



- ၈၆
- (၂) ကာကွယ်ရေးဝန်ကြီးဌာန၊ ပြည်ထဲရေးဝန်ကြီးဌာနနှင့် နယ်စပ်ရေးရာ ဝန်ကြီးဌာနများအတွက် တပ်မတော်ကာကွယ်ရေးဦးစီးချုပ်ထံမှ သင့်လျော်သည့် တပ်မတော်သားများ၏အမည်စာရင်းကို ရယူရမည်။
  - (၃) ကာကွယ်ရေးဝန်ကြီးဌာန၊ ပြည်ထဲရေးဝန်ကြီးဌာနနှင့် နယ်စပ်ရေးရာ ဝန်ကြီးဌာနများအပြင် အခြားဝန်ကြီးဌာနများတွင် တပ်မတော်သား များအား ပြည်ထောင်စုဝန်ကြီးများအဖြစ် ခန့်အပ်တာဝန်ပေးလိုလျှင် တပ်မတော်ကာကွယ်ရေးဦးစီးချုပ်နှင့် ညှိနှိုင်းဆောင်ရွက်ရမည်။
  - (ဂ) နိုင်ငံတော်သမ္မတသည် မိမိရွေးချယ်ထားသည့် ပုဂ္ဂိုလ်များ၏ အမည်စာရင်း နှင့် တပ်မတော်ကာကွယ်ရေးဦးစီးချုပ်ထံမှရရှိသည့် တပ်မတော်သားများ၏ အမည်စာရင်းတို့ကိုစုစည်း၍ ပြည်ထောင်စုလွှတ်တော်သို့ တင်သွင်းလျက် သဘောတူညီချက် ရယူရမည်။
  - (ဃ) ပြည်ထောင်စုဝန်ကြီး၏ အရည်အချင်းများနှင့်မပြည့်စုံကြောင်း အထင်အရှား မပြုနိုင်ပါက ပြည်ထောင်စုလွှတ်တော်သည် နိုင်ငံတော်သမ္မတက အမည်စာရင်း တင်သွင်းသည့်ပုဂ္ဂိုလ်အား ပြည်ထောင်စုဝန်ကြီးအဖြစ် ခန့်အပ်တာဝန်ပေးရန် ငြင်းပယ်ခွင့်မရှိစေရ။
  - (င) နိုင်ငံတော်သမ္မတသည် ပြည်ထောင်စုဝန်ကြီးအဖြစ် ခန့်အပ်တာဝန်ပေးရန် ပြည်ထောင်စုလွှတ်တော်၏ သဘောတူညီချက်မရရှိသည့် ပုဂ္ဂိုလ်အစား အမည်စာရင်းသစ်ကို ပြည်ထောင်စုလွှတ်တော်သို့ ထပ်မံတင်သွင်းခွင့်ရှိသည်။
  - (စ) နိုင်ငံတော်သမ္မတသည် ပြည်ထောင်စုလွှတ်တော်၏ သဘောတူညီချက် ရရှိပြီးသည့်ပုဂ္ဂိုလ်များအား ပြည်ထောင်စုဝန်ကြီးများအဖြစ် ခန့်အပ်တာဝန် ပေးရမည်။ ထိုသို့ခန့်အပ်တာဝန်ပေးရာတွင် နိုင်ငံတော်သမ္မတသည် ပြည်ထောင်စုဝန်ကြီးတစ်ဦးချင်းအလိုက် တာဝန်ယူရမည့် ဝန်ကြီးဌာန သို့မဟုတ် ဝန်ကြီးဌာနများကို သတ်မှတ်ပေးရမည်။
  - (ဆ) နိုင်ငံတော်သမ္မတသည် ပြည်ထောင်စုဝန်ကြီးများ ခန့်အပ်တာဝန်ပေးသည့် အခါတိုင်း ပြည်ထောင်စုလွှတ်တော်သို့ အကြောင်းကြားရမည်။
  - (ဇ) ပြည်ထောင်စုဝန်ကြီးများသည် နိုင်ငံတော်သမ္မတအား တာဝန်ခံရမည်။
  - (ဈ) ပြည်ထောင်စုဝန်ကြီးသည် လွှတ်တော်တစ်ရပ်၏ကိုယ်စားလှယ်ဖြစ်လျှင် ပြည်ထောင်စုဝန်ကြီးအဖြစ် ခန့်အပ်တာဝန်ပေးခြင်းခံရသည့်နေ့မှစ၍ လွှတ်တော်ကိုယ်စားလှယ်အဖြစ်မှ နုတ်ထွက်ပြီးဖြစ်သည်ဟု မှတ်ယူရမည်။

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- (ii) obtain a list of suitable Defence Services personnel nominated by the Commander-in-Chief of the Defence Services for Ministries of Defence, Home Affairs and Border Affairs;
  - (iii) co-ordinate with the Commander-in-Chief of the Defence Services if he desires to appoint the Defence Services personnel as Union Ministers for other Ministries apart from Ministries of Defence, Home Affairs and Border Affairs.
  - (c) The President shall compile the list of persons selected by him and the list of the Defence Services personnel nominated by the Commander-in-Chief of the Defence Services and submit them to the Pyidaungsu Hluttaw for its approval.
  - (d) The appointment of a person as a Union Minister nominated by the President shall not be refused by the Pyidaungsu Hluttaw unless it can clearly be proved that the person concerned does not meet the qualifications of the Union Minister.
  - (e) The President has the right to submit again the list with a new name replacing the one who has not been approved by the Pyidaungsu Hluttaw for the appointment of a Union Minister .
  - (f) The President shall appoint the persons who have been approved by the Pyidaungsu Hluttaw as Union Ministers. In doing so, the President shall designate Ministry or Ministries for each Union Minister to take responsibility.
  - (g) The President shall intimate the Pyidaungsu Hluttaw whenever he appoints Union Ministers.
  - (h) The Union Ministers shall be responsible to the President.
  - (i) If the Union Minister is a representative of a Hluttaw, it shall be deemed that he has resigned from the day he is appointed as a Union Minister.

Tony Zeya, Page 86 (Article 232)

Arrested in 1974 for 6 years and 1 month. In 1974 the military government held the first people assembly according to the new constitution and the Burma Socialist Programme Party (BSPP). On March 25th 1974, policemen from the Kamaryaut Police Station (near the Yangon University compound) arrested some 3rd year students that came from the market by bus, falsely accusing them of pickpocketing. Tony Zeya was a 26-year-old student, and also in that bus. Later that day, in protest, Tony Zeya and more than 100 other students and also civilians burned this police station (they had made sure nobody was inside).

PAGE 86 OF THE 2008 CONSTITUTION. ARTICLE 232(b). Under article 232(b), the Commander-in-Chief will appoint the Ministers for Defence, Home Affairs, and Border Affairs, without interference from any civilian official. The military’s control over home affairs gives the Defence Services broad power over the lives of ordinary citizens in their daily life. Theoretically, the legislative could impeach those ministers under article 233, but the Commander-in-Chief would merely re-appoint a new minister acceptable to him.

NAME OF POLITICAL PRISONER: Zeya aka Tony Zeya

GENDER: Male ETHNICITY: Burmese RELIGION: Buddhism DATE OF BIRTH: 29.5.1951 Age 63 EDUCATION: BA in History and then BA High Grade Pleader Exam and then also passed exam as Registered Lawyer and then as Advocate. OCCUPATION BEFORE PRISON: Third year student, History, Yangon OCCUPATION AFTER PRISON: Advocate, lawyer

FIRST TIME IN PRISON ARRESTED on April 1974 for 6 years and 1 month. In 1974 the military government held a people assembly according to the new constitution and the Burma Socialist Programme Party (BSPP). On March 25th 1974, policemen from the Kamaryaut Police Station (near the Yangon University compound) arrested some 3rd year students that came from the market by bus, falsely accusing them of pickpocketing. Tony Zeya was also in that bus. Later that day, in protest, more than 100 students and also civilians burned this police station (they had made sure nobody was inside). “The main reason for their anger is that democracy was starting to be declared”.

WISHES FOR 2015: Freedom for all the people.

HISTORY CLOSE-UP: BURMA'S CONSTITUTIONAL PROCESS, UP TO 1974's CONSTITUTION

February 12, 1947: While Burma was still under British colonial rule, the Panglong Agreement was signed by Burmese leader General Aung San and several ethnic nationality leaders from the Shan, Kachin, and Chin areas. The agreement was designed to hasten independence from the British and avert ethnic tensions in the new Burma, as recognized in paragraph 7 that stated, “Citizens of the Frontier Areas shall enjoy rights and privileges which are regarded as fundamental in democratic societies.”

July 19, 1947: General Aung San and several members of the cabinet were assassinated in Yangon. U Nu and his Anti-Fascist People’s Freedom League (AFPFL) prepared to take power from the British by finishing Burma’s first constitution.

January 4, 1948: Burma gained independence from British rule and instituted the 1947 constitution. The new constitution and its federal structure included the Shan state, Karenni state, Kachin state, and Karen state, with the Chin Hills being classified as a “special division.” The constitution granted the right of secession to special division states after 10 years subject to a majority vote in the state assembly and majority in a plebiscite. The national government consisted of three branches: judicial, legislative and executive. The legislative branch was a bicameral legislature called the Union Parliament, consisting of two chambers, the 125-seat Chamber of Nationalities (Lumyozu Hluttaw) and the Chamber of Deputies (Pyithu Hluttaw), whose seat numbers were determined by the population size of respective constituencies.

March 2, 1962: The military Revolutionary Council under General Ne Win overthrew the constitutionally elected civilian government.

December 15-31, 1973: The Revolutionary Council conducted a referendum to endorse the new constitution, which was carried by over 90 per cent of the vote in a process that many international observers did not assess as fair.

March 1974: Approved in a 1973 referendum, the 1974 constitution was the second constitution to be written. It created a unicameral legislature called the Pyithu Hluttaw (the People’s Assembly), represented by members of the Burma Socialist Programme Party. Each term was 4 years. Ne Win became the president at this time. Burma’s second constitution was implemented, transferring power from the Revolutionary Council to the Burma Socialist Program Party (BSPP). The new constitution demarcates seven ethnic minority states (Arakan, Chin, Kachin, Shan, Karenni, Karen, and Mon) and seven predominantly ethnic Burman (Myanmar) divisions (Tenasserim, Yangon, Irrawaddy, Pegu, Magwe, Mandalay, and Sagaing).