



6

၁၈။ (က) နိုင်ငံတော်၏ တရားစီရင်ရေးအာဏာကို ပြည်ထောင်စုတရားလွှတ်တော်ချုပ်၊ တိုင်းဒေသကြီးတရားလွှတ်တော်များ၊ ပြည်နယ်တရားလွှတ်တော်များနှင့် ကိုယ်ပိုင်အုပ်ချုပ်ခွင့်ရစီရင်စုတရားရုံးများ အပါအဝင် အဆင့်ဆင့်သော တရားရုံးများအား ခွဲဝေအပ်နှင်းသည်။

(ခ) ပြည်ထောင်စုတွင် ပြည်ထောင်စုတရားလွှတ်တော်ချုပ်တစ်ရပ် ထားရှိသည်။ ပြည်ထောင်စုတရားလွှတ်တော်ချုပ်သည် နိုင်ငံတော်၏ အမြင့်ဆုံး တရားရုံး ဖြစ်သည်။

(ဂ) ပြည်ထောင်စုတရားလွှတ်တော်ချုပ်တွင် စာချွန်တော်အမိန့်များ ထုတ်ပိုင်ခွင့် အာဏာများရှိသည်။

(ဃ) တိုင်းဒေသကြီးတိုင်းတွင် တိုင်းဒေသကြီးတရားလွှတ်တော် တစ်ရပ်စီ လည်းကောင်း၊ ပြည်နယ်တိုင်းတွင် ပြည်နယ်တရားလွှတ်တော် တစ်ရပ်စီ လည်းကောင်း ထားရှိသည်။

၁၉။ အောက်ပါတို့ကို တရားစီရင်ရေးမူများအဖြစ် သတ်မှတ်သည် -

(က) ဥပဒေနှင့်အညီ လွတ်လပ်စွာတရားစီရင်ရေး၊

(ခ) ဥပဒေအရကန့်သတ်ချက်များမှအပ ပြည်သူ့ရှေ့မှောက်တွင် တရားစီရင်ရေး၊

(ဂ) အမှုများတွင် ဥပဒေအရ ခုခံချေပခွင့်နှင့် အယူခံပိုင်ခွင့်ရရှိရေး။

၂၀။ (က) တပ်မတော်သည် အင်အားတောင့်တင်းပြီး စွမ်းရည်ထက်မြက်သော ခေတ်မီ သည့် တစ်ခုတည်းသော မျိုးချစ်တပ်မတော် ဖြစ်သည်။

(ခ) တပ်မတော်သည် တပ်ပိုင်းဆိုင်ရာကိစ္စအားလုံးကို လွတ်လပ်စွာစီမံခန့်ခွဲ စီရင်ဆောင်ရွက်ပိုင်ခွင့် ရှိသည်။

(ဂ) တပ်မတော်က ကွယ်လွန်နေသည့် လက်နက်ကိုင်တပ်ဖွဲ့အားလုံး၏ အကြီးအကဲ ဖြစ်သည်။

(ဃ) တပ်မတော်သည် နိုင်ငံတော်လုံခြုံရေးနှင့် ကာကွယ်ရေးတွင် ပြည်သူ့ တစ်ရပ်လုံး ပါဝင်ရေးအတွက် စီမံဆောင်ရွက်ခွင့် ရှိသည်။

(င) ပြည်ထောင်စုမပြိုကွဲရေး၊ တိုင်းရင်းသားစည်းလုံးညီညွတ်မှုမပြိုကွဲရေးနှင့် အချုပ်အခြာအာဏာတည်တံ့ခိုင်မြဲရေးတို့ကို ကာကွယ်စောင့်ရှောက်ရန် တပ်မတော်တွင် အဓိကတာဝန် ရှိသည်။

(စ) တပ်မတော်သည် နိုင်ငံတော်ဖွဲ့စည်းပုံအခြေခံဥပဒေကို ကာကွယ် စောင့်ရှောက်ရန် အဓိကတာဝန် ရှိသည်။

6

18. (a) The judicial power of the Union is shared among the Supreme Court of the Union, High Courts of the Regions, High Courts of the States and Courts of different levels including Courts of Self-Administered Areas.

(b) There shall be one Supreme Court of the Union. The Supreme Court of the Union is the highest Court of the Republic.

(c) The Supreme Court of the Union has powers to issue writs.

(d) A High Court of the Region or State is constituted in each Region or State.

19. The following are prescribed as judicial principles :

(a) to administer justice independently according to law;

(b) to dispense justice in open court unless otherwise prohibited by law;

(c) to guarantee in all cases the right of defence and the right of appeal under law.

20. (a) The Defence Services is the sole patriotic defence force which is strong, competent and modern.

(b) The Defence Services has the right to independently administer and adjudicate all affairs of the armed forces.

(c) The Commander-in-Chief of the Defence Services is the Supreme Commander of all armed forces.

(d) The Defence Services has the right to administer for participation of the entire people in Union security and defence.

(e) The Defence Services is mainly responsible for safeguarding the non-disintegration of the Union, the non-disintegration of National solidarity and the perpetuation of sovereignty.

(f) The Defence Services is mainly responsible for safeguarding the Constitution.

**U Than Myint, Page 6 (Article 20)**

Arrested in 1974 for 4 years for participating in the U Thant Uprising in 1974, a protest against the government for not honouring this famous countryman with a state funeral. The students wanted to move U Thant's body to the Yangon University to give him a respectful burial. Dhar (knife) Than Myint (aged 26) showed his knife to the police, and with other students snatched the corpse just before it was scheduled to leave for burial in an ordinary Yangon cemetery and took it to bury on the former grounds of the Yangon University Students Union (RUSU). The military stormed the campus on 11 December killing some of the students, recovered the coffin and buried U Thant at the foot of the Shwedagon pagoda.

**PAGE 6 OF THE 2008 CONSTITUTION. ARTICLE 20(b).**Article 20(b) provides that the administration and responsibility of the armed forces rests on the Defence Services instead of the country's civilian political leadership. With Article 20(b) and 20(d), the military has full power to judge and to detain all citizens without respecting individual rights. With 20(b), 20(e) and 20(f), neither civilians' representatives nor the president can be involved in the decision-making affairs of the armed forces. The military can stage a coup at any time with the justification that it is preventing the disintegration of the union, the disintegration of national solidarity and the breaking of the perpetuation of sovereignty. Also, the junta has the power of doing anything it wants to minorities in the sake of keeping the country together.

**NAME OF POLITICAL PRISONER: U Than Myint aka Dhar (knife) Than Myint**

GENDER: Male ETHNICITY: Burmese RELIGION: Buddhism DATE OF BIRTH: 16.11.1948 Age 66 OCCUPATION BEFORE PRISON: Traffic policeman OCCUPATION AFTER PRISON: He is now a merchant and astrologer (he tells the future)

**TIME IN PRISON**

ARRESTED on December 1974 for 4 years for participating in the U Thant Uprising in 1974, a protest against the government for not honouring this famous countryman with a state funeral. The students wanted to move U Thant's body to the Yangon University to give him a respectful burial. Dhar Than Myint (aged 26) showed his knife to the police, and with other students snatched the corpse just before it was scheduled to leave for burial in an ordinary Yangon cemetery and took it to bury on the former grounds of the Yangon University Students Union (RUSU). The military stormed the campus on 11 December killing some of the students, recovered the coffin and buried U Thant at the foot of the Shwedagon pagoda.

WISHES FOR 2015: He wants a non-military government, a government that the public likes.

**HISTORY CLOSE-UP: U THANT UPRISING**

U Thant (January 22, 1909 – November 25, 1974) was a Burmese diplomat and served as the third Secretary-General of the United Nations, from 1961 to 1971. One of his most noteworthy accomplishments during his tenure as Secretary-General was his valuable assistance in facilitating the negotiations between U.S. President John F. Kennedy and Soviet premier Nikita Khrushchev during the Cuban Missile Crisis, thereby narrowly averting the possibility of a major global catastrophe. U Thant died of lung cancer in New York. In Burma, the ruling military junta refused him any honours. The then Burmese president Ne Win did not like U Thant's international stature and the respect that was accorded him by the Burmese people. Ne Win also resented U Thant's close links with the democratic government of U Nu, which Ne Win had overthrown in the coup d'état on March 2, 1962. Ne Win ordered that U Thant be buried without any official involvement or ceremony. From the United Nations headquarters in New York where he was laid in state, U Thant's body was flown back to Yangon, but no guard of honour or high-ranking officials were on hand at the airport when the coffin arrived except for U Aung Tun, deputy minister of education, who was subsequently dismissed from office. On the day of U Thant's funeral on December 5, 1974, tens of thousands of people lined the streets of Yangon to pay their last respects. Thant's coffin was displayed at Yangon's Kyaikasanrace course for a few hours before the scheduled burial. The coffin of U Thant was then snatched by a group of students just before it was scheduled to leave for burial in an ordinary Yangon cemetery. The student demonstrators buried U Thant on the former grounds of the Yangon University Students Union (RUSU), which Ne Win had dynamited and destroyed on July 8, 1962. During the period of December 5–11, 1974, the student demonstrators also built a temporary mausoleum for U Thant on the grounds of the RUSU and gave anti-government speeches. In the early morning hours of December 11, 1974, government troops stormed the campus, killed some of the students guarding the makeshift mausoleum, removed U Thant's coffin, and reburied it at the foot of the Shwedagon Pagoda, where it has continued to lie. Upon hearing of the storming of the Yangon University campus and the forcible removal of U Thant's coffin, many people rioted in the streets of Yangon. Martial law was declared in Yangon and the surrounding metropolitan areas. What has come to be known as the U Thant Crisis, the student-led protests over the shabby treatment of U Thant by the Ne Win government, was crushed by the Burmese government.