanmar Anti-Corruption Commission. These officials did not extort the money from the people but abuse the state fund, according to the commission. They withdrew (without any receipt) 15 million kyats without actually paying for the expense for repairing an old dump site in a 2018-2019 mini budget. They only paid for 1.5 million in rental fees for the dozer, siphoning 13.5 million off the budget. Furthermore, there are other cases of road construction in Paukchaung Ward, Meiktila, without inviting for tenders and not managing surplus fund in accordance with regulations, wasting state finance. As a result, these cases have been brought up to Myanmar Anti-Corruption Commission, it was reported.

Whatever the case, the term of the second Mandalay Region Hluttaw is going to end soon, and through elections, new elected representatives have emerged.

It is found that some current MPs are re-elected for the third hluttaw term (2021-2026).

However, MPs from the NLD who raised a lot of questions and submitted motions in the second Mandalay Region Hluttaw did not make it in the election, according to Hluttaw Culture, a Mandalay-based group monitoring hluttaws.

The second Mandalay Region Hluttaw's term will end in February, and whether new laws would come out, motions and questions raised in the remaining time have to be seen.

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I Don't Want People to Think That Hluttaw Can Remove Government: Vice President of NLD

December 7, 2020

Although we will build a stronger Mandalay Region, one without any opposition as per the result of 2020 general election, we do not want it to become like Kayah State Hluttaw, according to the Vice Chairman of the NLD Dr Zaw Myint Maung.

"We've learned our lessons from Kayah State Hluttaw. I don't want people to think at all that the hluttaws can remove the government. We should be working in collaboration for the betterment of our region and our country, said Dr Zaw Myint Maung, an incumbent Chief Minister of Mandalay Region.

Dr Zaw Myint Maung answered to the questions by Myanmar Now as mentioned above, alluding to Kayah State Chief Minister being impeached and forced out of office. 2020 election saw the NLD sweep all the votes in five regions, namely, Mandalay, Magway, Bago, Tanintharyi and Ayeyarwady Regions. Out of 76 seats in Mandalay Region Hluttaw, all the seats were won by NLD members but for 19 military appointees.

All the elected representatives in Mandalay Region Hluttaw are made up of members of the NLD, but they have the right to check and balance the government, said Dr Zaw Myint Maung. "Comparing the party to the country, although loyalty must lay with the party, elected representatives should give the country a priority, and this should be clear from the party's objectives," he said.

However, those MPs who had asked questions enthusiastically in the hluttaw would not make it into the current Hluttaw anymore. Since they criticized the government, their applications to compete in the election had been turned down, some of them reckoned.

"On behalf of the people, I pointed out what should be and what shouldn't be the case. However, they [NLD] told me that my collaboration with the party was unsatisfactory, and consequently barred me to enter the election," MP U Tin Aung who submitted motions the most in Mandalay Region Hluttaw told Myanmar Now.

Of those MPs who were not permitted by the party to run again

in the election included Daw Thae Su Wai, MP of Nganzun Township (1). She is the secretary of Public Finance Scrutiny Committee, and in her capacity as such reviewed and cut budget proposed by Irrigation Department of Mandalay Region Government.

"I couldn't let public fund go wasted, so I cut the budget. As I cut the budget, it wouldn't be brought up to the hluttaw. The government could have had some misunderstanding on that, said Daw Thae Su Wai.

With regards to not allowing certain MPs to run in the election, Dr Zaw Myint Maung said, "To be frank, they weren't given the green light because they should be left behind."

He also added that MPs not only need to perform well in the hluttaw but they also need to have good relationship with the party at the township level as well as with the people.

It seems that an elected MP should be able to maneuver well in the tripartite relations between the government, the hluttaw and people, said U Maung Maung Gyi, a member of the NLD who won a seat in Meikhtila (2).

"An MP has to strike a balance between fulfilling the people's needs, desires and wishes and at the same time not straying from party's instructions," he said.

The chief minister of Mandalay Region holds a vice president position in the party and has influence on the Mandalay Region Hluttaw. There were instances where he interfered or obstructed to MPs' questioning the government in the hluttaw, according to certain MPs.

"Even the Speaker's stance seems to be on the side of the government. He seems worried to appear opposed to the chief minister, as the chief minister is a vice president in the party," said MPU Aung Shwe, a member of Democratic Party (Myanmar).

This notion is agreed by U Myint Swe, a member of NLD himself. "If the Speaker is afraid of the chief minister because he holds a high position in the party, the hluttaw is not going to function well," he said.

U Myint Swe, who was re-elected again in Amarapura Township (2), said he would stand by the people over the party.

"As a member of the party we



Hluttaw Speaker U Aung Kyaw Oo leaves the hluttaw after the twenty-first regular meeting of the second Mandalay Region Hluttaw (Photo: Yan Moe Naing/Myanmar Now)

should not just nod our heads simply because we're from the same party. I will point out what should be pointed out. As an elected representative, what should I be afraid of if I stand by the people," he said.

He was once obstructed by the chief minister as he was discussing about the regional audit report in a meeting.

With regards to the case where he warned MPs off the record not to ask questions that would put the government into difficult situation, the Hluttaw Speaker U Aung Kyaw Oo said "What I mean by avoiding questions that would put the government into difficult situation is that if the government and the hluttaw are at odds, they won't be able to tend to and meet people's needs."

On that note of accusation, Vice President as well as Chief Minister Dr Zaw Myint Maung replied that "I neither have any reasons to interfere with the hluttaw nor have interfered with it in anyway. It can do what it wants. But it must be according to the law."

He also mentioned that the party was thinking to select a person with quality such as capability to make political decisions, with a record history of involvement in politics and loyal to the party.

Even the performance of the current hluttaw with 8 USDP MPs and 1 DPM MP in opposition to balance and check the government is unsatisfactory, according to "Yone Kyi Yar", a Mandalay based hluttaw watch group.

"It's sad for Mandalay that MPs who did so well in the hluttaw were not allowed to run in the election," said Ko Tayza San, Executive Director of Yone Kyi Yar Knowledge Propagation Society.

Reposting the article by Phyo from the

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