



၁၀

(ဃ) စီးပွားရေးဆိုင်ရာလုပ်ငန်းများကို နိုင်ငံပိုင်သိမ်းယူခြင်းမပြု၊
 (င) တရားဝင်ထုတ်ဝေထားသော ငွေကြေးကို တရားမဝင်ငွေကြေးအဖြစ် သတ်မှတ်ခြင်းမပြု။

၃၇။ နိုင်ငံတော်သည် -
 (က) နိုင်ငံတော်ရှိ မြေအားလုံး၊ မြေပေါ်ခြေအောက်၊ ရေပေါ်ရေအောက် နှင့် လေထု အတွင်းရှိ သယံဇာတပစ္စည်းအားလုံး၏ ပင်ရင်းပိုင်ရှင် ဖြစ်သည်။
 (ခ) နိုင်ငံပိုင်သယံဇာတပစ္စည်းများအား စီးပွားရေးအင်အားစုများက ထုတ်ယူ သုံးစွဲခြင်းကို ကွပ်ကဲကြီးကြပ်နိုင်ရန် လိုအပ်သည့်ဥပဒေ ပြဋ္ဌာန်းရမည်။
 (ဂ) နိုင်ငံသားများအား ပစ္စည်းပိုင်ဆိုင်ခွင့်၊ အမွေဆက်ခံခွင့်၊ ကိုယ်ပိုင်လုပ်ကိုင်ခွင့်၊ တီထွင်ခွင့်နှင့် မူပိုင်ခွင့်တို့ကို ဥပဒေပြဋ္ဌာန်းချက်နှင့်အညီ ခွင့်ပြုရမည်။

၃၈။ (က) နိုင်ငံသားတိုင်းသည် ဥပဒေနှင့်အညီ ရွေးကောက်တင်မြှောက်ခွင့်နှင့် ရွေးကောက်တင်မြှောက်ခံခွင့် ရှိသည်။
 (ခ) ရွေးကောက်တင်မြှောက်ထားသော ပြည်သူ့ကိုယ်စားလှယ်ကို သက်ဆိုင်ရာ ဝန်ထမ်းများက ဤဖွဲ့စည်းပုံအခြေခံဥပဒေတွင် ပြဋ္ဌာန်းထားချက်များနှင့် အညီ တာဝန်ပေးလုပ်ဆောင်ရမည်။

၃၉။ နိုင်ငံတော်သည် စစ်မှန်၍ စည်းကမ်းပြည့်ဝသော ပါတီစုံဒီမိုကရေစီစနစ် ထွန်းကားရေးအတွက် နိုင်ငံရေးပါတီများကို စနစ်တကျဖွဲ့စည်းနိုင်ရန် လိုအပ်သည့်ဥပဒေ ပြဋ္ဌာန်းဆောင်ရွက်ရမည်။

၄၀။ (က) တိုင်းဒေသကြီးတစ်ခုတွင်ဖြစ်စေ၊ ပြည်နယ်တစ်ခုတွင်ဖြစ်စေ၊ ကိုယ်ပိုင် အုပ်ချုပ်ခွင့်ရစီရင်စုတစ်ခုတွင်ဖြစ်စေ၊ အုပ်ချုပ်ရေးဆိုင်ရာလုပ်ငန်းများကို ဤဖွဲ့စည်းပုံအခြေခံဥပဒေပါ ပြဋ္ဌာန်းချက်များနှင့်အညီ ဆောင်ရွက်နိုင်ခြင်း မရှိသည့် အရေးပေါ်အခြေအနေ ပေါ်ပေါက်လျှင် နိုင်ငံတော်သမ္မတသည် ထိုတိုင်းဒေသကြီး၊ ပြည်နယ် သို့မဟုတ် ကိုယ်ပိုင်အုပ်ချုပ်ခွင့်ရစီရင်စု၏ အုပ်ချုပ်ရေးဆိုင်ရာအဖွဲ့အစည်းကို သုံးစွဲဆောင်ရွက်ခွင့်ရှိသည်။ ထိုသို့ ဆောင်ရွက်ရာ၌ လိုအပ်လျှင် ထိုတိုင်းဒေသကြီး၊ ပြည်နယ် သို့မဟုတ် ကိုယ်ပိုင်အုပ်ချုပ်ခွင့်ရစီရင်စုနှင့် သက်ဆိုင်သည့် ဥပဒေပြုအဖွဲ့အစည်းများကို

10

(d) not nationalize economic enterprises;
 (e) not demonetize the currency legally in circulation.

37. The Union:
 (a) is the ultimate owner of all lands and all natural resources above and below the ground, above and beneath the water and in the atmosphere in the Union;
 (b) shall enact necessary law to supervise extraction and utilization of State-owned natural resources by economic forces;
 (c) shall permit citizens right of private property, right of inheritance, right of private initiative and patent in accord with the law.

38. (a) Every citizen shall have the right to elect and be elected in accord with the law.
 (b) Electorate concerned shall have the right to recall elected people's representatives in accord with the provisions of this Constitution.

39. The Union shall enact necessary law to systematically form political parties for flourishing of a genuine, disciplined multi-party democratic system.

40. (a) If there arises a state of emergency characterized by inability to perform executive functions in accord with the provisions of the Constitution in a Region or a State or a Self-Administered Area, the President is empowered to exercise executive power in that Region, State or Self-Administered Area and, if necessary in doing so, the President is empowered to exercise

Nay Yee Ba Swe, Page 10 (Article 37)

She was 23 when she was arrested in 1975 for 4 years and 10 months for participating in a demonstration at the Shwedagon pagoda in commemoration of the anniversary of the 1974 workers' strike. She later participated in the 1988 Uprising and in 1990 she participated in the multi-party general election under the AFPFL Original Party. Since December 2011 she is a member of the NLD. She is the daughter of Ba Swe, Minister of Defence from 1952-1956, and Prime Minister between June 1956 and March 1957.

PAGE 10 OF THE 2008 CONSTITUTION. ARTICLES 37(a) AND 40. ARTICLE 37(a)&ARTICLE 40. Article 37 gives the government ultimate ownership of all land and natural resources in the first place. Article 40 gives unduly broad rights to the President and the army during times of emergency. As the nature of a threat to the country becomes more severe, the army assumes more power. Furthermore, the nature of the threats is not defined, giving too much discretion to the President or Commander-in-Chief.

NAME OF POLITICAL PRISONER: Nay Yee Ba Swe

GENDER: Female ETHNICITY: Burmese RELIGION: Buddhism DATE OF BIRTH: 26.1.1952 Age 62 EDUCATION: BA in Commerce from the Institute of Economics, in 2012 she attempted the Post-Graduate Certificate in Peace, Democracy and Development, in 2013 Diploma in Political Management OCCUPATION BEFORE PRISON: Auditor at the Central Account Office OCCUPATION AFTER PRISON: Between 1992 and 2005 she worked in various capacities, in joint ventures of old Myanmar companies. She's now retired, but politically actively involved.

TIME IN PRISON

ARRESTED on June 1975 for 4 years and 10 months for joining students from universities throughout Yangon in a demonstration at the Shwedagon pagoda in commemoration of the anniversary of the 1974 workers' strike.

OTHER: She is the daughter of Ba Swe, Minister of Defence from 1952-1956, and Prime Minister between June 1956 and March 1957. She participated in the 1988 Uprising and in 1990 she participated in the multi-party general election under the AFPFL Original Party. Since December 2011 she is a member of the NLD.

WISHES FOR 2015: Whatever happens in 2015, whatever the results, she will act in a positive manner, in a pro-active manner. There are many problems that have to be solved: constitutional reform; ethnic ceasefire; federalism; communal violence (Muslim and Buddhist); land grabbing by the government; natural resource extraction (tin, wood, jade...); etc.

HISTORY CLOSE-UP: BA SWE, PRIME MINISTER OF BURMA

The Prime Minister of Burma was the head of government of Burma, also called Myanmar, from 1948 to 2011. This position was created in 1948, when Burma gained independence from the United Kingdom. Since then, eleven people have held the office (with two of them doing so on multiple occasions). Due to the country's long period of military rule, it has not been uncommon for the Prime Minister to be a serving (or recently retired) military officer. Ba Swe, Nay Yee Ba Swe's father, became Prime Minister after the parliamentary elections held in early 1956. Though his party, the ruling Anti-Fascist People's Freedom League (AFPFL) won the elections, the leftist coalition of parties known as the National United Front (NUF) won 37% of the vote. Because of the electoral system, the NUF's representation in the Burmese Parliament was not reflected in the seats that it obtained. Still, the 1956 election results came as a shock to the AFPFL government. U Nu, the Prime Minister at the time, temporarily relinquished his office in order to devote full time to reorganizing and strengthening the AFPFL. Ba Swe, as a deputy of U Nu in the AFPFL and leader of the Socialist Party, took over the job from U Nu. After less than nine months U Nu resumed office as Prime Minister on 28 February 1957. By mid-1958 Ba Swe broke out with U Nu. The AFPFL split into two factions, and Ba Swe together with his colleague Kyaw Nyein and thirteen other ministers resigned from the government on 4 June 1958 and tabled a motion of no confidence against U Nu in Parliament. On 8 June 1958 the no-confidence motion was put to a vote in Parliament but the government of U Nu survived the motion by 8 votes because the leftist NUF voted with the government. Allegedly due to the instability arising from the split in the AFPFL and to the escalating insurgent problems, U Nu on 26 September 1958 'voluntarily' invited the Army Chief of Staff General Ne Win to take over as Prime Minister in a 'caretaker' capacity for an initial period of six months. On 28 October 1958 the Burmese Parliament, with the support of members from both factions of the AFPFL but in the face of opposition from the NUF, voted to appoint General Ne Win as Prime Minister in a 'caretaker government'. In the February 1960 elections, held during General Ne Win's caretaker government, the faction of AFPFL led by Ba Swe and Kyaw Nyein contested the elections as 'Stable AFPFL'. The faction led by U Nu and Thakin Tin, previously known as 'Clean AFPFL', formed a new party known as the 'Union Party'. U Nu's Union Party won the 1960 elections by a landslide. Ba Swe was out of power at the time of General Ne Win's coup d'état in March 1962. This is why he was not among those detained by Ne Win's Union Revolutionary Council. However at the time of the 1963 peace negotiation between the RC and various armed insurgent groups, Ba Swe, like many other Burmese politicians of the left and the right during that period, was detained. Ba Swe and U Nu, his former senior colleague and later adversary, were released on 27 October 1966. On the day of their release both Ba Swe and U Nu were driven to the office of the Revolutionary Council Chairman General Ne Win where Ne Win, among others suggested that both might wish to go abroad for a 'medical check-up'. Ba Swe, together with U Nu and Kyaw Nyein, was among the thirty three-men 'Internal Unity Advisory Board' that Ne Win's Revolutionary Council formed on 2 December 1968. The Board was to report to the RC by 31 May 1969 on ways of promoting national unity. Ba Swe died in Yangon in December 1987.