



အခန်း(၇) တပ်မတော်

Chapter VII Defence Services

၃၃၇။ တပ်မတော်သည် နိုင်ငံတော်ကာကွယ်ရေးအတွက် အဓိကအကျဆုံးသော လက်နက်ကိုင်တပ်ဖွဲ့ ဖြစ်သည်။
၃၃၈။ နိုင်ငံတော်အတွင်းရှိ လက်နက်ကိုင်အဖွဲ့အစည်းအားလုံးသည် တပ်မတော်၏ကွပ်ကဲမှု အောက်တွင်ရှိရမည်။
၃၃၉။ နိုင်ငံတော်အားပြည်တွင်း၊ ပြည်ပအန္တရာယ်များမှကာကွယ်ရေးအတွက် တပ်မတော်က ဦးဆောင်ရမည်။
၃၄၀။ တပ်မတော်သည် အမျိုးသားကာကွယ်ရေးနှင့် လုံခြုံရေးကောင်စီ၏ သဘောတူညီချက်ဖြင့် နိုင်ငံတော်လုံခြုံရေးနှင့် ကာကွယ်ရေးတွင် ပြည်သူတစ်ရပ်လုံးပါဝင်ရေးအတွက် စီမံဆောင်ရွက်ခွင့်ရှိသည်။ တပ်မတော်၏ဦးဆောင်မှုဖြင့် ပြည်သူ့စစ်မဟာဗျူဟာကို ဖော်ဆောင်ရမည်။
၃၄၁။ နိုင်ငံတော်တွင် နိုင်ငံတော်နှင့် နိုင်ငံသားများအတွက် ဘေးအန္တရာယ်များကျရောက်လာလျှင် တပ်မတော်ကကူညီဆောင်ရွက်ရမည်။
၃၄၂။ နိုင်ငံတော်သမ္မတသည် အမျိုးသားကာကွယ်ရေးနှင့် လုံခြုံရေးကောင်စီ၏ အဆိုပြုထောက်ခံချက်ဖြင့် တပ်မတော်ကာကွယ်ရေးဦးစီးချုပ်ကို ခန့်အပ်တာဝန်ပေးရမည်။
၃၄၃။ စစ်ဘက်တရားစီရင်ရာတွင် -
(က) တပ်မတော်သားများအတွက် အဖွဲ့ဖြင့်ဖြစ်စေ၊ တစ်ဦးတည်းဖြစ်စေ ဥပဒေနှင့်အညီ စီရင်နိုင်သည်။
(ခ) တပ်မတော်ကာကွယ်ရေးဦးစီးချုပ်၏ အဆုံးအဖြတ်သည် အပြီးအပြတ် ဖြစ်သည်။
၃၄၄။ မသန်မစွမ်းဖြစ်သော တပ်မတော်သားများနှင့် သေဆုံးသော သို့မဟုတ် ကျဆုံးသော တပ်မတော်သားများ၏မိသားစုများအား ထောက်ပံ့စောင့်ရှောက်ရေးတို့အတွက် ဥပဒေပြဋ္ဌာန်းရမည်။

337. The main armed force for the Defence of the Union is the Defence Services.
338. All the armed forces in the Union shall be under the command of the Defence Services.
339. The Defence Services shall lead in safeguarding the Union against all internal and external dangers.
340. With the approval of the National Defence and Security Council, the Defence Services has the authority to administer the participation of the entire people in the Security and Defence of the Union. The strategy of the people's militia shall be carried out under the leadership of the Defence Services.
341. The Defence Services shall render assistance when calamities that affects the Union and its citizens occur in the Union.
342. The President shall appoint the Commander-in-Chief of the Defence Services with the proposal and approval of the National Defence and Security Council.
343. In the adjudication of Military justice :
(a) the Defence Services personnel may be administered in accord with law collectively or singly;
(b) the decision of the Commander-in-Chief of the Defence Services is final and conclusive.
344. A law shall be enacted to provide assistance and care for disabled Defence Services personnel and the families of deceased or fallen Defence Services personnel.

Ye Kyaw Swa, Page 149 (Article 342 and 343)

Arrested in 1974 for 11 months for delivering anti-government pamphlets. He was 17 at the time. Later, in 1976 he was arrested for 1 year and 8 months for participating in the protests held to mark the centenary of the birth of Thakin Kodaw Hmaing, a famous writer who had promoted peace talks between the regime and armed resistance groups in 1963. Thousands of people participated. They did this during the curfew period. In prison, Ye Kyaw Swa went on hunger strike to protest against the restriction of the prisoners' access to books.

PAGE 149 OF THE 2008 CONSTITUTION. ARTICLES 342 AND 343. Under Article 342, the President is not the Commander-in-Chief, and the power to choose the Commander-in-Chief is limited by the National Defence and Security Council (NDSC)'s role in the appointment. Under Article 343(b), the Commander-in-Chief is not elected and not accountable to any higher authority.

NAME OF POLITICAL PRISONER: Ye Kyaw Swa

GENDER: Male ETHNICITY: Burmese RELIGION: Buddhism DATE OF BIRTH: 23.1.1957 Age 57 EDUCATION: Institute of Economics, Yangon OCCUPATION BEFORE PRISON: Student OCCUPATION AFTER PRISON: He runs the Centre for Policy Research Studies

FIRST TIME IN PRISON

ARRESTED on January 1974 for 11 months for delivering anti-government pamphlets in buses, universities, etc. against Burma Socialist Program Party (BSPP) led by General Ne Win, and against their 1974 constitution, because it was socialist and totalitarian (one-party system). He was 17 at the time. He is pro capitalist, against communism and socialism.

SECOND TIME IN PRISON

ARRESTED on August 1976 for 1 year and 8 months for participating in the protests held to mark the centenary of the birth of Thakin Kodaw Hmaing, a famous writer who had promoted peace talks between the regime and armed resistance groups in 1963. Ne Win had rejected the deal. The students wanted to make a memorial to him, so they marched from Yangon University to his tomb. Thousands of people participated. They did this during the curfew period. In prison, Ye Kyaw Swa went on hunger strike for the prisoner's rights, as they couldn't read books. Sometimes there were up to 3 persons in a cell, with no toilet. "Sometimes some of us were eating while one of us was at the 'toilet'".

WISHES FOR 2015: There are many problems in Myanmar and he has no real hope for the coming election. He's against the 2008 constitution.

HISTORY CLOSE-UP: THAKIN KODAW HMAING

Modern Burmese literature and political thought would be impossible to imagine without the works of Kodaw Hmaing. Maung Lun, later known as Thakin Kodaw Hmaing, was born on March 23, 1876 in Wale Village, Shwedaung Township. In 1894 he moved to Yangon, where he began his career as a playwright. Later turning to journalism, he published his first articles in a newspaper in Moulmein. But in 1911, just as the Burmese nationalist movement was gaining strength, he returned to the capital to work for the Suria newspaper. "On Adultery", an article published under the pen name "Mr. Maung Hmaing", created an immediate sensation. Maung Hmaing, the Burmese equivalent of Casanova, was the name of a notorious character in a well-known contemporary novel. By affixing the English "Mr." to such a disreputable name, Kodaw Hmaing was mocking an affectation common among young Burmese Anglophiles. In 1935, Kodaw Hmaing became Thakin, or Master, Kodaw Hmaing after joining the Do Bamar Asiayon ("We Burmans Association"). As a well-known journalist and intellectual, Thakin Kodaw Hmaing brought respectability to this group of young radicals opposed to British rule. In 1941, however, his reputation as a nationalist earned him a place on the British authorities' "Burma List", making him an "enemy of the state". Following independence, Kodaw Hmaing went on to promote reconciliation as the country was plunged into civil war. Later, when General Ne Win seized power in 1962, Kodaw Hmaing's writing served as the only legitimate expression of an alternative approach to politics. On March 23, 1976, the 100th anniversary of Kodaw Hmaing's birth, more than one hundred students were arrested for holding a peaceful ceremony at Kodaw Hmaing's mausoleum in front of Shwedagon Pagoda.