THE REPUBLIC OF THE UNION OF MYANMAR
MINISTRY OF FOREIGN AFFAIRS

No. 47 05 2018 (1345)

The Ministry of Foreign Affairs of the Republic of the Union of Myanmar presents its compliments to the Embassy of the Republic of the Philippines and, with reference to the Latter's Note No. 28/2018 dated 13 February 2018, requesting the official copies the pertinent provisions of the laws of the Republic of the Union of Myanmar on marriage and divorce, has the honour to attach the following laws which are currently applying in Myanmar, for the reference of Philipines courts hearing cases,

1. Myanmar Buddhist Women's Marriage Exceptional Law (Unofficial Translation)
2. The Muslim Dissolution of Marriage Act (Unofficial Translation)
3. The Christian Marriage Act
4. The Special Marriage Act
5. The Myanmar(Burma) Divorce Act
6. The Parsi Marriage Act
7. The Anand Marriage Act
8. The Hindu Widow' Re-Marriage Act
9. Supreme Court of the Union, Directive No.1/2012

In this regard, only Myanmar version is currently available for Myanmar Buddhist Women's Marriage Exceptional Law, 2015 and The Muslim Dissolution of Marriage Act, 1953 since these laws have not yet been officially translated into English.

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Office of Legal Affairs

25 MAR 2019

JONATHAN A. HIPE
Signing Officer

22 MAR 2018

The Ministry of Foreign Affairs of the Republic of the Union of Myanmar avails itself of this opportunity to renew to the Embassy of the Republic of the Philippines the assurances of its highest consideration.

Dated, 13 March, 2018

The Embassy of the Republic of the Philippines,
Yangon.

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25 MAR 2019

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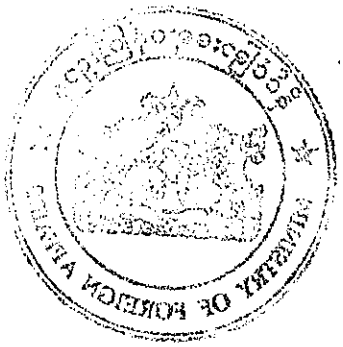

Legislative authority and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

(2) A description or citation of a portion of any enactment shall, unless a different intention appears, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

THE BURMA LAWS ACT.

[INDIA ACT XIII, 1898.] (4th November, 1898.)

1—4. * * * * *

5. The President of the Union may, for administrative including revenue purposes,— *Division of Upper Burma into divisions, districts, subdivisions, townships, and circles.*

(a) divide Upper Burma into divisions and each of these divisions into districts, and vary the limits of those divisions and districts, and

(b) divide each of those districts into sub-divisions, each of those sub-divisions into townships and each of those townships into circles, and vary the limits of these sub-divisions, townships and circles.

6. For the purpose of facilitating the application of any enactment for the time being in force in any part of Upper Burma, any Court may construe the enactment with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court. *Construction of enactments in force in Upper Burma.*

7—12. * * * * *

13. (1) Where in any suit or other proceeding in the Union of Burma it is necessary for the Court to decide any question regarding succession, inheritance marriage or caste, or any religious usage or institution,— *Law to be administered in certain cases.*

(a) the Buddhist law in cases where the parties are Buddhists,

(b) the Muhammadan law in cases where the parties are Muhammadans and

(c) the Hindu law in cases where the parties are Hindus,

shall form the rule of decision, except in so far as such law has by enactment been altered or abolished, or is opposed to any custom having the force of law.

[1](2) * * * * *

(3) In cases not provided for by sub-section (1), or by any other enactmen for the time being in force, the decision shall be according to justice, equity and good conscience.

14. (1) The President of the Union may, by notification in the Gazette, transfer any portion of Upper Burma to Lower Burma or any portion of Lower Burma to Upper Burma, with effect from a date to be specified in the notification, and on and with effect from that date, the portion so transferred shall form part of Lower Burma or Upper Burma, as the case may be. *Transfers of territory between Upper and Lower Burma.*

(2) * * * * *

[1] Deleted by Act II, 1945.

မြန်မာပုဒ္ဓဘာသာဝင်မိန်းမများ အထူးထိမ်းမြားခြင်းဆိုင်ရာဥပဒေ

(၂၀၁၅ ခုနှစ်၊ ပြည်ထောင်စုလွှတ်တော်ဥပဒေအမှတ် ၅၀။)
၁၃၇၇ ခုနှစ် ၊ ဝါခေါင်လဆန်း ၁၁ ရက်
(၂၀၁၅ ခုနှစ်၊ သြဂုတ်လ ၂၆ ရက်)

နိဒါန်း

မြန်မာပုဒ္ဓဘာသာဝင် မိန်းမများနှင့် ပုဒ္ဓဘာသာဝင် မဟုတ်သော ယောကျ်ားတို့၏ ထိမ်းမြားခြင်း၊ ကွာရှင်းခြင်း၊ အမွေဆက်ခံခြင်း၊ ပစ္စည်းခွဲဝေခြင်း၊ သားသမီးထိန်းသိမ်းခြင်း စသည်တို့နှင့် စပ်လျဉ်းသည့် အခွင့်အရေးများကို မျှတစွာ ရရှိခံစားနိုင်ရန်နှင့် ထိရောက်သည့် ကာကွယ်မှုပေးနိုင်ရန် ပြည်ထောင်စုလွှတ်တော်သည် ဤဥပဒေကို ပြဋ္ဌာန်းလိုက်သည်။

အခန်း (၁)
အမည်၊ သက်ဆိုင်ခြင်းနှင့် အဓိပ္ပာယ်ဖော်ပြချက်

၁။ ဤဥပဒေကို မြန်မာပုဒ္ဓဘာသာဝင်မိန်းမများ အထူးထိမ်းမြားခြင်းဆိုင်ရာဥပဒေ ဟုခေါ်တွင်စေရမည်။

၂။ (က) ဤဥပဒေသည် မြန်မာပုဒ္ဓဘာသာဝင် မိန်းမနှင့် ထိုမိန်းမ၏ ပုဒ္ဓဘာသာဝင် မဟုတ်သော ယောကျ်ားတို့နှင့် သက်ဆိုင်စေရမည်။

(ခ) မြန်မာပုဒ္ဓဘာသာဝင် မိန်းမနှင့် ပုဒ္ဓဘာသာဝင် မဟုတ်သော ယောကျ်ားတို့၏ ထိမ်းမြားရေး၊ လင်မယား ကွာရှင်းရေး၊ ပစ္စည်းခွဲဝေရေး၊ အမွေဆက်ခံရေး၊ သားသမီး ထိန်းသိမ်းရေးတို့နှင့် သက်ဆိုင်သည့် အငြင်းပွားမှုများကို ဤဥပဒေနှင့်အညီ ဆုံးဖြတ်ရမည်။

၃။ ဤဥပဒေတွင် ပါရှိသော အောက်ပါစကားရပ်များသည် ဖော်ပြပါအတိုင်း အဓိပ္ပာယ်သက်ရောက်စေရမည် -

(က) **နိုင်ငံသား** ဆိုသည်မှာ မြန်မာနိုင်ငံသားဥပဒေတွင် နိုင်ငံသားအဖြစ် ဖော်ပြထားသည့် မြန်မာနိုင်ငံသားကို ဆိုသည်။

(ခ) **မြန်မာဗုဒ္ဓဘာသာဝင် မိန်းမ** ဆိုသည်မှာ နိုင်ငံသားဖြစ်သည့်အပြင် ဗုဒ္ဓဘာသာကိုးကွယ်သော မိန်းမ သို့မဟုတ် ဗုဒ္ဓဘာသာကိုးကွယ်သော မိဘတို့မှ မွေးဖွားသော မိန်းမကို ဆိုသည်။ သို့ရာတွင် ထိုမိန်းမသည် ဗုဒ္ဓဘာသာမှ အခြားဘာသာတစ်ခုခုသို့ အထင်အရှား ကူးပြောင်း၍ ထိုအခြားဘာသာကို တရားဝင် ကူးပြောင်းကိုးကွယ်လျက်ရှိလျှင် ဗုဒ္ဓဘာသာ ကိုးကွယ်သော မိဘတို့မှ မွေးဖွားသည်ဟူသော အကြောင်းသက်သက်ကြောင့် ဗုဒ္ဓဘာသာဝင်မိန်းမ ဖြစ်သည်ဟု မမှတ်ယူရ။

(ဂ) **မှတ်ပုံတင်အရာရှိ** ဆိုသည်မှာ ဤဥပဒေအရ ထိမ်းမြားမှု မှတ်ပုံတင်အရာရှိကို ဆိုလိုသည်။

အခန်း (၂)

ဤဥပဒေအရ ထိမ်းမြားနိုင်သူများ

၄။ အသက် ၁၈ နှစ်ပြည့်ပြီးဖြစ်သည့် ဗုဒ္ဓဘာသာဝင် မဟုတ်သည့် ယောကျ်ားတစ်ဦးနှင့် အသက် ၁၈ နှစ် ပြည့်ပြီးဖြစ်သည့် မြန်မာဗုဒ္ဓဘာသာဝင်မိန်းမတစ်ဦးတို့သည် အောက်ဖော်ပြပါ အချက်များနှင့် ပြည့်စုံလျှင် ဤဥပဒေအရ ထိမ်းမြားနိုင်သည် -

(က) နှစ်ဦးစလုံးမှာ စိတ်ပေါ်သွပ်ခြင်း မရှိသူဖြစ်ရမည်။

(ခ) သွေးဆောင်ခြင်း၊ ဖြားယောင်းခြင်း၊ အနိုင်အထက်ပြုခြင်း၊ မလျော်သြဇာသုံးခြင်း၊ လိမ်လည်လှည့်ဖြားခြင်း၊ အလွဲပြောဆိုခြင်းတို့အရ မဟုတ်ဘဲ မိမိတို့၏ လွတ်လပ်သော ဆန္ဒအရ ထိမ်းမြားရန် သဘောတူညီခြင်း ဖြစ်ရမည်။

(ဂ) အသက် ၂၀ နှစ် မပြည့်သေးသည့် မိန်းမဖြစ်လျှင် မိဘ၏ သဘောတူညီချက်ကို သော်လည်းကောင်း၊ မိဘတို့ သေဆုံးပါမူ အမှန်အုပ်ထိန်းသူ သို့တည်းမဟုတ် တရားဥပဒေအရ အုပ်ထိန်းသူရှိလျှင် ထိုအုပ်ထိန်းသူ၏ သဘောတူညီချက်ကို သော်လည်းကောင်း ရရှိပြီးဖြစ်ရမည်။

(ဃ) မိန်းမသည် မပြတ်စဲသော တရားဝင် လင်ယောကျ်ား မရှိသူ ဖြစ်ရမည်။

(င) ယောကျ်ားသည် မပြတ်စဲသော တရားဝင် မိန်းမ မရှိသူ ဖြစ်ရမည်။

အခန်း (၃)
ဤဥပဒေအရ ထိမ်းမြားခြင်း

၅။ မြို့နယ်အထွေထွေ အုပ်ချုပ်ရရေးဦးစီးဌာန အုပ်ချုပ်ရေးမှူးသည် ဤဥပဒေအရ ထိမ်းမြားမှု မှတ်ပုံတင်အရာရှိ ဖြစ်သည်။

၆။ မြန်မာပုဒ္ဓဘာသာဝင် မိန်းမတစ်ဦးနှင့် ပုဒ္ဓဘာသာဝင် မဟုတ်သည့် ယောကျ်ား တစ်ဦးတို့ ထိမ်းမြားရန် ရည်ရွယ်သည့်အခါ ၎င်းတို့ တစ်ဦးဦး နေထိုင်လျက်ရှိသည့် ဒေသရှိ မှတ်ပုံတင်အရာရှိ သို့မဟုတ် ၎င်းက တာဝန်ပေးအပ်ထားသူထံ သတ်မှတ်ထားသည့် ပုံစံဖြင့် ၎င်းတို့တစ်ဦးဦးက လျှောက်ထားနိုင်သည်။

၇။ လျှောက်လွှာနှင့်အတူ ပုဒ်မ ၄ ပါ အချက်များ ပြည့်စုံ မှန်ကန်ကြောင်း လျှောက်ထားသူတို့၏ ဝန်ခံချက်ပါရှိသည့် ကျမ်းကျိန်လွှာ ပူးတွဲတင်သွင်းရမည်။

၈။ ပုဒ္ဓဘာသာဝင် မဟုတ်သည့် ယောကျ်ားသည် လျှောက်လွှာတွင် ဖော်ပြထားသည့် အချက်များ မှန်ကန်ကြောင်းကို မှတ်ပုံတင်အရာရှိနှင့် သက်သေနှစ်ဦးတို့ရှေ့တွင် လက်မှတ်ရေးထိုးရမည်။

၉။ မှတ်ပုံတင်အရာရှိသည် -

(က) လျှောက်လွှာမိတ္တူတစ်စောင်ကို မိမိရုံးရှိ အများမြင်သာသည့်နေရာနှင့် သက်ဆိုင်ရာ ရပ်ကွက်၊ ကျေးရွာအုပ်ချုပ်ရေးမှူးရုံးတို့၌ ကပ်ရမည့်အပြင် တရားမကျင့်ထုံးဥပဒေ အရ သမ္မန်စာများ သို့မဟုတ် နို့တစ်စာများ ချအပ်သည့် နည်းလမ်းနှင့်အညီ အောက်ပါပုဂ္ဂိုလ်များထံ အကြောင်းကြားစာများ ပေးပို့ရမည်-

(၁) ထိမ်းမြားမည့် မိန်းမသည် အသက် ၂၀ နှစ် မပြည့်သေးလျှင် ၎င်းမိဘ သို့မဟုတ် အုပ်ထိန်းသူ၊

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Office of Legal Affairs

25 MAR 2019

JONATHAN A. HIPE
Signing Officer

(၂) မိန်းမသည် ယခင်က ထိမ်းမြားခဲ့ဖူးလျှင် ထိမ်းမြားခဲ့သည့် ၄င်း၏ ယောကျ်ား။

(၃) ယောကျ်ားသည် ယခင်က ထိမ်းမြားခဲ့ဖူးလျှင် ထိမ်းမြားခဲ့သည့် ၄င်း၏ မိန်းမ။

(ခ) လျှောက်လွှာ မိတ္တူပေးခြင်းခံရမည့်သူ တစ်ဦးတစ်ယောက်၏ နေရပ်သည် မှတ်ပုံတင် အရာရှိ၏ စီမံခန့်ခွဲပိုင်ခွင့် နယ်နိမိတ်ပြင်ပတွင်ရှိလျှင် မိတ္တူတစ်စောင်ကို ထိုသူထံစာတိုက်မှ မှတ်ပုံတင်ပြုလုပ်၍ဖြစ်စေ၊ လူလွှတ်၍ဖြစ်စေ၊ အခြားတစ်နည်းနည်းဖြင့်ဖြစ်စေ ပေးပို့နိုင်သည်။

၁၀။ ထိမ်းမြားရန် ရည်ရွယ်ကြောင်း လျှောက်လွှာမိတ္တူကို ပုဒ်မ ၉ အရ ပေးပြီးနောက် ၁၄ ရက်ကြာသည့်အခါ ပုဒ်မ ၁၁ နှင့် ပုဒ်မ ၁၃ တို့အရ ကြိုတင်ကန့်ကွက်ခြင်း မရှိလျှင် မှတ်ပုံတင် အရာရှိက လျှောက်ထားသူတို့ကို ထိမ်းမြားပေးနိုင်သည်။

၁၁။ ပုဒ်မ ၆ အရ ထိမ်းမြားပေးရန် လျှောက်ထားသူတို့သည် ပုဒ်မ ၄ ပါ အချက် တစ်ရပ်ရပ်နှင့် ညီညွတ်ခြင်းမရှိဟူသော အကြောင်းပြချက်ဖြင့် မည်သူမဆို မှတ်ပုံတင်အရာရှိထံ လိပ်မူ၍ ထိုသူအား ထိမ်းမြားခြင်းမပြုစေရန် စာဖြင့်ရေးသား ကန့်ကွက်နိုင်သည်။

၁၂။ (က) မှတ်ပုံတင်အရာရှိသည် ကန့်ကွက်လွှာ ရရှိသောအခါ ကန့်ကွက်သူအား စီရင်ပိုင်ခွင့် အာဏာရ တရားရုံးသို့ လျှောက်ထားရန် ညွှန်ပြပြီး တရားရုံး၏ အမိန့်ရရှိသည့် နေ့အထိ ထိမ်းမြားခြင်းကို ရွှေ့ဆိုင်းထားရမည်။

(ခ) ပုဒ်မခွဲ (က) ပါ စီရင်ပိုင်ခွင့်အာဏာရ တရားရုံးသည် မှတ်ပုံတင်အရာရှိ၏ စီမံခန့်ခွဲပိုင်ခွင့်ရှိသည့် ဒေသရှိ မြို့နယ်တရားရုံး ဖြစ်ရမည်။

၁၃။ (က) ပုဒ်မ ၆ အရ ထိမ်းမြားပေးရန် လျှောက်ထားသူတို့သည် ပုဒ်မ ၄ ပါ အချက် တစ်ရပ်ရပ်နှင့် ညီညွတ်ခြင်း မရှိဟူသော အကြောင်းပြချက်ဖြင့် စီရင်ပိုင်ခွင့် အာဏာရ တရားရုံးသို့ ကန့်ကွက်သူက လျှောက်လွှာတင်သွင်းနိုင်သည်။

(ခ) တရားရုံးက ထိုလျှောက်လွှာရရှိကြောင်း သက်သေခံ လက်မှတ်တစ်စောင်ကို ကန့်ကွက်သူအား ပေးရမည်။

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25 MAR 2019

JONATHAN A. HIPE
Signing Officer

(ဂ) မှတ်ပုံတင်အရာရှိသည် -

(၁) ပုဒ်မခွဲ (ခ) အရပေးသည့် သက်သေခံလက်မှတ်ကို သတ်မှတ်ထားသည့် အချိန်ကာလအတွင်း ကန့်ကွက်သူက တင်သွင်းလျှင် တရားရုံးမှ ထိမ်းမြားခွင့်ရှိသည့် အမိန့်ကို မရရှိမီ ထိမ်းမြားရန် လျှောက်ထားသူတို့အား ထိမ်းမြားမပေးရ။

(၂) သတ်မှတ်ထားသည့် ကာလအတွင်း ကန့်ကွက်သူက သက်သေခံလက်မှတ်ကို မတင်သွင်းလျှင် ထိမ်းမြားရန် လျှောက်ထားသူတို့အား ထိမ်းမြားပေးရမည်။

(ဃ) တရားရုံးသည် လျှောက်လွှာနှင့် ကျမ်းကျိန်လွှာတို့ဘွင် ပါရှိသည့် အချက်များနှင့် နှစ်ဖက်အမှုသည်များ တင်ပြသည့် သက်သေခံချက်တို့ကို အကျဉ်းနည်းဖြင့် စစ်ဆေးကြားနာပြီးနောက် လျှောက်ထားသူတို့သည် ထိမ်းမြားနိုင်ခွင့်ရှိ မရှိ အမိန့်ချမှတ်ရမည်။

(င) ထိုအမိန့်ကို ကျေနပ်မှု မရှိပါက ဥပဒေနှင့်အညီ အယူခံပိုင်ခွင့်ရှိသည်။

(စ) တရားရုံးသည် မိမိချမှတ်သော အမိန့်၏ မိတ္တူတစ်စောင်ကို မှတ်ပုံတင်အရာရှိထံ ချက်ချင်းပို့ရမည်။

(ဆ) (၁) ထိမ်းမြားနိုင်ခွင့်ရှိသည်ဟု တရားရုံးက အမိန့်ချမှတ်လျှင် မှတ်ပုံတင်အရာရှိသည် ထိမ်းမြားပေးရမည်။

(၂) ထိမ်းမြားနိုင်ခွင့် မရှိဟု တရားရုံးက အမိန့်ချမှတ်လျှင် မှတ်ပုံတင်အရာရှိသည် ထိမ်းမြားမပေးရ။

၁၄။ မှတ်ပုံတင်အရာရှိသည် ပုဒ်မ ၁၀ သို့မဟုတ် ပုဒ်မ ၁၃ အရ ထိမ်းမြားသောအခါ သက်သေနှစ်ဦးရှေ့တွင် လျှောက်ထားသူတို့ကို ထိမ်းမြားပေးရမည်။ ထိမ်းမြားမည့်သူများသည် မှတ်ပုံတင်အရာရှိနှင့် သက်သေများရှေ့တွင် "ကျွန်ုပ်တို့သည် တရားဝင် လင်မယားအဖြစ် ပေါင်းဖက်ပါမည်" ဟူ၍ မြွက်ဟကြေညာရမည်။

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Signing Officer

၁၅။ ပုဒ်မ ၁၄ အရ ထိမ်းမြားသည့်အခါ မှတ်ပုံတင်အရာရှိသည် သက်ဆိုင်သော အကြောင်းအရာများကို ထိမ်းမြားမှု သက်သေခံ မှတ်ပုံတင်စာအုပ်၌ ရေးသွင်းရမည်။ ထိုမှတ်ပုံတင်စာအုပ်တွင် ထိမ်းမြားသူများ၊ သက်သေများနှင့် မှတ်ပုံတင်အရာရှိတို့က လက်မှတ်ရေးထိုးရမည်။

၁၆။ မှတ်ပုံတင်အရာရှိသည် ထိမ်းမြားမှု သက်သေခံလက်မှတ် မူရင်းခွဲ ၄ စောင် ပြုလုပ်၍ တစ်စောင်စီကို ထိမ်းမြားသူတို့အား ပေးအပ်ရမည်။ အကယ်၍ မိန်းမသည် အသက် ၂၀ နှစ်မပြည့်သေးလျှင် ၎င်း၏ မိဘ သို့မဟုတ် အုပ်ထိန်းသူအား ပေးအပ်ရမည်။ တတိယတစ်စောင်ကို ခရိုင်အုပ်ချုပ်ရေးမှူးရုံးတွင် အမြဲထိန်းသိမ်းထားရန် ပေးပို့ရမည်။ စတုတ္ထတစ်စောင်နှင့် ထိမ်းမြားခြင်းဆိုင်ရာ အမှတ်အသားများကို မြို့နယ်အထွေထွေအုပ်ချုပ်ရေးမှူးရုံးရှိ ထိမ်းမြားမှုဆိုင်ရာ မှတ်ပုံတင်စာအုပ်နှင့်အတူ ပူးတွဲထိန်းသိမ်းထားရှိရမည်။

၁၇။ ထိမ်းမြားခြင်းဆိုင်ရာ စာတမ်းအမှတ်အသားများ၏ တာဝန်ခံမိတ္တူများကို ရလိုကြောင်း သတ်မှတ်ထားသည့် အခကြေးငွေကို သတ်မှတ်ထားသည့် နည်းလမ်းနှင့်အညီ ပေးသွင်းပြီး လျှောက်ထားပါက မှတ်ပုံတင်အရာရှိသည် လျှောက်ထားသူအား ထုတ်ပေးရမည်။

၁၈။ ဤဥပဒေအရ ထိမ်းမြားခြင်းနှင့်ဆိုင်သည့် စာတမ်းအမှတ်အသားများ၏ တာဝန်ခံမိတ္တူများတွင် ပါရှိသည့် အကြောင်းအရာများသည် မှန်ကန်သည်ဟု သက်သေခံအဖြစ် လက်ခံရမည်။ နောက်ထပ် သက်သေထင်ရှားပြရန်မလို။

အခန်း (၄)

ဗုဒ္ဓဘာသာဝင် မဟုတ်သည့် ယောကျ်ား လိုက်နာရမည့်အချက်များ

၁၉။ ဤဥပဒေအရ ထိမ်းမြားခဲ့သည့် သို့မဟုတ် ထိမ်းမြားခဲ့သည်ဟု မှတ်ယူခြင်းခံရသည့် ဗုဒ္ဓဘာသာဝင် မဟုတ်သည့် ယောကျ်ားသည် မြန်မာဗုဒ္ဓဘာသာဝင်မိန်းမ၏ ယုံကြည်ကိုးကွယ်မှုနှင့် စပ်လျဉ်း၍-

(က) မြန်မာဗုဒ္ဓဘာသာဝင် မိန်းမအား ၎င်းသက်ဝင် ယုံကြည်သည့် ဘာသာကို လွတ်လပ်စွာ ကိုးကွယ်ခွင့်ပြုရမည်။

(ခ) မြန်မာပုဒ္ဓဘာသာဝင် မိန်းမနှင့် ရရှိသည့် သားသမီးများအား ၎င်းတို့ သဘောဆန္ဒအတိုင်း သက်ဝင်ယုံကြည်ရာ ဘာသာကို လွတ်လပ်စွာ ကိုးကွယ်ခွင့်ပြုရမည်။

(ဂ) လင်နှင့်မယားတို့ နေထိုင်သည့်အိမ်တွင် မြန်မာပုဒ္ဓဘာသာဝင် မိန်းမက ပုဒ္ဓရုပ်ပွားတော်များ၊ ပုဒ္ဓပုံတော်များ၊ စေတီပုထိုးပုံတော်များ၊ ပုဒ္ဓဘာသာ ရဟန်းသံဃာပုံတော်များ၊ ပုဒ္ဓဘာသာနှင့် သက်ဆိုင်သော အသုံးအဆောင်ပစ္စည်းများကို ထားရှိခွင့်၊ ကိုးကွယ်ခွင့်ပြုရမည်။

(ဃ) မြန်မာပုဒ္ဓဘာသာဝင် မိန်းမက အလှူဒါနပြုလုပ်ခြင်း၊ ဘုရားရှိခိုးခြင်း၊ တရားမွေနှင့် ပရိတ်ရွတ်ခြင်း၊ ပုဂီးစိပ်ခြင်း၊ တရားနာခြင်း၊ တရားယူခြင်း၊ ဘုရားကျောင်းကန် များသို့ သွားရောက်ခြင်း၊ ဥပုသ်သီလ ဆောက်တည်ခြင်း၊ ပုဒ္ဓစာပေများ၊ ကျမ်းဂန်များထားရှိ လေ့လာဖတ်ရှုခြင်း၊ ကြည်ညိုခြင်း နာကြားခြင်း၊ ပုဒ္ဓဘာသာဆိုင်ရာ ဆောင်ရွက်မှုတို့ကို ခွင့်ပြုရမည်။

(c) မြန်မာပုဒ္ဓဘာသာဝင် မိန်းမ၏ ပုဒ္ဓဘာသာ ကိုးကွယ်ယုံကြည်မှုကို တစ်နည်းနည်းဖြင့် စွန့်လွှတ်စေပြီး မိမိကိုးကွယ်ရာ ဘာသာသို့ဖြစ်စေ၊ အခြားဘာသာ တစ်မျိုးမျိုးသို့ဖြစ်စေ ကူးပြောင်းကိုးကွယ်စေမှု မပြုရ။

(စ) ပုဒ္ဓဘာသာကို စော်ကားရန် အကြံဖြင့် မိန်းမကိုးကွယ်ဝတ်ပြုသော နေရာကိုသော်လည်းကောင်း၊ အထွတ်အမြတ်ထားသော အရာဝတ္ထုကိုသော်လည်းကောင်း ဖျက်ဆီးရန် သို့မဟုတ် ပျက်စီးနစ်နာစေရန် သို့မဟုတ် ယုတ်ညံ့ပေရန် မပြုရ။

(ဆ) မြန်မာပုဒ္ဓဘာသာဝင် မိန်းမ၏ ဘာသာရေး သက်ဝင်ယုံကြည်မှုကို ဝေကားဖြင့်ဖြစ်စေ၊ စာဖြင့်ဖြစ်စေ၊ ထင်ရှားသော ပုံသဏ္ဌာန်ဖြင့်ဖြစ်စေ၊ အမှုအရာဖြင့် ဖြစ်စေ စော်ကားခြင်း မပြုရ။

(ဇ) မြန်မာပုဒ္ဓဘာသာဝင် မိန်းမ ကွယ်လွန်သည့်အခါ ၎င်းအား ပုဒ္ဓဘာသာ မလေ့ထုံးတမ်းစဉ်လာအရ ဆောင်ရွက်သင်္ဂြိုဟ်ခြင်းကို ခွင့်ပြုရမည်။

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Office of Legal Affairs

25 MAR 2019

JONATHAN A. HIPE
Signing Officer

၂၀။ အခြားတည်ဆဲဥပဒေ သို့မဟုတ် ဓလေ့ထုံးတမ်းက မည်သို့ပင်ဆိုစေကာမူ ဤဥပဒေအရ ထိမ်းမြားခဲ့သည့် ဗုဒ္ဓဘာသာဝင် မဟုတ်သည့် ယောကျ်ားသည် ပုဒ်မ ၁၉ တွင် ပြဋ္ဌာန်းထားသည့် အချက်တစ်ရပ်ရပ်ကို ဖောက်ဖျက်ကျူးလွန်ပါက မြန်မာဗုဒ္ဓဘာသာဝင် မိန်းမက ဗုဒ္ဓဘာသာဝင် မဟုတ်သည့် ယောကျ်ားကို ကွာရှင်းနိုင်သည်။ ထိုအကြောင်းကြောင့် ထိုမိန်းမက ထိုယောကျ်ားကို ကွာရှင်းလျှင် -

(က) ထိုယောကျ်ားသည် လင်မယားနှစ်ဦးပိုင်ပစ္စည်းများမှ မိမိ၏ အစုကို စွန့်လွှတ်ရမည့် အပြင် မြန်မာဗုဒ္ဓဘာသာဝင် မိန်းမအား ဆုံးရှုံးနစ်နာမှုအတွက် လျော်ကြေးပေးရမည်။

(ခ) မြန်မာဗုဒ္ဓဘာသာဝင် မိန်းမသည် သားသမီးအားလုံးကို အုပ်ထိန်းခွင့်ရှိရမည်။

(ဂ) ထိုယောကျ်ားသည် အရွယ်မရောက်သေးသည့် သားသမီးများအတွက် ကလေးစရိတ်ပေးရမည်။

အခန်း (၅)
ဤဥပဒေအရ ထိမ်းမြားခဲ့သည်ဟု မှတ်ယူရခြင်း

၂၁။ ဗုဒ္ဓဘာသာဝင် မဟုတ်သည့် ယောကျ်ားက မြန်မာဗုဒ္ဓဘာသာဝင် မိန်းမကို ထိမ်းမြားရန် ကတိပြုလျှင် ထိုယောကျ်ားသည် ထိုမိန်းမကို ဤဥပဒေအရ ထိမ်းမြားရန် ကတိပြုသည်ဟု မှတ်ယူရမည်။

၂၂။ ဗုဒ္ဓဘာသာဝင် မဟုတ်သည့် ယောကျ်ားတစ်ဦးနှင့် မြန်မာဗုဒ္ဓဘာသာဝင် မိန်းမ တစ်ဦးတို့ ပေါင်းဖက်နေထိုင်ပြုမူကြပုံသည် မြန်မာဓလေ့ထုံးတမ်းဥပဒေအရ လင်မယားအရာမြောက်မည့် ပေါင်းဖက်နေထိုင်ပြုမူကြပုံမျိုးဖြစ်လျှင် -

(က) ထိုသူတို့သည် ထိုသို့ပေါင်းဖက်စကပင် ထိမ်းမြားခဲ့ကြသည်ဟု မှတ်ယူရမည့်ပြင် ဤဥပဒေအရ ထိမ်းမြားခဲ့သည်ဟုလည်း မှတ်ယူရမည်။

(ခ) ထိုလင်မယားသည် စတင်ပေါင်းဖက်သည့်နေ့မှစ၍ မည်သည့် ကာလတွင်မဆို ဤဥပဒေအရ တစ်ဦးဦးက ထိမ်းမြားမှု သက်သေခံ လက်မှတ် ထုတ်ပေးရန်

မှတ်ပုံတင်အရာရှိထံ လျှောက်ထားနိုင်သည်။ ယင်းသို့ လျှောက်ထားလာပါက မှတ်ပုံတင်အရာရှိသည် ပုဒ်မ ၁၄ အရ ထိုသူတို့ကို မိမိက ထိမ်းမြားပေးဘိသကဲ့သို့ ပုဒ်မ ၁၅ နှင့် ပုဒ်မ ၁၆ တွင် သတ်မှတ်ထားသည့်အတိုင်း ဆောင်ရွက်ရမည်။

အခန်း (၆)
မှတ်ပုံတင်အရာရှိက ထိမ်းမြားပေးခြင်း

၂၃။ (က) မြန်မာပုဒ္ဓဘာသာဝင် မိန်းမတစ်ဦးနှင့် ဗုဒ္ဓဘာသာဝင် မဟုတ်သည့် ယောကျ်ားတစ်ဦးတို့သည် ဤဥပဒေအရ မှတ်ပုံမတင်ဘဲ ပေါင်းဖက်လျက်ရှိလျှင် မိန်းမ နေထိုင်ရာဒေသရှိ မှတ်ပုံတင်အရာရှိထံ မိန်းမ သို့မဟုတ် ၎င်း၏ မိဘ၊ အုပ်ထိန်းသူ၊ ဆွေမျိုးတစ်ဦးဦးက ထိုအကြောင်းကို သတင်းပေးနိုင်သည်။ မှတ်ပုံတင်အရာရှိသည် သတင်းပေးချက်ကို ရေးမှတ်ထားပြီး သတင်းပေးသူကို လက်မှတ်ရေးထိုးစေရမည်။

(ခ) မှတ်ပုံတင်အရာရှိသည် -

(၁) ပုဒ်မခွဲ (က) အရ သတင်းပေးချက်ကို ရရှိသည့်အခါ သတင်းပေးချက်ကို ရေးမှတ်ပြီး သတင်းပေးသူအား လက်မှတ်ရေးထိုးစေခြင်း၊ မှတ်ပုံမတင်ဘဲ ပေါင်းဖက်လျက်ရှိသော မြန်မာဗုဒ္ဓဘာသာဝင်မိန်းမနှင့် ဗုဒ္ဓဘာသာဝင် မဟုတ်သည့် ယောကျ်ားတို့ကို သတ်မှတ်သည့် နေ့ရက်တွင် လာရောက်ရန် ဆင့်ခေါ်ရမည်။

(၂) ပုဒ်မခွဲ၁ယ် (၁) အရ ဆင့်ခေါ်ခြင်းခံရသူနှစ်ဦးလုံးက ထိမ်းမြားခြင်းကို မှတ်ပုံတင်ရန် ဆန္ဒရှိပါက ပုဒ်မ ၁၄ ပါ နည်းလမ်းအတိုင်း ထိမ်းမြားပေးပြီး ပုဒ်မ ၁၅ နှင့် ၁၆ တို့နှင့်အညီ ဆောင်ရွက်ရမည်။

(၃) ပုဒ်မခွဲ၁ယ် (၁) အရ ဆင့်ခေါ်ခြင်းခံရသူတစ်ဦးက ဖြစ်စေ၊ နှစ်ဦးလုံးကဖြစ်စေ ထိမ်းမြားခြင်းကို မှတ်ပုံတင်ရန် ဆန္ဒမရှိလျှင် သို့မဟုတ် လာရောက်ခြင်း မရှိလျှင် ပုဒ်မ ၁၂ ပုဒ်မခွဲ (ခ) အရ စီရင်ပိုင်ခွင့် အာဏာရ တရားရုံးသို့ သတင်းပေးချက်နှင့်အတူ အစီရင်ခံစာ ပေးပို့ ရမည်။

(ဂ) အခြားတည်ဆဲဥပဒေများတွင် မည်သို့ပင်ပါရှိစေကာမူ တရားရုံးသည် အစီရင်ခံစာကို ရရှိသောအခါ နည်းလမ်းတကျစွဲဆိုသည့် တရားမ အထွေထွေမှု ဖြစ်ဘိသကဲ့သို့ နှစ်ဖက်အမှုသည်များကိုလည်းကောင်း၊ ၄င်းတို့ တင်ပြသည့် သက်သေခံချက်ကိုလည်းကောင်း စစ်ဆေးကြားနာပြီးနောက် ထိုသူတို့သည် ပုဒ်မ ၂၂၊ ပုဒ်မခွဲ (က) အရ ထိမ်းမြားခဲ့ကြသည်ဟု မှတ်ယူရမည်ဖြစ်ကြောင်း အမိန့်ချမှတ်ရမည်။ စရိတ်နှင့် စပ်လျဉ်း၍ တရားရုံးကသင့်သည် ထင်မြင်သည့် အမိန့်ကို ချမှတ်နိုင်သည်။

(ဃ) ပုဒ်မခွဲ (က) အရ ပေါင်းဖက်လျက်ရှိသူ -

(၁) တစ်ဦးဦးက ထိမ်းမြားခြင်းကို မှတ်ပုံမတင်လိုသည့် အမှုတွင် မှတ်ပုံတင်လိုသူအား တရားလိုဟူ၍လည်းကောင်း၊ မှတ်ပုံမတင်လိုသူအား တရားပြိုင်ဟူ၍ လည်းကောင်း မှတ်ယူရမည်။

(၂) နှစ်ဦးလုံးက ထိမ်းမြားခြင်းကို မှတ်ပုံမတင်လိုသည့် အမှုတွင် သတင်းပေးသူအား တရားလိုဟူ၍ လည်းကောင်း၊ မှတ်ပုံမတင်လိုသူ နှစ်ဦးအား တရားပြိုင်များဟူ၍ လည်းကောင်း မှတ်ယူရမည်။

(င) တရားရုံးသည် အမိန့်မိတ္တူတစ်စောင်ကို မှတ်ပုံတင်အရာရှိထံသို့ ချက်ချင်း ပေးပို့ရမည်။

(စ) တရားရုံးက ထိုယောက်ျားနှင့် မိန်းမတို့သည် ပုဒ်မ ၂၂၊ ပုဒ်မခွဲ(က)အရ ထိမ်းမြားခဲ့ကြသည်ဟု မှတ်ယူရမည်ဖြစ်ကြောင်း အမိန့် ချမှတ်လျှင် မှတ်ပုံတင် အရာရှိသည် တရားရုံးအမိန့်အတိုင်း ထိမ်းမြားမှု သက်သေခံ မှတ်ပုံတင်စာအုပ်တွင် သက်ဆိုင်သည့် အကြောင်းအရာများကို ရေးသွင်း၍ လက်မှတ်ထိုးပြီးနောက် ပုဒ်မ ၁၆ တွင် သတ်မှတ်ထားသည့်အတိုင်း ဆောင်ရွက်ရမည်။

(ဆ) မြို့နယ်တရားရုံးက ချမှတ်သော အမိန့်ကို ဥပဒေနှင့်အညီ အယူခံပိုင်ခွင့်ရှိသည်။

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Office of Legal Affairs

25 MAR 2019

JONATHAN A. HIPE
Signing Officer

အခန်း (၇)
ပစ္စည်းပိုင်ဆိုင်ခွင့်နှင့် အိမ်ထောင်ရေးကိစ္စများကို မြန်မာဓလေ့ထုံးတမ်းဥပဒေအရ ဆုံးဖြတ်ခြင်း

၂၄။ ဤဥပဒေအရ ထိမ်းမြားသူ သို့မဟုတ် ထိမ်းမြားခဲ့ကြသည်ဟု မှတ်ယူခြင်းခံရသူတို့နှင့် ၎င်းတို့၏ တရားဝင်လင်၊ တရားဝင်မယားနှင့် တရားဝင် သားသမီးအားလုံး၏ ပစ္စည်းပိုင်ဆိုင်ခွင့်၊ အမွေဆက်ခံခွင့် အခွင့်အရေးများနှင့် စပ်လျဉ်းသည့် ကိစ္စအားလုံးကို မြန်မာဓလေ့ထုံးတမ်းဥပဒေအရ ဆုံးဖြတ်ရမည်။

၂၅။ လင်မယားကွာရှင်းမှု၊ ပစ္စည်းခွဲဝေမှုနှင့် သားသမီးထိန်းသိမ်းမှုတို့နှင့် သက်ဆိုင်သည့် မြန်မာဓလေ့ထုံးတမ်းဥပဒေပါ ပြဋ္ဌာန်းချက်များသည် ဤဥပဒေအရ ထိမ်းမြားကြသူ သို့မဟုတ် ထိမ်းမြားခဲ့ကြသည်ဟု မှတ်ယူခြင်းခံရသူတို့အပေါ် အာဏာသက်ရောက်ရမည်။

၂၆။ ဟိန္ဒူဘာသာ ၊ ဆစ်(ခ်)ဘာသာ၊ ဂျိန်းဘာသာ တစ်ရပ်ရပ်ကို ကိုးကွယ်သော ပစ္စည်းမခွဲဝေရသေးသည့် မိသားစုဝင်ယောကျ်ားသည် မြန်မာဗုဒ္ဓဘာသာဝင် မိန်းမနှင့် ဤဥပဒေအရ ထိမ်းမြားလျှင် သို့မဟုတ် ထိမ်းမြားခဲ့သည်ဟု မှတ်ယူခြင်းခံရလျှင် ထိုသူသည် ထိုမိသားစုမှ ခွဲခွာခဲ့ပြီး ဖြစ်သည်ဟု မှတ်ယူရမည်။ ထို့ပြင် ပစ္စည်းခွဲဝေခြင်းမပြုမီ ထိုသူသေဆုံးလျှင် ၎င်းပိုင်သည့်ဆိုင်ရာဆိုင်ခွင့်သည် ထိုသူ၏ မြန်မာဗုဒ္ဓဘာသာဝင်မိန်းမနှင့် သားသမီးများသို့ သက်ရောက်ရမည်။

၂၇။ ဘာသာရေး ဓလေ့ထုံးတမ်းတစ်ခုခုကဖြစ်စေ၊ ဥပဒေတစ်ရပ်ရပ်က ဖြစ်စေ ဗုဒ္ဓဘာသာဝင်မဟုတ်သည့် ယောကျ်ားတစ်ဦးအား မြန်မာဗုဒ္ဓဘာသာဝင် မိန်းမတစ်ဦးနှင့် လင်မယားအဖြစ် ပေါင်းဖက်နေခြင်းကို ခွင့်မပြုသည့်အကြောင်းကြောင့် ယောကျ်ားက မိန်းမကို ကွာရှင်းလျှင် သို့မဟုတ် စွန့်ခွာလျှင် သို့မဟုတ် ကိုယ်ထိလက်ရောက် ညှဉ်းပန်းနှိပ်စက်ရာ ရောက်သည်ဖြစ်စေ၊ မရောက်သည်ဖြစ်စေ ရက်စက်သည့် အပြုအမူအားဖြင့် စိတ်ဆင်းရဲအောင်ပြုလျှင် သို့မဟုတ် အကြမ်းဖက်မှုပြုလျှင် အဆိုပါ ဘာသာရေး ဓလေ့ထုံးတမ်း သို့မဟုတ် ဥပဒေက မည်သို့ပင် ဆိုစေကာမူ-

(က) ယောကျ်ားသည် နှစ်ဦးပိုင်ပစ္စည်းများမှ မိမိရထိုက်သော အစုကို စွန့်လွှတ်ရမည့် အပြင် ဗုဒ္ဓဘာသာဝင်မိန်းမအား ဆုံးရှုံးနစ်နာမှုအတွက် လျော်ကြေးပေးရမည်။

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Office of Legal Affairs

25 MAR 2019

JONATHAN A. HIPE
Signing Officer

(ခ) မြန်မာဗုဒ္ဓဘာသာဝင် မိန်းမသည် သားသမီးအားလုံး အုပ်ထိန်းခွင့်ကို ရရှိရမည်။

(ဂ) ယောကျ်ားသည် အရွယ်မရောက်သေးသည့် သားသမီးများအတွက် ကလေးစရိတ် ပေးရမည်။

၂၈။ ဗုဒ္ဓဘာသာဝင် မဟုတ်သော နိုင်ငံသား မိန်းမတစ်ဦးသည် ဗုဒ္ဓဘာသာဝင် မဟုတ်သည့် ယောကျ်ားနှင့် လင်မယားအဖြစ် ပေါင်းဖက်နေစဉ် ဗုဒ္ဓဘာသာသို့ ကူးပြောင်းကိုးကွယ်လျှင် ၄င်းတို့သည် ဤဥပဒေအရ ထိမ်းမြားဘိသကဲ့သို့ ပုဒ်မ ၂၅ နှင့် ပုဒ်မ ၂၆ ပါ ပြဋ္ဌာန်းချက်သည် ၄င်းတို့နှင့် သက်ဆိုင်ရမည်။

၂၉။ မိန်းမက ဗုဒ္ဓဘာသာသို့ ကူးပြောင်းကိုးကွယ်သည့်အခါ ယောကျ်း၏ ဘာသာရေးခလေ့ထုံးတမ်းတစ်ခုခုကဖြစ်စေ၊ ဥပဒေ တစ်ရပ်ရပ်က ဖြစ်စေ ယောကျ်ားအား ထိုဗုဒ္ဓဘာသာဝင် မိန်းမနှင့် လင်မယားအဖြစ် ပေါင်းဖက်နေခြင်းကို ခွင့်မပြုသည့် အကြောင်းကြောင့် ယောကျ်း သို့မဟုတ် မိန်းမက ကွာရှင်းလိုလျှင် ဗုဒ္ဓဘာသာသို့ ထိုမိန်းမကူးပြောင်း ကိုးကွယ်သည့် ကာလအပိုင်းအခြားအတွင်း ကွာရှင်းနိုင်သည်။ ထိုအကြောင်းကြောင့် -

(က) ယောကျ်ားက မိန်းမကို ကွာရှင်းလျှင် -

(၁) ဗုဒ္ဓဘာသာသို့ ကူးပြောင်းကိုးကွယ်ခြင်းမပြုမီက မိန်းမ နေထိုင်ရသည့် အတန်းအစား အခြေအနေအောက် မလျော့သော အခြေအနေတွင် ဆက်လက်နေထိုင်နိုင်သည့် လုံလောက်သော လစဉ်စရိတ်ကို မိန်းမက နောက်ထပ် ထိမ်းမြားခြင်းမပြုသမျှ ကာလပတ်လုံး ယောကျ်ားက မိန်းမ အားပေးရမည်။

(၂) မိန်းမသည် ဗုဒ္ဓဘာသာသို့ ကူးပြောင်းကိုးကွယ်ခြင်း မပြုမီ မိန်းမတစ်ဦးတည်းပိုင်ဖြစ်သော ပစ္စည်းအားလုံးကို မိန်းမက ရခွင့်ရှိရမည်။ သို့ရာတွင် ထိုသို့ ကူးပြောင်းကိုးကွယ်ခြင်း မပြုမီက ယောကျ်ားတစ်ဦးတည်းပိုင်ဖြစ်သော မည်သည့်ပစ္စည်းကိုမျှ မိန်းမက ရခွင့် မရှိစေရ။

(၃) မိန်းမသည် အရွယ်မရောက်သေးသည့် သားသမီးအားလုံး အုပ်ထိန်းခွင့်ကို ရရှိရမည်။

(၄) ယောကျ်ားသည် အရွယ်မရောက်သေးသည့် သားသမီးများအတွက် ကလေးစရိတ်ပေးရမည်။

(ခ) မိန်းမက ယောကျ်ားကို ကွာရှင်းလျှင် -

(၁) မိန်းမက ဗုဒ္ဓဘာသာသို့ ကူးပြောင်းကိုးကွယ်ခြင်း မပြုမီ မိန်းမ တစ်ဦးတည်းပိုင်ဖြစ်သော ပစ္စည်းမှတစ်ပါး ယောကျ်ားတစ်ဦးတည်းပိုင်သော မည်သည့်ပစ္စည်းကိုမျှ မိန်းမက ရခွင့် မရှိခေရ။

(၂) မိန်းမသည် အရွယ်မရောက်သေးသည့် သားသမီးအားလုံး အုပ်ထိန်းခွင့်ကိုရရှိရမည်။

(၃) ယောကျ်ားသည် အရွယ်မရောက်သေးသည့် သားသမီးများအတွက် ကလေးစရိတ် ပေးရမည်။

၃၀။ ပုဒ်မ ၂၅ မှ ၂၉ အထိ ပြဋ္ဌာန်းချက်များသည် မြန်မာဗုဒ္ဓဘာသာဝင်မိန်းမနှင့် ၄င်း၏ ဗုဒ္ဓဘာသာဝင် မဟုတ်သည့် ယောကျ်ားတို့ ဖြစ်ပွားသော လင်မယားကွာရှင်းမှုကိစ္စ သို့မဟုတ် ဗုဒ္ဓဘာသာဝင် မဟုတ်သည့် ယောကျ်ားက မြန်မာဗုဒ္ဓဘာသာဝင် မိန်းမကို စွန့်ခွာသည့် ကိစ္စ သို့မဟုတ် ကိုယ်ထိလက်ရောက် ညှဉ်းပန်းနှိပ်စက်ရာရောက်သည်ဖြစ်စေ၊ မရောက်သည်ဖြစ်စေ ရက်စက်သည့် အပြုအမူအားဖြင့် စိတ်ဆင်းရဲအောင်ပြုသည့်ကိစ္စ သို့မဟုတ် အကြမ်းဖက်မှု ပြုသည့်ကိစ္စ အားလုံးတို့နှင့် သက်ဆိုင်ရမည်။

၃၁။ ဤဥပဒေအရ ထိမ်းမြားလျှင် သို့မဟုတ် ထိမ်းမြားသည်ဟု မှတ်ယူခြင်း ခံရလျှင် ထိုသူနှစ်ဦးမှ မွေးဖွားသော သားသမီးများသည် တရားဝင် သားသမီးများ ဖြစ်သည်ဟု မှတ်ယူရမည်။

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25 MAR 2019

JONATHAN A. HIPE
Signing Officer

အခန်း (၈)
ပြစ်မှုနှင့် ပြစ်ဒဏ်များ

၃၂။ မည်သူမဆို ပုဒ်မ ၁၀ သို့မဟုတ် ပုဒ်မ ၁၃ အရ ကန့်ကွက်ခြင်းကို သဘောရိုးဖြင့် ပြုလုပ်ခြင်း မဟုတ်ကြောင်း ပြစ်မှုထင်ရှားစီရင်ခြင်း ခံရလျှင် ထိုသူကို ကျပ်ငါးသိန်းထက်မပိုသော ငွေဒဏ် ချမှတ်ရမည်။

၃၃။ ဗုဒ္ဓဘာသာဝင်မဟုတ်သည့် ယောကျ်ားသည် ပုဒ်မ ၁၉၊ ပုဒ်မခွဲ (က)၊ ပုဒ်မခွဲ (ခ)၊ ပုဒ်မခွဲ (ဂ) နှင့် ပုဒ်မခွဲ(ဃ) ပါ ပြဋ္ဌာန်းချက် တစ်ရပ်ရပ်ကို ဖောက်ဖျက်ကျူးလွန်ကြောင်း ပြစ်မှု ထင်ရှားစီရင်ခြင်းခံရလျှင် ထိုသူကို တစ်နှစ်ထက်မပိုသော ထောင်ဒဏ်ချမှတ်ရမည့်အပြင် ကျပ်ငါးသိန်းထက်မပိုသော ငွေဒဏ်လည်း ချမှတ်ရမည်။

၃၄။ ဗုဒ္ဓဘာသာဝင် မဟုတ်သည့် ယောကျ်ားသည် ပုဒ်မ ၁၉၊ ပုဒ်မခွဲ (င) ပါ ပြဋ္ဌာန်းချက်ကို ဖောက်ဖျက်ကျူးလွန်ကြောင်း ပြစ်မှုထင်ရှားစီရင်ခြင်းခံရလျှင် ထိုသူကို နှစ်နှစ်ထက်မပိုသော ထောင်ဒဏ် ချမှတ်ရမည့်အပြင် ကျပ်သိန်းနှစ်ဆယ်ထက်မပိုသော ငွေဒဏ်လည်း ချမှတ်ရမည်။

၃၅။ ဗုဒ္ဓဘာသာဝင် မဟုတ်သည့် ယောကျ်ားသည် ပုဒ်မ ၁၉၊ ပုဒ်မခွဲ (စ)၊ ပုဒ်မခွဲ (ဆ) နှင့် ပုဒ်မခွဲ (ဇ)ပါ ပြဋ္ဌာန်းချက်တစ်ရပ်ရပ်ကို ဖောက်ဖျက်ကျူးလွန်ကြောင်း ပြစ်မှုထင်ရှား စီရင်ခြင်းခံရလျှင် ထိုသူကို နှစ်နှစ်ထက်မပိုသော ထောင်ဒဏ်ချမှတ်ရမည့်အပြင် ကျပ်တစ်ဆယ့်ငါးသိန်းထက်မပိုသော ငွေဒဏ်လည်း ချမှတ်ရမည်။

၃၆။ မည်သူမဆို ပုဒ်မ ၆ ပါ လျှောက်လွှာပုံစံတွင် မဟုတ်မမှန်သည်လည်းဖြစ်၍ မဟုတ်မမှန်ဟု မိမိသိသည်လည်းဖြစ်သော သို့မဟုတ် ယုံကြည်သည်လည်းဖြစ်သော ဖော်ပြချက်ကိုသော် လည်းကောင်း၊ ထိမ်းမြားမှု သက်သေခံလက်မှတ်ကို သော်လည်းကောင်း ပြုလုပ်ခြင်း သို့မဟုတ် လက်မှတ်ရေးထိုးခြင်း သို့မဟုတ် မှန်ကန်ကြောင်း သက်သေခံခြင်းပြုကြောင်း ပြစ်မှုထင်ရှားစီရင်ခြင်းခံရလျှင် ထိုသူကို သုံးနှစ်ထက်မပိုသော ထောင်ဒဏ်ဖြစ်စေ၊ ငွေဒဏ်ဖြစ်စေ၊ ဒဏ်နှစ်ရပ်လုံးဖြစ်စေ ချမှတ်ရမည်။

၃၇။ မည်သည့် မှတ်ပုံတင်အရာရှိမဆို ပုဒ်မ ၄၊ ပုဒ်မခွဲ (ဂ)၊ ပုဒ်မ ၉၊ ပုဒ်မ ၁၀၊ ပုဒ်မ ၁၂၊ ပုဒ်မခွဲ (က)၊ ပုဒ်မ ၁၃၊ ပုဒ်မခွဲ (ဂ)၊ ပုဒ်မခွဲငယ် (၁) နှင့် ပုဒ်မ ၁၃၊ ပုဒ်မခွဲ (ဆ)၊ ပုဒ်မခွဲငယ် (၂) ပါ ပြဋ္ဌာန်းချက် တစ်ခုခုနှင့် ဆန့်ကျင်၍ ထိမ်းမြားပေးကြောင်း ပြစ်မှုထင်ရှားစီရင်ခြင်းခံရလျှင်

ထိုအရာရှိကို ခြောက်လထက်မပိုသော ထောင်ဒဏ်ဖြစ်စေ၊ ကျပ်နှစ်သိန်းထက်မပိုသော ငွေဒဏ်ဖြစ်စေ၊ ဒဏ်နှစ်ရပ်လုံးဖြစ်စေ ချမှတ်ရမည်။

အခန်း (၉)

အထွေထွေ

၃၈။ ဤဥပဒေပါ ပုဒ်မ ၃၃ မှ ၃၇ အထိ ပြစ်မှုများကို ရဲအရေးပိုင်ခွင့်ရှိသော ပြစ်မှုများ အဖြစ် သတ်မှတ်သည်။

၃၉။ ၁၉၅၄ ခုနှစ်၊ ဗုဒ္ဓဘာသာဝင် မိန်းမများ၊ အထူးထိမ်းမြားမှုနှင့် အမွေဆက်ခံမှုအက်ဥပဒေ အရ ထုတ်ပြန်ခဲ့သော အမိန့်ကြော်ငြာစာ၊ အမိန့်၊ ညွှန်ကြားချက်နှင့် လုပ်ထုံးလုပ်နည်းများသည် ဤဥပဒေပါ ပြဋ္ဌာန်းချက်များနှင့် မဆန့်ကျင်သရွေ့ အတည်ဖြစ်သည်။

၄၀။ ဤဥပဒေပါ ပြဋ္ဌာန်းချက်များကို အကောင်အထည်ဖော် ဆောင်ရွက်ရာတွင် ပြည်ထောင်စု တရားလွှတ်တော်ချုပ်သည် နည်းဥပဒေ၊ စည်းမျဉ်း၊ စည်းကမ်း၊ အမိန့်ကြော်ငြာစာ၊ အမိန့်၊ ညွှန်ကြားချက်နှင့် လုပ်ထုံးလုပ်နည်းများကို ထုတ်ပြန်နိုင်သည်။

၄၁။ ၁၉၅၄ ခုနှစ်၊ ဗုဒ္ဓဘာသာဝင် မိန်းမများ အထူးထိမ်းမြားမှုနှင့် အမွေဆက်ခံမှု အက်ဥပဒေ ကို ဤဥပဒေဖြင့် ရုပ်သိမ်းလိုက်သည်။

ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော် ဖွဲ့စည်းပုံအခြေခံဥပဒေအရ ကျွန်ုပ်လက်မှတ်ရေးထိုးသည်။

(ပုံ) သိန်းစိန်
နိုင်ငံတော်သမ္မတ
ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်

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JONATHAN A. HIPE
Signing Officer

ဇယား

ပုံစံ-က (ယောက်ျားအတွက်)

(ပုဒ်မ ၆ ကို ကြည့်။)

ထိမ်းမြားလိုကြောင်း လျှောက်ထားလွှာပုံစံ

ခရိုင်။

မြို့နယ်။

ထိမ်းမြားမှုမှတ်ပုံတင်အရာရှိထံ

ကျွန်ုပ်သည် ဤလျှောက်ထားလွှာတွင် အမည်မှစ၍ အကြောင်းအရာများ ဖော်ပြပါရှိသော တစ်ဘက်သူနှင့် မြန်မာပုဒ္ဓဘာသာဝင်မိန်းမများ အထူးထိမ်းမြားခြင်းဆိုင်ရာဥပဒေအရ ထိမ်းမြားရန် ကြံရွယ်ကြောင်း လျှောက်ထားအပ်ပါသည်။

လျှောက်ထားလွှာပေးပို့သူ၏ ဖော်ပြချက်များ

အပိုင်း (၁)

(က) အမည်၊

(ခ) အလုပ်အကိုင်၊

(ဂ) မည်သည့်နိုင်ငံသား၊

(ဃ) ကိုးကွယ်သည့်ဘာသာ၊

(င) အသက်၊

(စ) လျှောက်ထားလွှာပေးပို့သည့် နေ့ရက်မတိုင်မီ နေထိုင်လျက်ရှိသည့်အရပ်၊

(ဆ) မိဘများ၏အမည် -

(၁)

(၂)

(ဇ) မိဘများ၏ အလုပ်အကိုင်၊

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(စျ) မိဘများ၏နေရပ်၊

(ည) (မိဘများ အသက်ရှင်လျက် မရှိလျှင်) အုပ်ထိန်းသူ၏ အမည်၊

(ဋ) အုပ်ထိန်းသူ၏ အလုပ်အကိုင်နှင့်နေရပ်၊

(ဌ) မိမိမှာ ယခင်က ထိမ်းမြားဖူးသူ ဟုတ် မဟုတ်၊ ထိမ်းမြားဖူးသည်ဖြင်လျှင် ထိုထိမ်းမြားမှုမှာ ယခုနေ့ရက်တွင် အတည်ဖြစ်လျက် ရှိ မရှိ၊

(ဍ) ယခင်မယား အသက်ရှင်လျက်ရှိသေးလျှင် ထိုမယား၏ အမည်နှင့်နေရပ်။

အပိုင်း (၂)

(က) (တစ်ဘက်သူ၏) အမည်၊

(ခ) အလုပ်အကိုင်၊

(ဂ) မည်သည့်နိုင်ငံသား၊

(ဃ) ကိုးကွယ်သည့်ဘာသာ၊

(င) အသက်၊

(စ) လျှောက်ထားလွှာပေးပို့သည့် နေ့ရက်မတိုင်မီ နေထိုင်လျက်ရှိသည့်အရပ်၊

(ဆ) မိဘများ၏အမည် -

(၁)

(၂)

(ဇ) မိဘများ၏ အလုပ်အကိုင်၊

(စျ) မိဘများ၏နေရပ်၊

(ည) (မိဘများ အသက်ရှင်လျက် မရှိလျှင်) အုပ်ထိန်းသူ၏အမည်၊

(ဋ) အုပ်ထိန်းသူ၏ အလုပ်အကိုင်နှင့်နေရပ်၊

(ဌ) အသက် ၂၀ နှစ် မပြည့်သေးလျှင် မိဘများ၏ သို့မဟုတ် အုပ်ထိန်းသူ၏ သဘောတူညီမှုက် ရရှိပြီး ဟုတ် မဟုတ်၊

(၃) သဘောတူချက်ပေးသည့် မိဘများ၏ သို့မဟုတ် အုပ်ထိန်းသူအမည်၊ အလုပ်အကိုင်နှင့် နေရပ်၊

(၄) ထိုသူမှာ ယခင်က ထိမ်းမြားဖူးသူ ဟုတ် မဟုတ်၊ ထိမ်းမြားဖူးသူဖြစ်လျှင် ထိုထိမ်းမြားမှုမှာ ယခုနေ့ရက်တွင် အတည်ဖြစ်လျက် ရှိ မရှိ။

(လက်မှတ်)

လျှောက်ထားသူ

မှတ်ပုံတင်အရာရှိရှေ့တွင် ထွက်ဆိုချက်

အထက်ပါ လျှောက်ထားလွှာအပိုင်း (၁) တွင် ဖော်ပြပါရှိသော အကြောင်းအရာမှာ ကျွန်ုပ်ကိုယ်တိုင်သိရှိရသမျှ ဟုတ်မှန်ကြောင်းဖြင့်လည်းကောင်း၊ အပိုင်း (၂) တွင် ဖော်ပြပါရှိသော အကြောင်းအရာမှာ ကျွန်ုပ်ကြားသိ ယုံကြည် ရသမျှ ဟုတ်မှန်ကြောင်းဖြင့် လည်းကောင်း ကျွန်ုပ်က ထွက်ဆိုပါသည်။ အထက်ပါ လျှောက်ထားလွှာတွင် ပါရှိသည့် ဖော်ပြချက် တစ်ခုခုမှာ ကျွန်ုပ် သိရှိသမျှ မဟုတ်မမှန်လျှင် ထို့ပြင် ယင်းသို့သော ဖော်ပြချက်ကို ပြုလုပ်ရာတွင် ကျွန်ုပ်က ထိုဖော်ပြချက်သည် မဟုတ်မမှန်ကြောင်း သိရှိလျှင်သော်လည်းကောင်း သို့မဟုတ် ယုံကြည်လျှင်သော်လည်းကောင်း၊ ထိုဖော်ပြချက်သည် ဟုတ်မှန်သည်ဟု မယုံကြည်လျှင်သော်လည်းကောင်း ကျွန်ုပ်မှာ မြန်မာ ဗုဒ္ဓဘာသာဝင် မိန်းမများ အထူးထိမ်းမြားခြင်းဆိုင်ရာ ဥပဒေအရ တရားစွဲဆိုခံထိုက်သည်ဖြစ်ကြောင် ကျွန်ုပ် သိရှိပါသည်။

(လက်မှတ်)

လျှောက်ထားသူ

အောက်ပါသက်သေတို့ရှေ့တွင်

(၁) (လက်မှတ်)

(အမည်၊ အလုပ်အကိုင်နှင့် နေရပ်)

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Signing Officer

(၂) (လက်မှတ်)

(အမည်၊ အလုပ်အကိုင်နှင့် နေရပ်)

အထက်ပါ ဖော်ပြချက်များကို ထွက်ဆိုသူအား ဗဟိုကြားရှင်းလင်းပြရာ ထိုဖော်ပြချက်များပါ အကြောင်းအရာများ မှန်ကန်ကြောင်း ထိုသူက ဝန်ခံသည့်ပြင် ယင်းသို့ မှန်ကန်ကြောင်းဖြင့် ဤထွက်ဆိုချက်ကို ကျွန်ုပ်ရှေ့၌ လည်းကောင်း၊ အထက်တွင် လက်မှတ်ရေးထိုးသည့် သက်သေ ၂ ဦးရှေ့၌ လည်းကောင်း လက်မှတ်ရေးထိုးသည်။

(လက်မှတ်)

ထိမ်းမြားမှုမှတ်ပုံတင်အရာရှိ

အထက်ပါ လျှောက်ထားလွှာမိတ္တူကို----------ရက်နေ့တွင် ---------- ကျွန်ုပ်၏ရုံးရှိ အများမြင်သော နေရာ၌ ကပ်လျက်ကြော်ငြာပြီးဖြစ်သည့်ပြင် ထိုလျှောက်လွှာမိတ္တူများကို အောက်ပါ နေ့ရက်များတွင် -------- ထံ ချအပ် ပို့ ပြီးလည်းဖြစ်ကြောင်း၊

(လက်မှတ်)

ထိမ်းမြားမှုမှတ်ပုံတင်အရာရှိ

ပုံစံ-ခ (မိန်းမအတွက်)

(ပုဒ်မ ၆ ကို ကြည့်၊)

ထိမ်းမြားလိုကြောင်း လျှောက်ထားလွှာပုံစံ

ခရိုင်။

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ပြည်နယ်။

ထိမ်းမြားမှုမှတ်ပုံတင်အရာရှိထံ 25 MAR 2019

JONATHAN A. HIPE
Signing Officer

ထိမ်းမြားမှုမှတ်ပုံတင်အရာရှိထံ

ကျွန်မသည် ဤလျှောက်ထားလွှာတွင် အမည်မှစ၍ အကြောင်းအရာများ ဖော်ပြပါရှိသော တစ်ဘက်သူနှင့် မြန်မာပုဒ္ဓဘာသာဝင်မိန်းမများ အထူးထိမ်းမြားခြင်းဆိုင်ရာ ဥပဒေအရ ထိမ်းမြားရန် ပြဋ္ဌာန်းကြောင်း လျှောက်ထားအပ်ပါသည်။

လျှောက်ထားလွှာပေးပို့သူ၏ ဖော်ပြချက်များ

အပိုင်း (၁)

(က) အမည်၊

(ခ) အလုပ်အကိုင်၊

(ဂ) မည်သည့်နိုင်ငံသား၊

(ဃ) ကိုးကွယ်သည့်ဘာသာ၊

(င) အသက်၊

(စ) လျှောက်ထားလွှာပေးပို့သည့် နေ့ရက်မတိုင်မီ နေထိုင်လျက်ရှိသည့် အရပ်၊

(ဆ) မိဘများ၏အမည် -

(၁)

(၂)

(ဇ) မိဘများ၏ အလုပ်အကိုင်၊

(စျ) မိဘများ၏နေရပ်၊

(ည) (မိဘများ အသက်ရှင်လျက် မရှိလျှင်) အုပ်ထိန်းသူ၏ အမည်၊

(ဋ) အုပ်ထိန်းသူ၏ အလုပ်အကိုင်နှင့်နေရပ်၊

(ဌ) အသက် ၂၀ နှစ် အပြည့်သေးလျှင် မိဘများ၏ သို့မဟုတ် အုပ်ထိန်းသူ၏ သဘောတူညီချက်ရရှိပြီး ဟုတ် မဟုတ်၊

(ဍ) သဘောတူချက်ပေးသည့် မိဘများ၏ သို့မဟုတ် အုပ်ထိန်းသူအမည်၊ အလုပ်အကိုင်နှင့် နေရပ်၊

(ပ) မိမိမှာ ယခင်က ထိမ်းမြားဖူးသူ ဟုတ် မဟုတ်၊ ထိမ်းခြားဖူးသူဖြစ်လျှင် ထိုထိမ်းမြားမှုမှာ ယခုနေ့ရက်တွင် အတည်ဖြစ်လျက် ရှိ မရှိ။

(၈) ယခင် လင် အသက်ရှင်လျက်ရှိသေးလျှင် ထိုလင်၏ အမည်နှင့် နေရပ်။

အပိုင်း (၂)

(က) (တစ်ဘက်သူ၏) အမည်၊

(ခ) အလုပ်အကိုင်၊

(ဂ) မည်သည့်နိုင်ငံသား၊

(ဃ) ကိုးကွယ်သည့်ဘာသာ၊

(င) အသက်၊

(စ) လျှောက်ထားလွှာပေးပို့သည့် နေ့ရက်မတိုင်မီ နေထိုင်လျက်ရှိသည့်အရပ်၊

(ဆ) မိဘများ၏အမည် -

(၁)

(၂)

(ဇ) မိဘများ၏ အလုပ်အကိုင်၊

(စျ) မိဘများ၏နေရပ်၊

(ည) (မိဘများ အသက်ရှင်လျက် မရှိလျှင်) အုပ်ထိန်းသူ၏အမည်၊

(ဋ) အုပ်ထိန်းသူ၏ အလုပ်အကိုင်နှင့်နေရပ်၊

(ဌ) ထိုသူမှာ ယခင်က ထိမ်းမြားဖူးသူ ဟုတ် မဟုတ်၊ ထိမ်းမြားဖူးသူဖြစ်လျှင် ထိုထိမ်းမြားမှုမှာ ယခုနေ့ရက်တွင် အတည်ဖြစ်လျက် ရှိ မရှိ။

(လက်မှတ်)

လျှောက်ထားသူ

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25 MAR 2019

JONATHAN A. HIPE
Signing Officer

မှတ်ပုံတင်အရာရှိရှေ့တွင် ထွက်ဆိုချက်

အထက်ပါ လျှောက်ထားလွှာအပိုင်း (၁) တွင် ဖော်ပြပါရှိသော အကြောင်းအရာမှာ ကျွန်မ ကိုယ်တိုင်သိရှိရသမျှ ဟုတ်မှန်ကြောင်းဖြင့်လည်းကောင်း၊ အပိုင်း (၂) တွင် ဖော်ပြပါရှိသော အကြောင်းအရာမှာ ကျွန်မကြားသိ ယုံကြည် ရသမျှ ဟုတ်မှန်ကြောင်းဖြင့် လည်းကောင်း ကျွန်မက ထွက်ဆိုပါသည်။ အထက်ပါ လျှောက်ထားလွှာတွင် ပါရှိသည့် ဖော်ပြချက် တစ်ခုခုမှာ ကျွန်မ သိရှိသမျှ မဟုတ်မမှန်လျှင်၊ ထို့ပြင် ယင်းသို့သော ဖော်ပြချက်ကို ပြုလုပ်ရာတွင် ကျွန်မက ထိုဖော်ပြချက်သည် မဟုတ်မမှန်ကြောင်း သိရှိလျှင်သော်လည်းကောင်း သို့မဟုတ် ယုံကြည်လျှင်သော်လည်းကောင်း၊ ထိုဖော်ပြချက်သည် ဟုတ်မှန်သည်ဟု မယုံကြည်လျှင်သော်လည်းကောင်း ကျွန်မမှာ မြန်မာ ဗုဒ္ဓဘာသာဝင် မိန်းမများ အထူးထိမ်းမြားခြင်းဆိုင်ရာ ဥပဒေအရ တရားစွဲဆိုခံထိုက်သည်ဖြစ်ကြောင် ကျွန်မ သိရှိပါသည်။

(လက်မှတ်)

လျှောက်ထားသူ

အောက်ပါသက်သေတို့ရှေ့တွင်

(၁) (လက်မှတ်)

(အမည်၊ အလုပ်အကိုင်နှင့် နေရပ်)

(၂) (လက်မှတ်)

(အမည်၊ အလုပ်အကိုင်နှင့် နေရပ်)

အထက်ပါ ဖော်ပြချက်များကို ထွက်ဆိုသူအား ဖတ်ကြားရှင်းလင်းပြရာ ထိုဖော်ပြချက်များပါ အကြောင်းအရာများ မှန်ကန်ကြောင်း ထိုသူက ဝန်ခံသည့်ပြင် ယင်းသို့ မှန်ကန်ကြောင်းဖြင့် ဤ ထွက်ဆိုချက်ကို ကျွန်ုပ်ရှေ့၌ လည်းကောင်း၊ အထက်တွင် လက်မှတ်ရေးထိုးသည့် သက်သေ ၂ ဦး ရှေ့၌ လည်းကောင်း လက်မှတ်ရေးထိုးသည်။

(လက်မှတ်)

ထိမ်းမြားမှုမှတ်ပုံတင်အရာရှိ

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25 MAR 2019

JONATHAN A. HIPE
Signing Officer

အထက်ပါ လျှောက်ထားလွှာမိတ္တူကို----------ရက်နေ့တွင် ---------- ကျွန်ုပ်၏ရုံးရှိ အများမြင်သော နေရာ၌ ကပ်လျက်ကြော်ငြာပြီးဖြစ်သည့်ပြင် ထိုလျှောက်လွှာမိတ္တူများကို အောက်ပါ နေ့ရက်များတွင် ---------- ထံ ချအပ် / ပို့ ပြီးလည်းဖြစ်ကြောင်း။

(လက်မှတ်)

ထိမ်းမြားမှုမှတ်ပုံတင်အရာရှိ

ပုံစံ-၀

(မူရင်း ထပ်တူပေါင်း ၄ စောင် ရှိစေရမည်၊)

(ပုဒ်မ ၁၅ ကို ကြည့်။)

ထိမ်းမြားကြောင်း သက်သေခံမှတ်ပုံတင်စာအုပ်ပုံစံ

အမှတ်၊ ----------။

ထိမ်းမြားသည့်နေ့ရက်။

ထိမ်းမြားရာအရပ်

(က) လင်၏အမည်၊

(ခ) အသက်၊

(ဂ) မည်သည့်နိုင်ငံသား၊

(ဃ) ကိုးကွယ်သည့်ဘာသာ၊

(င) အလုပ်အကိုင်၊

(စ) နေရပ်၊

(ဆ) မိဘများ၏အမည် ၊ အလုပ်အကိုင်နှင့်နေရပ်၊

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(၆) (မိဘများအသက်ရှင်လျက်မရှိလျှင်) အုပ်ထိန်းသူအမည်၊ အလုပ်အကိုင်နှင့် နေရပ်၊

(က) မယား၏အမည်၊

(ခ) အသက်၊

(ဂ) မည်သည့်နိုင်ငံသား၊

(ဃ) ကိုးကွယ်သည့်ဘာသာ၊

(င) အလုပ်အကိုင်၊

(စ) နေရပ်၊

(ဆ) မိဘများ၏အမည် ၊ အလုပ်အကိုင်နှင့်နေရပ်၊

(ဇ) (မိဘများအသက်ရှင်လျက်မရှိလျှင်) အုပ်ထိန်းသူအမည်၊ အလုပ်အကိုင်နှင့်နေရပ်၊

(စျ) အသက် ၂၀ နှစ် မပြည့်သေးလျှင် ထိမ်းမြားရန် သဘောတူညီချက်ပေးပြီးသည့် မိဘ သို့မဟုတ် အုပ်ထိန်းသူ၏အမည်၊ အလုပ်အကိုင်နှင့်နေရပ်။

* [ကျွန်တော်---------- နှင့် ကျွန်မ---------- တို့၏ ယခုထိမ်းမြားမှုကို အောက်ပါ သက်သေများရှေ့တွင် ပြုလုပ်ပါသည်။

လင်၏လက်မှတ်

မယား၏လက်မှတ်

ကျွန်ုပ်တို့ရှေ့တွင် ပြုလုပ်ပါသည်။

	အမည်	----------
မောင်	အလုပ်အကိုင်	----------
မ	နေရပ်	----------
	အမည်	----------
မောင်	အလုပ်အကိုင်	----------
မ	နေရပ်	----------

ထိမ်းမြားရန် သဘောတူချက်ပေးသူ၏ လက်မှတ်။

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Signing Officer

အထက်တွင် အမည်ဖော်ပြပါရှိသူတို့၏ ထိမ်းမြားမှုကို ၂၀ ခုနှစ်၊ လ ရက်နေ့တွင် ကျွန်ုပ်ရှေ့၌ ပြုလုပ်သည်။]

ထိမ်းမြားမှု မှတ်ပုံတင်အရာရှိ

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*မှတ်ချက်။ ဤဥပဒေပုဒ်မ ၂၃၊ ပုဒ်မခွဲ (ခ) အရ ထိမ်းမြားခြင်းကို မှတ်ပုံတင်ရန် ငြင်းဆိုသူများဖြစ်လျှင် ဤအပိုဒ်ကို ပယ်ဖျက်ရမည်။

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25 MAR 2019

JONATHAN A. HIPE
Signing Officer

နောက်ဆက်တွဲ (စ)

ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်
ပြည်ထောင်စုတရားလွှတ်တော်ချုပ်
ညွှန်ကြားချက်အမှတ် (၁/၂၀၁၂)
ရက်စွဲ၊၁၃၇၄ ခုနှစ်၊ ကဆုန်လပြည့်ကျော် ၄ ရက်
(၂၀၁၂ ခုနှစ်၊ မေလ ၉ ရက်)

နိုင်ငံခြားသားများနှင့် မြန်မာအမျိုးသမီးများ ထိမ်းမြားလက်ထပ်ခြင်းကိစ္စ

၁။ မြန်မာနိုင်ငံသို့ ပြည်ပနိုင်ငံအသီးသီးမှ ဝင်ရောက်လာကြသော နိုင်ငံခြားသားအချို့သည် မြန်မာအမျိုးသမီးများနှင့် ထိမ်းမြားလက်ထပ်ရန် တရားရုံးတွင် ကျမ်းကျိန်လွှာများပြုလုပ်လေ့ရှိကြပါသည်။ သို့ရာတွင် အချို့သော နိုင်ငံခြားသားများသည် မြန်မာအမျိုးသမီးများနှင့် အမှန်တကယ် ထိမ်းမြားလက်ထပ်လိုခြင်းမဟုတ်ဘဲ နိုင်ငံခြားသို့ မြန်မာအမျိုးသမီးများကို ခေါ်ဆောင်ကာ အကျင့်သိက္ခာပျက်ပြားသည့်အလုပ်များ စေခိုင်းသည့် အဖွဲ့က် မြန်မာအမျိုးသမီးများ အတိဒုက္ခရောက်ကာ ဘဝဆုံးရှုံးကြရမည့် အန္တရာယ်များ တွေ့ကြုံရသည်ကို ကြားသိရသဖြင့် တရားရုံးချုပ်က ၁-၁-၁၉၉၈ ရက်စွဲပါ ညွှန်ကြားချက်အမှတ် ၂/၁၉၉၈ ကို ထုတ်ပြန်ကာ မြန်မာနိုင်ငံသား အမျိုးသမီးတစ်ဦးအား နိုင်ငံခြားသားတစ်ဦးနှင့် ထိမ်းမြား လက်ထပ်ကြောင်း ကျမ်းကျိန်လွှာပြုလုပ်ရေး တင်ပြလာပါက မည်သည့် တရားရုံးကမျှ လက်ခံဆောင်ရွက်ခြင်း မပြုရန် ညွှန်ကြားခဲ့သည်။

၂။ ယင်းညွှန်ကြားချက် ထုတ်ပြန်ပြီးနောက် တရားရုံးများက မြန်မာနိုင်ငံသား အမျိုးသမီးတစ်ဦးနှင့် နိုင်ငံခြားသားတစ်ဦးကို ထိမ်းမြား

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လက်ထပ်ရန် ကျမ်းကျိန်လွှာ ပြုလုပ်ပေးခြင်းမရှိသဖြင့် အမှန်တကယ် ထိမ်းမြားလက်ထပ်လိုသူ နိုင်ငံခြားသားနှင့် မြန်မာအမျိုးသမီးတို့အတွက် အခက်အခဲများဖြစ်ပေါ်ရကြောင်း၊ မြန်မာအမျိုးသမီးရထိုက်သည့် အခွင့်အရေးများ နစ်နာဆုံးရှုံးမှုများဖြစ်ရကြောင်း တွေ့ရှိလာရပါသည်။ သို့ဖြစ်၍ နိုင်ငံခြားသားနှင့် ထိမ်းမြားလက်ထပ်လိုသူ မြန်မာအမျိုးသမီးတို့ နစ်နာဆုံးရှုံးမှု မဖြစ်စေရန်အတွက် နိုင်ငံခြားသားနှင့် မြန်မာအမျိုးသမီးများ ထိမ်းမြားလက်ထပ်ခြင်း ကျမ်းကျိန်လွှာ ပြုလုပ်ပေးရန် တင်ပြလာပါက တရားရုံးများက အောက်ပါအချက်များကို ရှေးဦးစွာ စိစစ်ဆောင်ရွက်ရန် ဖြစ်သည်-

(က) တရားရုံးက ကျမ်းကျိန်လွှာပြုလုပ်လိုသူတို့သည် အမှန်တကယ် အကြင်လင်မယားအဖြစ် နှစ်ဦးသဘောတူ ပေါင်းသင်းရန် ရည်ရွယ်၍ ထိမ်းမြားလက်ထပ်လိုခြင်း ဟုတ်/မဟုတ်ကို နိုင်လုံသည့် အထောက်အထား တင်ပြနိုင်ခြင်း ရှိ/မရှိ၊

(ခ) ကျမ်းကျိန်လွှာပြုလုပ်လိုသူတို့သည် ဗုဒ္ဓဘာသာဝင်များ ဟုတ်/မဟုတ်၊

(ဂ) ထိမ်းမြားလက်ထပ်နိုင်သည့် အရည်အချင်းများနှင့် ပြည့်စုံသူတို့ ဟုတ်/မဟုတ်၊

(ဃ) ကျမ်းကျိန်လွှာတွင် ဖော်ပြချက်များသည် မှန်ကန်ခြင်း ရှိ/မရှိ၊

(င) လိမ်လည်အလွဲပြောဆိုခြင်း၊ဖြားယောင်းသွေးဆောင်ခြင်း၊ခြိမ်းခြောက်ခြင်းတို့မရှိဘဲ မိမိတို့၏ သဘောဆန္ဒ

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အလျောက် လွတ်လပ်စွာ သဘောတူကျမ်းကျိန်လွှာ ပြုလုပ်ခြင်း ဟုတ်/မဟုတ်။

၃။ တရားရုံးများက အထက်အပိုဒ် ၂ ပါ အချက်များကို စိစစ်ပြီးနောက် သဘောကျကျေနပ်မှုရှိပါက ကာယကံရှင်နှစ်ဦးနှစ်ဖက်အား တရားသူကြီးနှင့် သက်သေများရှေ့မှောက်တွင် ကျမ်းကျိန်ဆိုစေ၍ ကျမ်းကျိန်လွှာတွင် ဖော်ပြပါရှိသော အချက်အလက်များ မှန်ကန်ကြောင်း ကတိဝန်ခံချက် လက်မှတ်ရေးထိုးစေရမည်။

၄။ ကျမ်းကျိန်သူကို တရားသူကြီးကမသိလျှင် ကျမ်းကျိန်သူသည် မည်သူဖြစ်ကြောင်း ပြောပြသူ၏ အမည်၊နိုင်ငံသားစိစစ်ရေးကတ်ပြား အမှတ်၊ နေရပ်လိပ်စာအပြည့်အစုံကို ကျမ်းကျိန်လွှာအောက်ခြေတွင် ဖော်ပြပါရှိစေရမည်။ ကျမ်းကျိန်သူက မိမိရှေ့တွင် လက်မှတ်မထိုးသည့် ကျမ်းကျိန်လွှာ၊ ကျမ်းကျိန်သူ၏ အမည်၊ မိဘအမည်၊ အလုပ်အကိုင်၊ နေရပ်လိပ်စာအပြည့်အစုံ ဖော်ပြထားခြင်းမရှိသည့် ကျမ်းကျိန်လွှာများကို ပြုလုပ်ပေးခြင်းမပြုရ။

၅။ ဗုဒ္ဓဘာသာဝင် မြန်မာအမျိုးသမီးနှင့် ဗုဒ္ဓဘာသာဝင် နိုင်ငံခြားသားတို့ ပြုလုပ်သည့် ထိမ်းမြားမင်္ဂလာ ကျမ်းကျိန်လွှာပြုလုပ်ခြင်းကို သီးခြား မှတ်ပုံတင်စာအုပ်တွင် ရေးသားမှတ်တမ်းတင် လက်မှတ်ရေးထိုးရမည်။

၆။ ဗုဒ္ဓဘာသာဝင် မြန်မာအမျိုးသမီးနှင့် ဗုဒ္ဓဘာသာဝင် နိုင်ငံခြားသားတို့ ပြုလုပ်သည့် ထိမ်းမြားမင်္ဂလာ ကျမ်းကျိန်လွှာကို ခရိုင်တရားရုံး၊ ခရိုင်တရားသူကြီးကသာ ပြုလုပ်ပေးရမည်။

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၇။ ဗုဒ္ဓဘာသာဝင် မြန်မာအမျိုးသမီးတစ်ဦးသည် ဗုဒ္ဓဘာသာဝင် မဟုတ်သည့် မြန်မာနိုင်ငံသား သို့မဟုတ် နိုင်ငံခြားသားဖြစ်သူ အမျိုးသား နှင့် ထိမ်းမြားလက်ထပ်မည်ဆိုပါက "၁၉၅၄ ခုနှစ်၊ ဗုဒ္ဓဘာသာဝင်မိန်းမများ အထူးထိမ်းမြားမှုနှင့် အမွေဆက်ခံမှုအက်ဥပဒေ" နှင့်အညီသာ တရားဝင် ထိမ်းမြားလက်ထပ်နိုင်သည်။ ယင်းသို့ ထိမ်းမြားလက်ထပ်ရာတွင်လည်း ယင်းအက်ဥပဒေတွင် ပြဋ္ဌာန်းထားသည့် လုပ်ထုံးလုပ်နည်းများနှင့် အညီ ယင်းအက်ဥပဒေအရ ခန့်ထားသည့် ထိမ်းမြားမှုမှတ်ပုံတင်အရာရှိများကသာ ထိမ်းမြားလက်ထပ်ပိုင်ခွင့်ရှိသည်ကို ဂရုပြုကြရန်ဖြစ်သည်။ ယင်းအက်ဥပဒေပါ ထိမ်းမြားမှုမှတ်ပုံတင်အရာရှိများအဖြစ် အောက်ပါပုဂ္ဂိုလ်များအား ပြည်ထောင်စုတရားလွှတ်တော်ချုပ်က ၁၄-၆-၂၀၁၁ ရက်စွဲပါ အမိန့်ကြော်ငြာစာအမှတ် ၁၆၉/၂၀၁၁ အရခန့်ထားပြီး ဖြစ်သည် -

(က) တိုင်းဒေသကြီးတရားရေးဦးစီးမှူး၊တိုင်းဒေသကြီးတရားလွှတ်တော်၊ပြည်နယ်တရားရေးဦးစီးမှူး၊ ပြည်နယ်တရားလွှတ်တော်၊

(ခ) ခရိုင်တရားသူကြီး၊ ခရိုင်တရားရုံး၊

(ဂ) မြို့နယ်တရားသူကြီး၊ မြို့နယ်တရားရုံး။

၈။ ထိမ်းမြားလက်ထပ်ခြင်းသည် ထိမ်းမြားလက်ထပ်သူများ၏ ကိုးကွယ်သည့်ဘာသာပေါ်တွင် အခြေခံခြင်းဖြစ်သဖြင့် မြန်မာနိုင်ငံတွင် အထက်ဖော်ပြပါ မြန်မာဓလေ့ထုံးတမ်းဥပဒေနှင့် ၁၉၅၄ ခုနှစ်၊ ဗုဒ္ဓဘာသာဝင်မိန်းမများ အထူးထိမ်းမြားမှုနှင့် အမွေဆက်ခံမှုအက်ဥပဒေအပြင် လူမျိုးနှင့် ကိုးကွယ်သည့်ဘာသာအလိုက် ဓလေ့ထုံးတမ်းဥပဒေများနှင့်

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အောက်ပါ ထိမ်းမြားလက်ထပ်ခြင်းဆိုင်ရာ ပြဋ္ဌာန်းဥပဒေများလည်း အတည်ဖြစ်လျက်ရှိသည်-

(က) The Christian Marriage Act

(ခ) The Special Marriage Act

(ဂ) The Hindu Widows' Re-marriage Act

(ဃ) The Hindu Law

(c) The Islamic Law

(စ) The Anand Marriage Act

(ဆ) The Parsi Marriage and Divorce Act

၉။ အထက်အပိုဒ် ၈ (က) မှ (ဆ) အထိပါရှိသော ဥပဒေများအရ ထိမ်းမြားလက်ထပ်ရာတွင်လည်း ယင်းဥပဒေများပါ ပြဋ္ဌာန်းချက်များနှင့် ဤသို့ ထိမ်းမြားလက်ထပ်ပေးပိုင်ခွင့်ရှိသူများကသာ ထိမ်းမြားလက်ထပ်ခြင်းကို ဆောင်ရွက်နိုင်ခွင့်ရှိသည်ကို သတိပြုကြရန်ဖြစ်သည်။

၁၀။ မြန်မာအမျိုးသမီးများနှင့် နိုင်ငံခြားသားများ ထိမ်းမြားလက်ထပ်သည့် ကျမ်းကျိန်လွှာပြုလုပ်ပေးခဲ့လျှင်စာရင်းပြုစု၍ ကျမ်းကျိန်လွှာမိတ္တူ။ နှင့်အတူ ပြည်ထောင်စုတရားလွှတ်တော်ချုပ်ရုံး၊ ဥပဒေလုပ်ထုံးလုပ်နည်းဌာနသို့ မပျက်မကွက် မြန်လည်အစီရင်ခံရန်ဖြစ်သည်။

၁၁။ သို့ဖြစ်၍ မြန်မာအမျိုးသမီးများနှင့် နိုင်ငံခြားသားများ ထိမ်းမြားလက်ထပ်မှုကို နည်းလမ်းတကျ ခွင့်ပြုပေးနိုင်ရေးအတွက် ဤညွှန်ကြားချက်ပါအတိုင်း တိကျစွာ လိုက်နာဆောင်ရွက်သွားကြရန် ညွှန်ကြားလိုက်သည်။

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Office of Legal Affairs

25 MAR 2019

JONATHAN A. HIPE
Signing Officer

၁၂။ ယခင် တရားရုံးချုပ်၏ ၁-၇-၁၉၉၈ ရက်စွဲပါ ညွှန်ကြားချက် အမှတ် ၂/၁၉၉၈ ကို ဤညွှန်ကြားချက်ဖြင့် ရပ်သိမ်းလိုက်သည်။

၁/ xxxxxx

(ထွန်းထန်ဦး)

[redacted]

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Office of Legal Affairs

25 MAR 2019

JONATHAN A. HIPE
Signing Officer

မူဆလင် လင်မယားကွာရှင်းရေးအက်ဥပဒေ။

[၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၁၄။]

အောက်ပါအတိုင်း အက်ဥပဒေအဖြစ် ပြဋ္ဌာန်းလိုက်သည်။

၁။ ။(၁) ၎အက်ဥပဒေကို ၁၉၅၃ ခုနှစ်၊ မူဆလင် လင်မယား ကွာရှင်းရေး အက်ဥပဒေဟု ခေါ်ရမည်။

(၂) ၎အက်ဥပဒေသည် နိုင်ငံတော် သမတ က၊ အမိန့်ကြော်ငြာစာဖြင့်သတ်မှတ်သည့်နေ့ရက်တွင် စတင်အာဏာတည်ရမည်။

(၃) ၎အက်ဥပဒေပါ ပြဋ္ဌာန်းချက်များသည်၊ လင်မယား ကွာရှင်းရေးနှင့်စပ်လျဉ်း၍ ၎အက်ဥပဒေတွင် ပြဋ္ဌာန်းသည့် အချက်များတွင်မှတပါး၊ အစ္စလမ် တရား ဥပဒေ၏ မူလ သဘောကို မထိခိုက်စေရ၊ ထို့ပြင် ၎င်းပြဋ္ဌာန်းချက်များသည် လက်ထပ်ရေးနှင့်စပ်လျဉ်း၍ တရားနည်းလမ်းအရ နှစ်ဦးသဘောတူ ပြုလုပ်သည့်ပဋိညာဉ်ကိုလည်း မထိခိုက်စေရ။

၂။ ။(၁) အစ္စလမ် တရားဥပဒေအရ၊ လက်ထပ်သော မိန်းမမှာ၊ အောက်ပါ အကြောင်း တခုခုကြောင့်ဖြစ်စေ၊ တခုထက်ပိုသော အကြောင်းများကြောင့်ဖြစ်စေ၊ လင်မယား ကွာရှင်းရန် ဒီကရီရယူိုက်ခွင့်ရှိစေရမည်။

(က) လင်ဖြစ်သူ မည်သည့်နေရာ၌ ရောက်ရှိနေထိုင်သည်ကို မသိခဲ့ရခြင်း။

(ခ) မိမိအား လင်ဖြစ်သူက လုံလောက်သော အကြောင်းမရှိဘဲ စားစရိတ် ထောက်ပံ့ရန် ၆ လ တဆက်တည်း ပျက်ကွက်ခဲ့ခြင်း၊ သို့တည်းမဟုတ် ငြင်းဆန်ခဲ့ခြင်း။

(ဂ) လင်ဖြစ်သူသည် လုံလောက်သော အကြောင်းမရှိဘဲ တနှစ်ပတ်လုံး သံဝါသ ပြုရန် ပျက်ကွက်ခဲ့ခြင်း။

(ဃ) လုင်ဖြစ်သူသည် လက်ထပ်စဉ်က ပန်းသေရောဂါ စွဲကပ်နေသည့်ပြင်၊ နောက်လည်း ဆက်လက်၍ ပန်းသေရောဂါ စွဲကပ်နေခြင်း။

(င) လင်ဖြစ်သူသည် တနှစ်အောက်မနည်း ပြင်းထန်စွာ စိတ်ပေါ့သွပ်သော ရောဂါစွဲကပ်နေခြင်း၊ သို့တည်းမဟုတ် လင်ဖြစ်သူသည် ပြင်းထန်သော ကုဋ္ဌ နူနာဖြစ်စေ၊ ပြင်းထန်သော ကာလသားရောဂါဖြစ်စေ စွဲကပ်နေခြင်း။

(စ) မိမိအား အရွယ်မရောက်မီ၊ မိမိ၏ဘခင်နှင့် ဘခင်၏ဘခင်မှတပါး အခြား အုပ်ထိန်းသူက လက်ထပ်ပေးခဲ့ရာ မိမိ၏လင်ယောက်ျားနှင့် သံဝါသပြုခြင်း မရှိခဲ့လျှင်၊ အသက်ဆယ့်ငါးနှစ်မပြည့်မီ လက်ထပ်ခြင်းကို ဖျက်သိမ်းခြင်း။

(ဆ) လင်ဖြစ်သူက မိမိအားညှဉ်းပန်းနှိပ်စက်ခြင်း။

ညှဉ်းပန်းနှိပ်စက်ခြင်းဆိုသည်မှာ—

(ကက) လက်ရောက် ကျူးလွန်လေ့ရှိခြင်း၊ သို့တည်းမဟုတ် ကိုယ်ထိလက်ရောက် ညှဉ်းပန်းနှိပ်စက်ရာ ရောက်သည်ဖြစ်စေ၊ မရောက်သည်ဖြစ်စေ၊ ရက်စက်သည့် အပြုအမူအားဖြင့် မိမိအား စိတ်ဆင်းရဲအောင် ပြုခြင်း၊ သို့တည်းမဟုတ်

(ခခ) မိမိအား ပြည့်တန်းဆာမ အဖြစ်သို့ရောက်အောင် အတင်းအကြပ်ပြုရန် အားထုတ်ခြင်း

တို့ကိုဆိုလိုသည်။

(ဇ) မိန်းမက လင်မယားကွာရှင်းပိုင်ခွင့်ရရန် အကြောင်းတရပ် အဖြစ်ဖြင့်၊ အစ္စလမ် တရားဥပဒေအရ၊ အသိအမှတ် ပြုထားသော အခြားအကြောင်းတရပ်ရပ်။

(၂) ပုဒ်မခွဲ (၁)၊ အပိုဒ် (က) ရှိ အကြောင်းကို အခြေပြု၍ သက်ဆိုင်ရာ တရားရုံးသည် လင်ဖြစ်သူပျောက်ဆုံးနေကြောင်း ထင်ရှားသည်ဟု သဘောရရှိလျှင်၊ ကွာရှင်းခွင့် ရှေးဦးဒီကရီချမှတ်ရမည်။ ထိုသို့ရှေးဦး ဒီကရီချမှတ်သည့်နေ့မှ လေးနှစ်မပြည့်မီ ကွာရှင်းခွင့် အပြီးသတ် ဒီကရီကို ချမှတ်ခြင်းမပြုရ။

ခြွင်းချက်။ ။သို့ရာတွင် လင်ဖြစ်သူသည် ထိုကာလ အပိုင်းအခြားအတွင်း ကိုယ်တိုင် လာရောက်၍သော်၎င်း၊ အာဏာလွှဲအပ်ထားသည့် ကိုယ်စားလှယ်မှတဆင့်သော်၎င်း၊ မိမိသည် မိမိ၏ အိမ်ထောင်မှုဝတ်တရားများကို ဆောင်ရွက်ရန် အသင့်ရှိကြောင်းဖြင့် ဒီကရီချမှတ်သော တရားရုံး ကျေနပ်အောင် အကြောင်းပြလျှောက်ထားလျှင် ထိုတရားရုံးက အဆိုပါကွာရှင်းခွင့် ရှေးဦးဒီကရီကို ပယ်ဖျက်ရမည်။

(၃) ပုဒ်မခွဲ (၁)၊ အပိုဒ် (ဃ) ရှိ အကြောင်းကို အခြေပြု၍ သက်ဆိုင်ရာ တရားရုံးသည်၊ ပန်းသေရောဂါ စွဲကပ်ကြောင်းထင်ရှားသည်ဟု သဘောရရှိလျှင် ရှေးဦး ဒီကရီချမှတ်ရမည်။ ထိုသို့ရှေးဦးဒီကရီချမှတ်သည့်နေ့မှတနှစ်အတွင်း လင်ဖြစ်သူသည် ပန်းသေရောဂါပျောက်ကင်းပြီဟု တရားရုံးကျေနပ်အောင် အကြောင်းလုံလောက်စွာပြနိုင်လျှင် အဆိုပါ ရှေးဦးဒီကရီကို ပယ်ဖျက်ရမည်။ ထိုသို့ တရားရုံးကျေနပ်အောင် အကြောင်းလုံလောက်စွာမပြနိုင်လျှင် ကွာရှင်းခွင့်ရှေးဦးဒီကရီ ချမှတ်သည့်နေ့မှ တနှစ်ပြည့်သောအခါ အပြီးသတ်ဒီကရီချမှတ်ရမည်။

၃။ ။ပုဒ်မ ၂၊ ပုဒ်မခွဲ (၁)၊ အပိုဒ် (က) အရ၊ စွဲဆိုသည့်အမှုတွင်—

(က) အမှုကို အများသိရှိစေရန် တရားရုံးက မမျှားမြင်နိုင်သော နေရာတွင် တလတိုင်တိုင် ကြော်ငြာစာ ကပ်ထားရမည်။

(ခ) အကြင်သူတို့သည် လင်ဖြစ်သူသေဆုံးခဲ့ပါမူ အမွေစား အမွေခံဖြစ်အုံ၊ ထိုသူတို့၏အမည်နှင့် နေရပ်များကို လျှောက်လွှာတွင်ဖော်ပြရမည်။

(ဂ) တရားရုံးက အမှုအကြောင်း နို့တစ်စာကို အပိုဒ် (ခ) အရ၊ လျှောက်လွှာတွင် ဖော်ပြသူတို့ထံသို့ ပေးပို့ရမည်။ ထိုသူတို့သည် အမှုတွင် ပါဝင်ဆောင်ရွက် လျှောက်ထားနိုင်ခွင့်ရရှိရမည်။

၄။ ။အိမ်ထောင်ပြုပြီးသော မူဆလင်မိန်းမတဦးက အစ္စလမ်ဘာသာကို စွန့်လွှတ်လျှင် ဖြစ်စေ၊ အခြားဘာသာသို့ ကူးပြောင်းလျှင်ဖြစ်စေ၊ လင်မယားကွာရှင်းပြီး ဖြစ်စေရမည်။

၅။ ။ဤအက်ဥပဒေပါ ပြဋ္ဌာန်းချက်များသည်၊ ဤအက်ဥပဒေအရ၊ လင်မယားကွာရှင်းသည့်အခါ၊ အစ္စလမ်တရားဥပဒေအရ၊ ခန်းဝင်ပစ္စည်း (dower) နှင့်၊ သို့တည်းမဟုတ် ခန်းဝင်ပစ္စည်း (dower) ၏တင်ိတ်တဒေသနှင့် စပ်လျဉ်း၍ အိမ်ထောင်ပြုပြီးသော မိန်းမတဦးရထိုက်သည့် အခွင့်အရေးကို မထိခိုက်စေရ။

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Office of Legal Affairs

25 MAR 2019

JONATHAN A. HIPE
Signing Officer

THE CHRISTIAN MARRIAGE ACT.

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CERTIFICATE OF MARRIAGE.

THE CHRISTIAN MARRIAGE ACT.

[INDIA ACT XV, 1872] (18th July, 1872.)

PRELIMINARY.

[1] 1. * * * *

2. * * * *

3. In this Act, unless there is something repugnant in the subject or context,— Interpretation clause.

"Church of England" and "Anglican" mean and apply to the Church of England as by law established;

"Church of Scotland" means the Church of Scotland as by law established;

"Church of Rome" and "Roman Catholic" mean and apply to the Church which regards the Pope as its spiritual head;

"Church" includes any chapel or other building generally used for public Christian worship;

"minor" means a person who has not completed the age of twenty-one years and who is not a widower or widow;

the expression "Christians" means persons professing the Christian religion; and the expression "native Christians" includes the Christian descendants of natives of India or Pakistan or the Union of Burma converted to Christianity, as well as such converts;

"Registrar-General of Births, Deaths and Marriages" means a Registrar-General of Births, Deaths and Marriages appointed under the Births, Deaths and Marriages Registration Act.

[1] Omitted by the Union of Burma (Adaptation) of Laws Order, 1948.

PART I.

THE PERSONS BY WHOM MARRIAGES MAY BE SOLEMNIZED.

Marriages to be solemnized according to Act.

4. Every marriage between persons, one or both of whom is or are a Christian or Christians, shall be solemnized in accordance with the provisions of the next following section ; and any such marriage solemnized otherwise than in accordance with such provisions shall be void.[1]

Persons by whom marriages may be solemnized.

5. Marriages may be solemnized in the Union of Burma—

(1) by any person who has received episcopal ordination, provided that the marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of which he is a Minister ;

(2) by any Clergyman of the Church of Scotland, provided that such marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of Scotland ;

(3) by any Minister of religion licensed under this Act to solemnize marriages ;

(4) by, or in the presence of, a Marriage Registrar appointed under this Act ;

(5) by any person licensed under this Act to grant certificates of marriage between native Christians.

Grant and revocation of licences to solemnize marriages.

6. The President of the Union may, by notification, grant licences to Ministers of religion to solemnize marriages in the Union of Burma and may by a like notification, revoke such licences.

Marriage Registrars.

7. The President of the Union may appoint one or more Christians, either by name or as holding any office for the time being, to be the Marriage Registrar or Marriage Registrars for any district.

Senior Marriage Registrar.

Where there are more Marriage Registrars than one in any district, the President of the Union shall appoint one of them to be the Senior Marriage Registrar.

Magistrate when to be Marriage Registrar.

When there is only one Marriage Registrar in a district, and such Registrar is absent from such district, or ill, or when his office is temporarily vacant, the Magistrate of the district shall act as, and be, Marriage Registrar thereof during such absence, illness or temporary vacancy.

Marriage Registrars in Karenni.

8. The President of the Union may, by notification in the Gazette, appoint any Christian, either by name or as holding any office for the time

[1] See section 4 of the Buddhist Women's Special Marriage and Succession Act, 1954 (*ante*) which says that notwithstanding anything to the contrary contained in any law for the time being in force or in any custom having the force of law, the provisions of that Act shall apply to a Buddhist woman and her non-Buddhist husband.

being, to be a Marriage Registrar in respect of any district or place within the [territories of any Chief of Karenni.][1]

The President of the Union may, by like notification, revoke any such appointment.

9. The President of the Union may grant a licence to any Christian, either by name or as holding any office for the time being, authorizing him to grant certificates of marriage between native Christians.

Licensing of persons to grant certificates of marriage between native Christians.

Any such licence may be revoked by the President of the Union and every such grant or revocation shall be notified in the Gazette.

[2][If any person licensed under this section solemnizes or affects to solemnize any marriage under Part VI or grants any certificate as therein mentioned, knowing that one of the parties to such marriage or affected marriage was at the date of such solemnization not a Christian, he shall be liable to have his licence cancelled, and in addition thereto he shall be deemed to be guilty of an offence under section 73, and shall be punishable accordingly.]

PART II.

TIME AND PLACE AT WHICH MARRIAGES MAY BE SOLEMNIZED.

10. Every marriage under this Act shall be solemnized between the hours of six in the morning and seven in the evening :

Time for solemnizing marriage.

Provided that nothing in this section shall apply to—

Exceptions.

(1) a clergyman of the Church of England solemnizing a marriage under a special licence permitting him to do so at any hour other than between six in the morning and seven in the evening, under the hand and seal of the Anglican Bishop of the Diocese or his Commissary, or

(2) a clergyman of the Church of Rome solemnizing a marriage between the hours of seven in the evening and six in the morning, when he has received a general or special licence in that behalf from the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage is so solemnized, or from such person as the same Bishop has authorized to grant such licence, or

(3) a clergyman of the Church of Scotland solemnizing a marriage according to the rules, rites, ceremonies and customs of the Church of Scotland.

[1] The words in square brackets should now be read as "Kayah State." See amendments to the Constitution of the Union of Burma regarding the Karenni State.

[2] This paragraph was inserted by the Burma Laws (Adaptation) Act, 1940 (Burma Act XXVII, 1940), in order to give effect to the provisions contained in section 6 of the Marriage Validation Act, 1892 (India Act II, 1892). Section 3 of that Act declared that all marriages which had already been solemnized under Part VI of the Indian Christian Marriage Act, 1872 (India Act XV, 1872), between persons of whom one only was a native Christian, shall be as good and valid in law as if such marriages had been solemnized between persons of whom both were native Christians.

Place for solemnizing marriage.

11. No clergyman of the Church of England shall solemnize a marriage in any place other than a church where worship is generally held according to the forms of the Church of England, unless there is no such church within five miles distance by the shortest road from such place, or unless he has received a special licence authorizing him to do so under the hand and seal of the Anglican Bishop of the Diocese or his Commissary.

Fee for special licence.

For such special licence, the Registrar of the Diocese may charge such additional fee as the said Bishop from time to time authorizes.

PART III.

MARRIAGES SOLEMNIZED BY MINISTERS OF RELIGION LICENSED UNDER THIS ACT.

Notice of intended marriage.

12. Whenever a marriage is intended to be solemnized by a Minister of religion licensed to solemnize marriages under this Act, one of the persons intending marriage shall give notice in writing, according to the form contained in the First Schedule hereto annexed, or to the like effect, to the Minister of religion whom he or she desires to solemnize the marriage, and shall state therein—

(*a*) the name and surname, and the profession or condition, of each of the persons intending marriage,
(*b*) the dwelling-place of each of them,
(*c*) the time during which each has dwelt there, and
(*d*) the church or private dwelling in which the marriage is to be solemnized:

Provided that, if either of such persons has dwelt in the place mentioned in the notice during more than one month, it may be stated therein that he or she has dwelt there one month and upwards.

Publication of such notice.

13. If the persons intending marriage desire it to be solemnized in a particular church, and if the Minister of religion to whom such notice has been delivered be entitled to officiate therein, he shall cause the notice to be affixed in some conspicuous part of such church.

Return or transfer of notice.

But if he is not entitled to officiate as a Minister in such church, he shall, at his option, either return the notice to the person who delivered it to him, or deliver it to some other Minister entitled to officiate therein, who shall thereupon cause the notice to be affixed as aforesaid.

Notice of intended marriage in private dwelling.

14. If it be intended that the marriage shall be solemnized in a private dwelling, the Minister of religion, on receiving the notice prescribed in section 12, shall forward it to the Marriage Registrar of the district, who shall affix the same to some conspicuous place in his own office.

15. When one of the persons intending marriage is a minor, every Minister receiving such notice shall, unless within twenty-four hours after its receipt he returns the same under the provisions of section 13, send, by post or otherwise, a copy of such notice to the Marriage Registrar of the district, or, if there be more than one Registrar of such district, to the Senior Marriage Registrar.

Sending copy of notice to Marriage Registrar when one party is a minor.

16. The Marriage Registrar or Senior Marriage Registrar, as the case may be, on receiving any such notice, shall affix it to some conspicuous place in his own office, and the latter shall further cause a copy of the said notice to be sent to each of the other Marriage Registrars in the same district, who shall likewise publish the same in the manner above directed.

Procedure on receipt of notice.

17. Any Minister of religion consenting or intending to solemnize any such marriage as aforesaid, shall, on being required so to do by or on behalf of the person by whom the notice was given, and upon one of the persons intending marriage making the declaration hereinafter required, issue under his hand a certificate of such notice having been given and of such declaration having been made :

Issue of certificate of notice given and declaration made.

Provided—

Proviso.

(1) that no such certificate shall be issued until the expiration of four days after the date of the receipt of the notice by such Minister ;

(2) that no lawful impediment be shown to his satisfaction why such certificate should not issue ; and

(3) that the issue of such certificate has not been forbidden, in manner hereinafter mentioned, by any person authorized in that behalf.

18. The certificate mentioned in section 17 shall not be issued until one of the persons intending marriage has appeared personally before the Minister and made a solemn declaration—

Declaration before issue of certificate.

(*a*) that he or she believes that there is not any impediment of kindred or affinity or other lawful hindrance to the said marriage, and, when either or both of the parties is or are a minor or minors,

(*b*) that the consent or consents required by law has or have been obtained thereto, or that there is no person resident in the Union of Burma having authority to give such consent, as the case may be.

19. The father, if living, of any minor, or, if the father be dead, the guardian of the person of such minor, and, in case there be no such guardian, then the mother of such minor, may give consent to the minor's marriage, and such consent is hereby required for the same marriage, unless no person authorized to give such consent be resident in the Union of Burma.

Consent of father, or guardian, or mother.

Power to prohibit by notice issue of certificate.

20. Every person whose consent to a marriage is required under section 19 is hereby authorized to prohibit the issue of the certificate by any Minister, at any time before the issue of the same, by notice in writing to such Minister, subscribed by the person so authorized with his or her name and place of abode and position with respect to either of the persons intending marriage, by reason of which he or she is so authorized as aforesaid.

Procedure on receipt of notice.

21. If any such notice be received by such Minister, he shall not issue his certificate and shall not solemnize the said marriage until he has examined into the matter of the said prohibition, and is satisfied that the person prohibiting the marriage has no lawful authority for such prohibition, or until the said notice is withdrawn by the person who gave it.

Issue of certificate in case of minority.

22. When either of the persons intending marriage is a minor, and the Minister is not satisfied that the consent of the person whose consent to such marriage is required by section 19 has been obtained, such Minister shall not issue such certificate until the expiration of fourteen days after the receipt by him of the notice of marriage.

Issue of certificates to native Christians.

23. When any native Christian about to be married takes a notice of marriage to a Minister of religion, or applies for a certificate from such Minister under section 17, such Minister shall, before issuing the certificate, ascertain whether such native Christian is cognizant of the purport and effect of the said notice or certificate, as the case may be, and, if not, shall translate or cause to be translated the notice or certificate to such native Christian into some language which he understands.

Form of certificate.

24. The certificate to be issued by such Minister shall be in the form contained in the Second Schedule hereto annexed, or to the like effect.

Solemnization of marriage.

25. After the issue of the certificate by the Minister, marriage may be solemnized between the persons therein described according to such form or ceremony as the Minister thinks fit to adopt :

Provided that the marriage be solemnized in the presence of at least two witnesses besides the Minister.

Certificate void if marriage not solemnized within two months.

26. Whenever a marriage is not solemnized within two months after the date of the certificate issued by such Minister as aforesaid, such certificate and all proceedings (if any) thereon shall be void, and no person shall proceed to solemnize the said marriage until new notice has been given and a certificate thereof issued in manner aforesaid.

PART IV.

REGISTRATION OF MARRIAGES SOLEMNIZED BY MINISTERS OF RELIGION.

Marriages when to be registered.

27. All marriages hereafter solemnized in the Union of Burma between persons one or both of whom professes or profess the Christian religion,

except marriages solemnized under Part V or Part VI of this Act, shall be registered [1] in manner hereinafter prescribed.

28. Every clergyman of the Church of England shall keep a register of marriages and shall register therein, according to the tabular form set forth in the Third Schedule hereto annexed, every marriage which he solemnizes under this Act.

Registration of marriages solemnized by clergymen of Church of England.

29. Every clergyman of the Church of England shall send four times in every year returns in duplicate, authenticated by his signature, of the entries in the register of marriages solemnized at any place where he has any spiritual charge, to the Registrar of the Archdeaconry to which he is subject, or within the limits of which such place is situate.

Quarterly returns to Archdeaconry.

Such quarterly returns shall contain all the entries of marriages contained in the said register from the first day of January to the thirty-first day of March, from the first day of April to the thirtieth day of June, from the first day of July to the thirtieth day of September, and from the first day of October to the thirty-first day of December, of each year respectively, and shall be sent by such clergyman within two weeks from the expiration of each of the quarters above specified.

Contents of returns.

The said Registrar upon receiving the said returns shall send one copy thereof to the Registrar-General of Births, Deaths and Marriages.

30. Every marriage solemnized by a clergyman of the Church of Rome shall be registered by the person and according to the form directed in that behalf by the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage is solemnized, and such person shall forward quarterly to the Registrar-General of Births, Deaths and Marriages returns of the entries of all marriages registered by him during the three months next preceding.

Registration and returns of marriages solemnized by clergymen of Church of Rome.

31. Every clergyman of the Church of Scotland shall keep a register of marriages, and shall register therein, according to the tabular form set forth in the Third Schedule hereto annexed, every marriage which he solemnizes under this Act, and shall forward quarterly to the Registrar-General of Births, Deaths and Marriages, through the Senior Chaplain of the Church of Scotland, returns, similar to those prescribed in section 29, of all such marriages.

Registration and returns of marriages solemnized by clergymen of Church of Scotland.

32. Every marriage solemnized by any person who has received episcopal ordination, but who is not a clergyman of the Church of England, or of the Church of Rome, or by any Minister of religion licensed under this Act to solemnize marriages, shall, immediately after the solemnization thereof, be registered in duplicate by the person solemnizing the same; (that is to say)

Certain marriages to be registered in duplicate.

[1] As to the establishment of general registry offices of births, deaths and marriages, *see* the Births, Deaths and Marriages Registration Act, Volume IV of this Code.

in a marriage register-book to be kept by him for that purpose, according to the form contained in the Fourth Schedule hereto annexed, and also in a certificate attached to the marriage register-book as a counterfoil.

Entries of such marriages to be signed and attested.

33. The entry of such marriage in both the certificate and marriage register-book shall be signed by the person solemnizing the marriage, and also by the persons married, and shall be attested by two credible witnesses, other than the person solemnizing the marriage, present at its solemnization.

Every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage register-book.

Certificate to be forwarded to Marriage Registrar, copied, and sent to Registrar-General.

34. The person solemnizing the marriage shall forthwith separate the certificate from the marriage register-book and send it, within one month from the time of the solemnization, to the Marriage Registrar of the district in which the marriage was solemnized, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall cause such certificate to be copied into a book to be kept by him for that purpose, and shall send all the certificates which he has received during the month, with such number and signature or initials added thereto as are hereinafter required, to the Registrar-General of Births, Deaths and Marriages.

Copies of certificates to be entered and numbered.

35. Such copies shall be entered in order from the beginning to the end of the said book, and shall bear both the number of the certificate as copied, and also a number to be entered by the Marriage Registrar, indicating the number of the entry of the said copy in the said book, according to the order in which he receives each certificate.

Registrar to add number of entry to certificate, and send to Registrar-General.

36. The Marriage Registrar shall also add such last-mentioned number of the entry of the copy in the book to the certificate, with his signature or initials, and shall, at the end of every month, send the same to the Registrar-General of Births, Deaths and Marriages.

Registration of marriages between native Christians. Custody and disposal of register-book.

37. When any marriage between native Christians is solemnized by any such person, clergyman or Minister of religion as is referred to in clause (1), clause (2) or clause (3) of section 5, the person solemnizing the same shall, instead of proceeding in the manner provided by sections 28 to 36, both inclusive, register the marriage in a separate register-book, and shall keep it safely until it is filled, or, if he leave the district in which he solemnized the marriage before the said book is filled, shall make over the same to the person succeeding to his duties in the said district.

Whoever has the control of the book at the time when it is filled shall send it to the Marriage Registrar of the district, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall send it to the Registrar-General of Births, Deaths and Marriages, to be kept by him with the records of his office.

PART V.

MARRIAGES SOLEMNIZED BY, OR IN THE PRESENCE OF, A MARRIAGE REGISTRAR.

Notice of intended marriage before Marriage Registrar.

38. When a marriage is intended to be solemnized by, or in the presence of, a Marriage Registrar, one of the parties to such marriage shall give notice in writing, in the form contained in the First Schedule hereto annexed, or to the like effect, to any Marriage Registrar of the district within which the parties have dwelt, or, if the parties dwell in different districts, shall give the like notice to a Marriage Registrar of each district, and shall state therein the name and surname, and the profession or condition, of each of the parties intending marriage, the dwelling-place of each of them, the time during which each has dwelt therein, and the place at which the marriage is to be solemnized :

Provided that, if either party has dwelt in the place stated in the notice for more than one month, it may be stated therein that he or she has dwelt there one month and upwards.

Publication of notice.

39. Every Marriage Registrar shall, on receiving any such notice, cause a copy thereof to be affixed in some conspicuous place in his office.

When one of the parties intending marriage is a minor, every Marriage Registrar shall, within twenty-four hours after the receipt by him of the notice of such marriage, send, by post or otherwise, a copy of such notice to each of the other Marriage Registrars (if any) in the same district, who shall likewise affix the copy in some conspicuous place in his own office.

Notice to be filed and copy entered in Marriage Notice Book.

40. The Marriage Registrar shall file all such notices and keep them with the records of his office, and shall also forthwith enter a true copy of all such notices in a book to be furnished to him for that purpose by the President of the Union and to be called the "Marriage Notice Book" ; and the Marriage Notice Book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.

Certificate of notice given and oath made.

41. If the party by whom the notice was given requests the Marriage Registrar to issue the certificate next hereinafter mentioned, and if one of the parties intending marriage has made oath as hereinafter required, the Marriage Registrar shall issue under his hand a certificate of such notice having been given and of such oath having been made :

Provided—

Proviso.

that no lawful impediment be shown to his satisfaction why such certificate should not issue ;

that the issue of such certificate has not been forbidden, in manner hereinafter mentioned, by any person authorized in that behalf by this Act ;

that four days after the receipt of the notice have expired ; and further,

that where, by such oath, it appears that one of the parties intending marriage is a minor, fourteen days after the entry of such notice have expired.

Oath before issue of certificate.

42. The certificate mentioned in section 41 shall not be issued by any Marriage Registrar until one of the parties intending marriage appears personally before such Marriage Registrar, and makes oath—

(*a*) that he or she believes that there is not any impediment of kindred or affinity, or other lawful hindrance, to the said marriage, and

(*b*) that both the parties have, or (where they have dwelt in the districts of different Marriage Registrars) that the party making such oath has, had their, his or her usual place of abode within the district of such Marriage Registrar, and, where either or each of the parties is a minor,

(*c*) that the consent or consents to such marriage required by law has or have been obtained thereto, or that there is no person resident in the Union of Burma authorized to give such consent, as the case may be.

43. * * * *

Consent of father or guardian. Protest against issue of certificate.

44. The provisions of section 19 apply to every marriage under this Part, either of the parties to which is a minor ;

and any person whose consent to such marriage would be required thereunder may enter a protest against the issue of the Marriage Registrar's certificate, by writing, at any time before the issue of such certificate, the word "forbidden" opposite to the entry of the notice of such intended marriage in the Marriage Notice Book, and by subscribing thereto his or her name and place of abode, and his or her position with respect to either of the parties, by reason of which he or she is so authorized.

Effect of protest.

When such protest has been entered, no certificate shall issue until the Marriage Registrar has examined into the matter of the protest, and is satisfied that it ought not to obstruct the issue of the certificate for the said marriage, or until the protest be withdrawn by the person who entered it.

Petition where person whose consent is necessary is insane, or unjustly withholds consent.

45. If any person whose consent is necessary to any marriage under this Part is of unsound mind, or if any such person (other than the father) without just cause withholds his consent to the marriage, the parties intending marriage may apply by petition to the District Judge.

Procedure on petition.

And the District Judge may examine the allegations of the petition in a summary way ; and, if upon examination such marriage appears proper, such District Judge shall declare the marriage to be a proper marriage.

Such declaration shall be effectual as if the person whose consent was needed had consented to the marriage ; and, if he has forbidden the issue of the Marriage Registrar's certificate, such certificate shall be issued and the like proceedings may be had under this Part in relation to the marriage as if the issue of such certificate had not been forbidden.

46. Whenever a Marriage Registrar refuses to issue a certificate under this Part, either of the parties intending marriage may apply by petition to the District Judge.

Petition when Marriage Registrar refuses certificate.

The said District Judge, may examine the allegations of the petition in a summary way, and shall decide thereon.

Procedure on petition.

The decision of such District Judge shall be final, and the Marriage Registrar to whom the application for the issue of a certificate was originally made shall proceed in accordance therewith.

47. Whenever a Marriage Registrar resident in Karenni[1] refuses to issue his certificate, either of the parties intending marriage may apply by petition to the President of the Union who shall decide thereon.

Petition when Marriage Registrar in Karenni refuses certificate.

Such decision shall be final, and the Marriage Registrar to whom the application was originally made shall proceed in accordance therewith.

48. Whenever a Marriage Registrar, acting under the provisions of section 44, is not satisfied that the person forbidding the issue of the certificate is authorized by law so to do, the said Marriage Registrar shall apply by petition to the District Judge.

Petition when Registrar doubts authority of person forbidding.

The said petition shall state all the circumstances of the case, and pray for the order and direction of the Court concerning the same, and the said District Judge shall examine into the allegations of the petition and the circumstances of the case; and if, upon such examination, it appears that the person forbidding the issue of such certificate is not authorized by law so to do, such District Judge shall declare that the person forbidding the issue of such certificate is not authorized as aforesaid, and thereupon such certificate shall be issued, and the like proceedings may be had in relation to such marriage as if the issue had not been forbidden.

Procedure on petition.

Whenever a Marriage Registrar appointed under section 8 to act within Karenni[1] is not satisfied that the person forbidding the issue of the certificate is authorized by law so to do, the said Marriage Registrar shall send a statement of all the circumstances of the case, together with all documents relating thereto, to the President of the Union.

Reference when Marriage Registrar in Karenni doubts authority of person forbidding.

If it appears to the President of the Union that the person forbidding the issue of such certificate is not authorized by law so to do, the President of the Union shall declare that the person forbidding the issue of such certificate is not authorized as aforesaid, and thereupon such certificate shall be issued, and the like proceedings may be had in relation to such marriage as if the issue of the certificate had not been forbidden.

Procedure on reference.

49. Every person entering a protest with the Marriage Registrar under this Part, against the issue of any certificate, on grounds which such Marriage Registrar, under section 44, or the District Judge, under section 45 or 46,

Liability for frivolous protest against issue of certificate.

[1] Now the Kayah State.

declares to be frivolous and such as ought not to obstruct the issue of the certificate, shall be liable for the costs of all proceedings in relation thereto and for damages, to be recovered by suit by the person against whose marriage such protest was entered.

Form of certificate.

50. The certificate to be issued by the Marriage Registrar under the provisions of section 41 shall be in the form contained in the Second Schedule to this Act annexed or to the like effect, and the President of the Union shall furnish to every Marriage Registrar a sufficient number of forms of certificate.

Solemnization of marriage after issue of certificate.

51. After the issue of the certificate of the Marriage Registrar, or, where notice is required to be given under this Act to the Marriage Registrars for different districts, after the issue of the certificates of the Marriage Registrars for such districts, marriage may, if there be no lawful impediment to the marriage of the parties described in such certificate or certificates, be solemnized between them, according to such form and ceremony as they think fit to adopt.

But every such marriage shall be solemnized in the presence of some Marriage Registrar (to whom shall be delivered such certificate or certificates as aforesaid), and of two or more credible witnesses besides the Marriage Registrar.

And in some part of the ceremony each of the parties shall declare as follows, or to the like effect :—

"I do solemnly declare that I know not of any lawful impediment why I, *A.B.*, may not be joined in matrimony to *C.D.*"

And each of the parties shall say to the other as follows or to the like effect :—"I call upon these persons here present to witness that I, *A.B.*, do take thee, *C.D.*, to be my lawful wedded wife [*or husband*]."

When marriage not held within two months after notice, new notice required.

52. Whenever a marriage is not solemnized within two months after the copy of the notice has been entered by the Marriage Registrar, as required by section 40, the notice and the certificate, if any, issued thereupon, and all other proceedings thereupon, shall be void ; and no person shall proceed to solemnize the marriage, nor shall any Marriage Registrar enter the same, until new notice has been given, and entry made, and certificate thereof given, at the time and in the manner aforesaid.

Marriage Registrar may ask for particulars to be registered.

53. A Marriage Registrar before whom any marriage is solemnized under this Part may ask of the persons to be married the several particulars required to be registered touching such marriage.

Registration of marriage solemnized under Part V.

54. After the solemnization of any marriage under this Part, the Marriage Registrar present at such solemnization shall forthwith register the marriage in duplicate ; that is to say, in a marriage register-book according to the

form of the Fourth Schedule hereto annexed, and also in a certificate attached to the marriage register-book as a counterfoil.

The entry of such marriage in both the certificate and the marriage register-book shall be signed by the person, by or before whom the marriage has been solemnized, if there be any such person, and by the Marriage Registrar present at such marriage, whether or not it is solemnized by him, and also by the parties married, and attested by two credible witnesses other than the Marriage Registrar and person solemnizing the marriage.

Every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage register-book.

Certificates to be sent monthly to Registrar-General.

55. The Marriage Registrar shall forthwith separate the certificate from the marriage register-book and send it, at the end of every month, to the Registrar-General of Births, Deaths and Marriages.

Custody of register-book.

The Marriage Registrar shall keep safely the said register-book until it is filled, and shall then send it to the Registrar-General of Births, Deaths and Marriages, to be kept by him with the records of his office.

Officers to whom Registrars in Karenni shall send certificates.

56. The Marriage Registrars in Karenni[1] shall send the certificates mentioned in section 54 to such officers as the President of the Union from time to time, by notification in the Gazette, appoints in this behalf.[2]

Registrars to ascertain that notice and certificate are understood by native Christians.

57. When any native Christian about to be married gives a notice of marriage, or applies for a certificate from a Marriage Registrar, such Marriage Registrar shall ascertain whether the said native Christian understands the English language, and, if he does not, the Marriage Registrar shall translate, or cause to be translated, such notice or certificate, or both of them, as the case may be, to such native Christian into a language which he understands; or the Marriage Registrar shall otherwise ascertain whether the native Christian is cognizant of the purport and effect of the said notice and certificate.

Native Christians to be made to understand declarations.

58. When any native Christian is married under the provisions of this Part, the person solemnizing the marriage shall ascertain whether such native Christian understands the English language, and, if he does not, the person solemnizing the marriage shall, at the time of the solemnization, translate, or cause to be translated, to such native Christian, into a language which he understands, the declarations made at such marriage in accordance with the provisions of this Act.

[1] Now the Kayah State.

[2] *Cf.* section 24 (2) of the Births, Deaths and Marriages Registration Act, Volume IV of this Code.

Registration of marriages between native Christians.

59. The registration of marriages between native Christians under this Part shall be made in conformity with the rules laid down in section 37 (so far as they are applicable), and not otherwise.

PART VI.

MARRIAGE OF NATIVE CHRISTIANS.

On what conditions marriages of native Christians may be certified.

60. Every marriage between native Christians applying for a certificate shall, without the preliminary notice required under Part III, be certified under this Part, if the following conditions be fulfilled, and not otherwise :—

(1) the age of the man intending to be married shall exceed sixteen years, and the age of the woman intending to be married shall exceed thirteen years ;

(2) neither of the persons intending to be married shall have a wife or husband still living ;

(3) in the presence of a person licensed under section 9, and of at least two credible witnesses other than such person, each of the parties shall say to the other—

"I call upon these persons here present to witness that I, *A.B.*, in the presence of Almighty God, and in the name of our Lord Jesus Christ, do take thee, *C.D.*, to be my lawful wedded wife [*or husband*]" or words to the like effect :

Provided that no marriage shall be certified under this Part when either of the parties intending to be married has not completed his or her eighteenth year, unless such consent as is mentioned in section 19 has been given to the intended marriage, or unless it appears that there is no person living authorized to give such consent.

Grant of certificate.

61. When, in respect to any marriage solemnized under this Part, the conditions prescribed in section 60 have been fulfilled, the person licensed as aforesaid, in whose presence the said declaration has been made, shall, on the application of either of the parties to such marriage, and on the payment of a fee of four annas, grant a certificate of the marriage.

The certificate shall be signed by such licensed person, and shall be received in any suit touching the validity of such marriage as conclusive proof of its having been performed.

Keeping of register-book and deposit of extracts therefrom with Registrar-General.

62. Every person licensed under section 9 shall keep in English, or in the vernacular language in ordinary use in the district or State in which the marriage was solemnized, and in such form as the President of the Union may from time to time prescribe, a register book of all marriages solemnized under this Part in his presence, and shall deposit in the office of the Registrar-General of Births, Deaths and Marriages, in such form and at such intervals as the President of the Union may prescribe, true and duly authenticated extracts

from his register-book of all entries made therein since the last of those intervals.

63. Every person licensed under this Act to grant certificates of marriage and keeping a marriage register-book under section 62, shall, at all reasonable times, allow search to be made in such book, and shall, on payment of the proper fee, give a copy, certified under his hand, of an entry therein.

Searches in register-book and copies of entries.

64. The provisions of sections 62 and 63, as to the form of the register-book, depositing extracts therefrom, allowing searches thereof, and giving copies of the entries therein, shall, *mutatis mutandis*, apply to the books kept under section 37.

Books in which marriages of native Christians under Part I or Part III are registered.

65. This Part of this Act, except so much of sections 62 and 63 as are referred to in section 64, shall not apply to marriages between Roman Catholics.

Part VI not to apply to Roman Catholics.

PART VII.

PENALTIES.

66. Whoever, for the purpose of procuring a marriage or licence of marriage, intentionally,—

False oath, declaration, notice or certificate for procuring marriage.

(*a*) where an oath or declaration is required by this Act, or by any rule or custom of a Church according to the rites and ceremonies of which a marriage is intended to be solemnized, such Church being the Church of England or of Scotland or of Rome, makes a false oath or declaration, or,

(*b*) where a notice or certificate is required by this Act, signs a false notice or certificate,

shall be deemed to have committed the offence punishable under section 193 of the Penal Code with imprisonment of either description for a term which may extend to three years and, at the discretion of the Court, with fine.

67. Whoever forbids the issue, by a Marriage Registrar, of a certificate, by falsely representing himself to be a person whose consent to the marriage is required by law, knowing or believing such representation to be false, or not having reason to believe it to be true, shall be deemed guilty of the offence described in section 205 of the Penal Code.

Forbidding, by false personation, issue of certificate by Marriage Registrar.

68. Whoever, not being authorized by section 5 of this Act to solemnize marriages, solemnizes, or professes to solemnize, in the absence of a Marriage Registrar of the district in which the ceremony takes place, a marriage between persons one or both of whom is or are a Christian or Christians, shall be punished with imprisonment which may extend to ten years, or (in lieu of a sentence of imprisonment for seven years or upwards)

Solemnizing marriage without due authority.

with transportation for a term of not less than seven years, and not exceeding ten years, or, if the offender is an European or American, with penal servitude, and shall also be liable to fine.

Solemnizing marriage out of proper time, or without witnesses.

69. Whoever knowingly and wilfully solemnizes a marriage between persons one or both of whom is or are a Christian or Christians, at any time other than between the hours of six in the morning and seven in the evening, or in the absence of at least two credible witnesses other than the person solemnizing the marriage, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Saving of marriages solemnized under special licence.

This section does not apply to marriages solemnized under special licences granted by the Anglican Bishop of the Diocese or by his Commissary, nor to marriages performed between the hours of seven in the evening and six in the morning by a clergyman of the Church of Rome when he has received the general or special licence in that behalf mentioned in section 10.

Nor does this section apply to marriages solemnized by a clergyman of the Church of Scotland according to the rules, rites, ceremonies and customs of the Church of Scotland.

Solemnizing without notice or within fourteen days after notice, marriage with minor.

70. Any Minister of religion licensed to solemnize marriages under this Act, who, without a notice in writing, or, when one of the parties to the marriage is a minor, and the required consent of the parents or guardians to such marriage has not been obtained, within fourteen days after the receipt by him of notice of such marriage, knowingly and wilfully solemnizes a marriage under Part III shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Issuing certificate, or marrying without publication of notice;

marrying after expiry of notice;

solemnizing marriage with minor within fourteen days without authority of Court, or without sending copy of notice;

71. A Marriage Registrar under this Act, who commits any of the following offences :—

(1) knowingly and wilfully issues any certificate for marriage or solemnizes any marriage, without publishing the notice of such marriage as directed by this Act ;

(2) after the expiration of two months after the copy of the notice has been entered as required by section 40 in respect of any marriage, solemnizes such marriage ;

(3) solemnizes, without any order of a competent Court authorizing him to do so, any marriage, when one of the parties is a minor, before the expiration of fourteen days after the receipt of the notice of such marriage, or without sending, by post or otherwise, a copy of such notice to the Senior Marriage Registrar of the district if there be more Marriage Registrars of the district than one, and if he himself be not the Senior Marriage Registrar ;

(4) issues any certificate the issue of which has been prohibited, as in this Act provided, by any person authorized to prohibit the issue thereof ; — issuing certificate against authorized prohibition.

shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

72. Any Marriage Registrar knowingly and wilfully issuing any certificate for marriage after the expiration of two months after the notice has been entered by him as aforesaid, or knowingly and wilfully issuing, without the order of a competent Court authorizing him so to do, any certificate for marriage, where one of the parties intending marriage is a minor, before the expiration of fourteen days after the entry of such notice, or any certificate the issue of which has been forbidden as aforesaid by any person authorized in this behalf, shall be deemed to have committed an offence under section 166 of the Penal Code. — Issuing certificate after expiry of notice, or, in case of minor, within fourteen days after notice, or against authorized prohibition.

73. Whoever, being authorized under this Act to solemnize a marriage, and not being a clergyman of the Church of England, solemnizing a marriage after due publication of banns, or under a licence from the Anglican Bishop of the Diocese or a Surrogate duly authorized in that behalf, — Persons authorized to solemnize marriages (other than clergy of Churches of England, Scotland or Rome)—

or, not being a clergyman of the Church of Scotland, solemnizing a marriage according to the rules, rites, ceremonies and customs of that church,

or, not being a clergyman of the Church of Rome, solemnizing a marriage according to the rites, rules, ceremonies and customs of that church,

knowingly and wilfully issues any certificate for marriage under this Act, or solemnizes any marriage between such persons as aforesaid, without publishing, or causing to be affixed, the notice of such marriage as directed in Part III of this Act, or after the expiration of two months after the certificate has been issued by him ; — issuing certificate or marrying, without publishing notice, or after expiry of certificate ;

or knowingly and wilfully issues any certificate for marriage, or solemnizes a marriage between such persons when one of the persons intending marriage is a minor, before the expiration of fourteen days after the receipt of notice of such marriage, or without sending, by post or otherwise, a copy of such notice to the Marriage Registrar, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar of the district ; — issuing certificate for, or solemnizing marriage with minor, within fourteen days after notice ;

or knowingly and wilfully issues any certificate the issue of which has been forbidden, under this Act, by any person authorized to forbid the issue ; — issuing certificate, authorizedly forbidden ;

or knowingly and wilfully solemnizes any marriage forbidden by any person authorized to forbid the same ; — solemnizing marriage, authorizedly forbidden.

shall be punished with imprisonment for a term which may extend to four years, and shall also be liable to fine.

Unlicensed person granting certificate pretending to be licensed.

74. Whoever, not being licensed to grant a certificate of marriage under Part VI of this Act, grants such certificate intending thereby to make it appear that he is so licensed, shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

Whoever, being licensed to grant certificates of marriage under Part VI of this Act, without just cause refuses, or wilfully neglects or omits, to perform any of the duties imposed upon him by that Part shall be punished with fine which may extend to one hundred rupees.

Destroying or falsifying register-books.

75. Whoever, by himself or another, wilfully destroys or injures any register-book or the counterfoil certificates thereof, or any part thereof, or any authenticated extract therefrom, or falsely makes or counterfeits any part of such register-book or counterfoil certificates, or wilfully inserts any false entry in any such register-book or counterfoil certificate or authenticated extract, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Limitation of prosecutions under Act.

76. The prosecution for every offence punishable under this Act shall be commenced within two years after the offence is committed.

PART VIII.

MISCELLANEOUS.

What matters need not be proved in respect of marriage in accordance with Act.

77. Whenever any marriage has been solemnized in accordance with the provisions of sections 4 and 5, it shall not be void merely on account of any irregularity in respect of any of the following matters, namely :—

(1) any statement made in regard to the dwelling of the persons married, or to the consent of any person whose consent to such marriage is required by law ;

(2) the notice of the marriage ;

(3) the certificate or translation thereof ;

(4) the time and place at which the marriage has been solemnized ;

(5) the registration of the marriage.

Correction of errors.

78. Every person charged with the duty of registering any marriage, who discovers any error in the form or substance of any such entry, may, within one month next after the discovery of such error, in the presence of the persons married, or, in case of their death or absence, in the presence of two other credible witnesses, correct the error, by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry, and add thereto the date of such correction, and such person shall make the like marginal entry in the certificate thereof.

And every entry made under this section shall be attested by the witnesses in whose presence it was made.

And in case such certificate had been already sent to the Registrar-General of Births, Deaths and Marriages, such person shall make and send in

like manner a separate certificate of the original erroneous entry, and of the marginal correction therein made.

Searches and copies of entries.

79. Every person solemnizing a marriage under this Act, and hereby required to register the same, and every Marriage Registrar or Registrar-General of Births, Deaths and Marriages having the custody for the time being of any register of marriages, or of any certificate, or duplicate or copies of certificate, under this Act, shall, on payment of the proper fees, at all reasonable times, allow searches to be made in such register, or for such certificate, or duplicate, or copies, and give a copy under his hand of any entry in the same.

Certified copy of entry in marriage register, etc. to be evidence.

80. Every certified copy, purporting to be signed by the person entrusted under this Act with the custody of any marriage register or certificate, or duplicate, required to be kept or delivered under this Act, of an entry of a marriage in such register, or of any such certificate or duplicate, shall be received as evidence of the marriage purporting to be so entered, or of the facts purporting to be so certified therein, without further proof of such register or certificate or duplicate, or of any entry therein, respectively, or of such copy.

Certificates of certain marriages for His Britannic Majesty's Secretary of State.

81. The Registrar-General of Births, Deaths and Marriages and the officers appointed under section 56 shall, at the end of every quarter in each year, select, from the certificates of marriages forwarded to them, respectively, during such quarter, the certificates of the marriages of which the President of the Union may desire that evidence shall be transmitted to England, and shall send the same certificates, signed by them respectively, to His Britannic Majesty's Secretary of State.

President to prescribe fees.

82. Fees shall be chargeable under this Act for—

receiving and publishing notices of marriages ;

issuing certificates for marriage by Marriage Registrars, and registering marriages by the same ;

entering protests against, or prohibitions of, the issue of certificates for marriage by the said Registrars ;

searching register-books or certificates, or duplicates or copies thereof ;

giving copies of entries in the same under sections 63 and 79.

The President of the Union shall fix the amount of such fees respectively, and may from time to time vary or remit them either generally or in special cases, as to him may seem fit.

Power to make rules.

83. The President of the Union may make rules in regard to the disposal of the fees mentioned in section 82, the supply of register-books, and the preparation and submission of returns of marriages solemnized under this Act.

84. * * * *

Power to declare who shall be District Judge.

85. The President of the Union may, by notification in the Gazette, declare who shall, in any place to which this Act applies, be deemed to be the District Judge.

86. * * * *

Saving of Consular marriages.

87. Nothing in this Act applies to any marriage performed by any Minister, Consul or Consular Agent between subjects of the State which he represents and according to the laws of such State.

Non-validation of marriages within prohibited degrees.

88. Nothing in this Act shall be deemed to validate any marriage which the personal law applicable to either of the parties forbids him or her to enter into.

SCHEDULE I.

(*See* sections 12 and 38.)

NOTICE OF MARRIAGE.

To a Minister [*or* Registrar] of

I hereby give you notice that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described (that is to say):

Names.	Condition.	Rank or profession.	Age.	Dwelling place.	Length of residence.	Church, chapel or place of worship in which the marriage is to be solemnized.	District in which the other party resides, when the parties dwell in different districts.
James Smith.	*Widower.*	*Carpenter.*	*Of full age.*	*Moulmein.*	*23 days.*	*Church of England, Moulmein.*	
Martha Green.	*Spinster.*	.....	*Minor.*	*Moulmein.*	*More than a month.*		

Witness my hand, this day of

(*Signed*) *JAMES SMITH.*

[The *italics* in this schedule are to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another district.]

SCHEDULE II.

(*See* sections 24 and 50.)

CERTIFICATE OF RECEIPT OF NOTICE.

I,
do hereby certify that, on the day of , notice was duly entered in my Marriage Notice Book of the marriage intended between the parties therein named and described, delivered under the hand of one of the parties (that is to say) :—

Names.	Condition.	Rank or profession.	Age.	Dwelling place.	Length of residence.	Church, chapel or place of worship in which the marriage is to be solemnized.	District in which the other party resides, when the parties dwell in different districts.
James Smith.	*Widower.*	*Carpenter.*	*Of full age.*	*Moulmein.*	*23 days.*	*Church of England, Moulmein.*	
Martha Green.	*Spinster.*	.....	*Minor*	*Moulmein.*	*More than a month.*		

and that the declaration, or oath required by section 17 or 41 of the Christian Marriage Act has been duly made by the said (*James Smith*).

Date of notice entered
Date of certificate given } The issue of this certificate has not been prohibited by any person authorized to forbid the issue thereof.

Witness my hand, this day of

(*Signed*)

This certificate will be void, unless the marriage is solemnized on or before the day of

[The *italics* in the schedule are to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another district.]

SCHEDULE III.

(*See* sections 28 and 31.)

FORM OF REGISTER OF MARRIAGES.

QUARTERLY RETURNS

of

MARRIAGES

for

The Archdeaconry of.....

I, , Registrar of the Archdeaconry of do hereby certify that the annexed are correct copies of the originals and official Quarterly Returns of Marriages within the Archdeaconry of as made and transmitted to me for the quarter commencing the day of ending the day of in the year of Our Lord

[*Signature of Registrar.*]

Registrar of the Archdeaconry of

MARRIAGES solemnized at

When Married.			Names of Parties.		Age.	Condition.	Rank or profession.	Residence at the time of marriage.	Father's name and surname.	By banns or licence.	Signatures of the parties.	Signatures of two or more witnesses present.	Signature of the person solemnizing the marriage.
Year.	Month.	Day.	Christian.	Surname.									

SCHEDULE IV.

(*See* sections 32 and 54.)

MARRIAGE REGISTER BOOK.

Number.	When Married.			Names of Parties.		Age.	Condition.	Rank or profession.	Residence at the time of marriage.	Father's name and surname.
	Day.	Month.	Year.	Christian name.	Surname.					
				James ...	*White* ...	*26 years* ...	*Widower*...	*Carpenter*	*Moulmein* ...	*William White.*
				Martha ...	*Duncan* ...	*17 years* ...	*Spinster* ...	...	*Moulmein* ...	*John Duncan.*

Married in the

This marriage was solemnized between us { *James White,* / *Martha Duncan,* } in the presence of us { *John Smith* / *John Green* }

CERTIFICATE OF MARRIAGE.

Number.	When Married.			Names of Parties.		Age.	Condition.	Rank or profession.	Residence at the time of marriage.	Father's name and surname.
	Day.	Month.	Year.	Christian Name.	Surname.					
				James ...	*White* ...	*26 years* ...	*Widower* ..	*Carpenter*	*Moulmein* ...	*William White.*
				Martha ...	*Duncan* ...	*17 years* ...	*Spinster*...	...	*Moulmein* ...	*John Duncan.*

Married in the

This marriage was solemnized between us { *James White,* / *Martha Duncan,* } in the presence of { *John Smith* / *John Green* }

ခရစ်ယာန်ထိမ်းမြားခြင်းဆိုင်ရာအက်ဥပဒေကို ပြင်ဆင်သည့်ဥပဒေပြဋ္ဌာန်း

ခရစ်ယာန်ထိမ်းမြားခြင်းဆိုင်ရာအက်ဥပဒေကို ပြင်ဆင်သည့်ဥပဒေ

(၂၀၁၇ ခုနှစ်၊ ပြည်ထောင်စုလွှတ်တော်ဥပဒေအမှတ် ၂၅)

၁၃၇၉ ခုနှစ်၊ တပေါင်းလပြည့်ကျော် ၁၁ ရက်

(၂၀၁၇ ခုနှစ်၊ ဩဂုတ်လ ၁၈ ရက်)

ပြည်ထောင်စုလွှတ်တော်သည် ဤဥပဒေကို ပြဋ္ဌာန်းလိုက်သည်။

၁။ ဤဥပဒေကို ခရစ်ယာန်ထိမ်းမြားခြင်းဆိုင်ရာ အက်ဥပဒေကို ပြင်ဆင်သည့်ဥပဒေ ဟုခေါ်တွင်စေရမည်။

၂။ ခရစ်ယာန်ထိမ်းမြားခြင်းဆိုင်ရာ အက်ဥပဒေ ပုဒ်မ ၃ တွင်ပါရှိသော "Registrar-General of Births, Deaths and Marriages" means a Registrar-General of Births, Deaths and Marriages appointed under the Births, Deaths and Marriages Registration Act. ဆိုသည့်စကားရပ်ကို "Registrar-General of Marriages" means a Registrar-General of Marriages appointed under this Act. ဆိုသည့်စကားရပ်ဖြင့် အစားထိုးရမည်။

Registrar-General of Marriages and Registrars of Marriages.

Senior Registrar of Marriages.

Judge when to be Registrar of Ma[illegible]es.

၃။ ခရစ်ယာန်ထိမ်းမြားခြင်းဆိုင်ရာ အက်ဥပဒေ ပုဒ်မ ၇ ကို အောက်ပါအတိုင်း အစားထိုးရမည်။

"7. The President of the Union shall appoint Registrar-General of Marriages and Registrars of Marriages. The President of the Union may also appoint one or more Christians, either by name or as holding any office for the time being, to be the Registrars of Marriages.

Where there are more Registrars of Marriages than one in any district, the President of the Union shall appoint one of them to be the Senior Registrar of Marriages.

When there is only one Registrar of Marriages in a district, and such Registrar is absent from such district, or ill, or when his office is temporarily vacant, the District Judge shall act as, and be, Registrar of Marriages thereof during such absence, illness or temporary vacancy."

Solemnizing marriage without due authority.

"68. Whoever, not being authorized by section 5 of this Act to solemnize marriages, solemnizes, or professes to solemnize, in the absence of a Marriage Registrar of the district in which the ceremony takes place, a marriage between persons one or both of whom is or are a Christian or Christians, shall be punished with imprisonment which may extend to seven years."

၄။ ခရစ်ယာန်ထိမ်းမြားခြင်းဆိုင်ရာ အက်ဥပဒေ ပုဒ်မ ၈၊ ပုဒ်မ ၄၇၊ ပုဒ်မ ၄၈ တတိယအဂိုဏ်၊ ပုဒ်မ ၅၆ နှင့် ပုဒ်မ ၈၁ တို့ကို ပယ်ဖျက်ရမည်။

၅။ ခရစ်ယာန်ထိမ်းမြားခြင်းဆိုင်ရာ အက်ဥပဒေ ပုဒ်မ ၂၉၊ ပုဒ်မ ၃၀၊ ပုဒ်မ ၃၁၊ ပုဒ်မ ၃၂၊ ပုဒ်မ ၃၄၊ ပုဒ်မ ၃၇၊ ပုဒ်မ ၅၅ ပုဒ်မ ၆၂ ပုဒ်မ ၇၈ နှင့် ပုဒ်မ ၇၉ တို့တွင်ပါရှိသော "Registrar-General of Births, Deaths and Marriages" ဆိုသည့်စကားရပ်ကို "Registrar-General of Marriages" ဆိုသည့်စကားရပ်ဖြင့် အစားထိုးရမည်။

၆။ ခရစ်ယာန်ထိမ်းမြားခြင်းဆိုင်ရာအက်ဥပဒေ ပုဒ်မ ၆၀၊ ပုဒ်မခွဲ (၁) တွင်ပါရှိသော "exceed thirteen years" ဆိုသည့်စကားရပ်ကို "exceed fifteen years" ဆိုသည့်စကားရပ်ဖြင့် အစားထိုးရမည်။

၇။ ခရစ်ယာန်ထိမ်းမြားခြင်းဆိုင်ရာ အက်ဥပဒေ ပုဒ်မ ၆၁ တွင်ပါရှိသော "a fee of four annas" ဆိုသည့်စကားရပ်ကို "a fee of one thousand kyats" ဆိုသည့်စကားရပ်ဖြင့် အစားထိုးရမည်။

၈။ ခရစ်ယာန်ထိမ်းမြားခြင်းဆိုင်ရာ အက်ဥပဒေ ပုဒ်မ ၆၈ ကို အောက်ပါအတိုင်းအစားထိုးရမည်။

၉။ ခရစ်ယာန်ထိမ်းမြားခြင်းဆိုင်ရာ အက်ဥပဒေ ပုဒ်မ ၇၄ တွင်ပါရှိသော "extend to one hundred kyats" ဆိုသည့်စကားရပ်ကို "extend to ten thousand kyats" ဆိုသည့်စကားရပ်ဖြင့် အစားထိုးရမည်။

ပြည်ထောင်စုသမ္မတ မြန်မာနိုင်ငံတော် ဖွဲ့စည်းပုံအခြေခံဥပဒေအရ ကျွန်ုပ်လက်မှတ်ရေးထိုးသည်။

(ပုံ) ထင်ကျော်

နိုင်ငံတော်သမ္မတ

ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံ

CERTIFIED TRUE COPY
DEPARTMENT OF FOREIGN AFFAIRS
Office of Legal Affairs

25 MAR 2019

JONATHAN A. HIPE
Signing Officer

ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်အစိုးရ
ပြည်ထောင်စုရှေ့နေချုပ်ရုံး
နေပြည်တော်

cohabit with him [*or her*], it may be declared that his [*or her*] marriage is dissolved : Now this is to command you that, at the expiration of days [*at least one month*] from the service of this on you, you do hold yourself in readiness to answer and do answer such interrogatories as may be put to you by commissioners duly authorized in that behalf under a commission issued by this Court in reference to the said petition, a copy whereof, sealed with the seal of the said Court, is herewith served upon you.

And take notice that, in default of your so holding yourself in readiness and answering such interrogatories, you will be liable to punishment under section 174 of the Penal Code.

Dated the day of 19 .

(*Signed*) *E. F.*
Judge of the Civil Court of

(*Indorsement to be made after service.*)

This citation was duly served by *G.H.* on the within-named *C.D.* of at on the day of 19 ,

(*Signed*) *G.H*,

F.—GENERAL.

၈။ ။အရပ်ရပ်ဆိုင်ရာ။

THE SPECIAL MARRIAGE ACT.

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THE SPECIAL MARRIAGE ACT.

[INDIA ACT III, 1872.] (2nd March, 1872.)

Preamble.

Whereas it is expedient to provide a form of marriage for persons who do not profess the Christian, Jewish, Hindu, Muhammadan, Parsi, Buddhist, Sikh or Jaina religion, and for persons who profess the Hindu, Buddhist, Sikh or Jaina religion, and to legalize certain marriages the validity of which is doubtful ; It is hereby enacted as follows :—

1. * * * * *

Conditions upon which marriages under Act

2. Marriages may be celebrated under this Act between persons neither of whom professes the Christian or the Jewish, or the Hindu or the Muhammadan, or the Parsi or the Buddhist, or the Sikh or the Jaina religion.

or between persons each of whom professes one or other of the following religions, that is to say, the Hindu, Buddhist, Sikh or Jaina religion, upon the following conditions :— may be celebrated.

(1) neither party must, at the time of the marriage, have a husband or wife living ;

(2) the man must have completed his age of eighteen years, and the woman her age of fourteen years, according to the Gregorian calendar ;

(3) each party must, if he or she has not completed the age of twenty-one years, have obtained the consent of his or her father or guardian to the marriage ;

(4) the parties must not be related to each other in any degree of consanguinity or affinity which would, according to any law to which either of them is subject, render a marriage between them illegal.

First Proviso.—No such law or custom, other than one relating to consanguinity or affinity, shall prevent them from marrying.

Second Proviso.—No law or custom as to consanguinity shall prevent them from marrying, unless a relationship can be traced between the parties through some common ancestor, who stands to each of them in a nearer relationship than that of great-great-grandfather or great-great-grandmother, or unless one of the parties is the lineal ancestor, or the brother or sister of some lineal ancestor, of the other.

3. The President of the Union may appoint Registrars under this Act for specified areas in the Union of Burma. The area for which any such officer is appointed shall be deemed to be his district. Appointment of Registrars.

4. When a marriage is intended to be solemnized under this Act, one of the parties must give notice in writing to the Registrar before whom it is to be solemnized. One of the parties to intended marriage to give notice to Registrar.

The Registrar to whom such notice is given must be the Registrar of a district within which one at least of the parties to the marriage has resided for fourteen days before such notice is given.

Such notice may be in the form given in the First Schedule to this Act.

5. The Registrar shall file all such notices and keep them with the records of his office, and shall also forthwith enter a true copy of every such notice in a book to be for that purpose furnished to him by the President of the Union, to be called the "Marriage Notice Book under the Special Marriage Act," and such book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same. Notice to be filed and copy entered in the Marriage Notice Book.

6. Fourteen days after notice of an intended marriage has been given under section 4, such marriage may be solemnized, unless it has been previously objected to in the manner hereinafter mentioned. Objection to marriage.

Any person may object to any such marriage on the ground that it would contravene some one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section 2.

The nature of the objection made shall be recorded in writing by the Registrar in the register, and shall, if necessary, be read over and explained to the person making the objection, and shall be signed by him or on his behalf.

Procedure on receipt of objection.

7. On receipt of such notice of objection the Registrar shall not proceed to solemnize the marriage until the lapse of fourteen days from the receipt of such objection, if there be a Court of competent jurisdiction open at the time, or, if there be no such Court open at the time, until the lapse of fourteen days from the opening of such Court.

Objector may file suit.

The person objecting to the intended marriage may file a suit in any civil Court having local jurisdiction (other than a Court of Small Causes) for a declaratory decree declaring that such marriage would contravene some one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section 2.

Certificate of filing of suit to be lodged with Registrar.

8. The officer before whom such suit is filed shall thereupon give the person presenting it a certificate to the effect that such suit has been filed. If such certificate be lodged with the Registrar within fourteen days from the receipt of notice of objection, if there be a Court of competent jurisdiction open at the time, or, if there be no such Court open at the time, within fourteen days of the opening of such Court, the marriage shall not be solemnized till the decision of such Court has been given and the period allowed by law for appeals from such decision has elapsed ; or, if there be an appeal from such decision, till the decision of the appellate Court has been given.

If such certificate be not lodged in the manner and within the period prescribed in the last preceding paragraph, or if the decision of the Court be that such marriage would not contravene any one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section 2, such marriage may be solemnized.

If the decision of such Court be that the marriage in question would contravene any one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section 2, the marriage shall not be solemnized.

Court may fine when objection not reasonable.

9. Any Court in which any such suit as is referred to in section 7 is filed may, if it shall appear to it that the objection was not reasonable and *bonâ fide*, inflict a fine, not exceeding one thousand rupees, on the person objecting, and award it, or any part of it, to the parties to the intended marriage.

Declaration by parties and witnesses.

10. Before the marriage is solemnized, the parties and three witnesses shall, in the presence of the Registrar, sign a declaration in the form contained in the Second Schedule to this Act. If either party has not completed the age of twenty-one years, the declaration shall also be signed by his or her father or

guardian, except in the case of a widow, and in every case, it shall be countersigned by the Registrar.

11. The marriage shall be solemnized in the presence of the Registrar and of the three witnesses who signed the declaration. It may be solemnized in any form, provided that each party says to the other, in the presence and hearing of the Registrar and witnesses, "I, [A], take thee, [*B*], to be my lawful wife (*or* husband)." Marriage how to be solemnized.

12. The marriage may be celebrated either at the office of the Registrar or at such other place, within reasonable distance of the office of the Registrar, as the parties desire: Provided that the President of the Union may prescribe the conditions under which such marriages may be solemnized at places other than the Registrar's office, and the additional fees to be paid thereupon. Place where marriage may be solemnized.

13. When the marriage has been solemnized, the Registrar shall enter a certificate thereof in a book to be kept by him for that purpose and to be called the "Marriage Certificate Book under the Special Marriage Act," in the form given in the Third Schedule to this Act, and such certificate shall be signed by the parties to the marriage and the three witnesses. Certificate of marriage.

13A. The Registrar shall send to the Registrar-General of Births, Deaths and Marriages, at such intervals as the President of the Union from time to time directs, a true copy certified by him, in such form as the President of the Union from time to time prescribes, of all entries made by him in the said Marriage Certificate Book since the last of such intervals.[1] Transmission of certified copies of entries in Marriage Certificate Book to the Registrar-General of Births, Deaths and Marriages.

14. The President of the Union shall prescribe the fees to be paid to the Registrar for the duties to be discharged by him under this Act. Fees.

The Registrar may, if he thinks fit, demand payment of any such fee before the solemnization of the marriage or performance of any other duty in respect of which it is payable.

The said Marriage Certificate Book shall at all reasonable times be open for inspection, and shall be admissible as evidence of the truth of the statements therein contained. Certified extracts therefrom shall on application be given by the Registrar on the payment to him by the applicant of a fee to be fixed by the President of the Union for each such extract.

15. Every person who, being at the time married, procures a marriage of himself to be solemnized under this Act, shall be deemed to have committed Penalty on married person marrying

[1] As to the duty f the Registrar-General to make and keep indexes of the certified copies sent to his office under this section, *see* section 7 of the Births, Deaths and Marriages Registration Act, Volume IV of this Code.

again under Act.

an offence under section 494 or section 495 of the Penal Code, as the case may be ; and the marriage so solemnized is void.

Punishment of bigamy.

16. Every person married under this Act who, during the lifetime of his or her wife or husband, contracts any other marriage, shall be subject to the penalties provided in sections 494 and 495 of the Penal Code for the offence of marrying again during the lifetime of a husband or wife, whatever may be the religion which he or she professed at the time of such second marriage.

Burma Divorce Act to apply.

17. The Burma Divorce Act shall apply to all marriages contracted under this Act, and any such marriage may be declared null or dissolved in the manner therein provided, and for the causes therein mentioned, or on the ground that it contravenes some one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section 2 of this Act.

Law to apply to issue of marriages under Act.

18. The issue of marriages solemnized under this Act shall, if they marry under this Act, be deemed to be subject to the law to which their fathers were subject as to the prohibition of marriages by reason of consanguinity and affinity, and the provisos to section 2 of this Act shall apply to them.

Saving of marriages solemnized otherwise than under Act.

19. Nothing in this Act contained shall affect the validity of any marriage not solemnized under its provisions ; nor shall this Act be deemed directly or indirectly to affect the validity of any mode of contracting marriage ; but, if the validity of any such mode shall hereafter come into question before any Court, such question shall be decided as if this Act had not been passed.

20. * * * *

Penalty for signing declarations or certificates containing false statements.

21. Every person making, signing or attesting any declaration or certificate prescribed by this Act, containing a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed guilty of the offence described in section 199 of the Penal Code.

Effect of certain marriages on coparcenary.

22. The marriage under this Act of any member of an undivided family who professes the Hindu, Buddhist, Sikh or Jaina religion shall be deemed to effect his severance from such family.

Rights of succession in certain cases of marriage under Act.

23. A person professing the Hindu, Buddhist, Sikh or Jaina religion who marries under this Act shall have the same rights and be subject to the same disabilities in regard to any right of succession to any property as a person to whom the Caste Disabilities Removal Act applies :

Provided that nothing in this section shall confer on any person any right to any religious office or service, or to the management of any religious or charitable trust.

24. Succession to the property of any person professing the Hindu, Buddhist, Sikh or Jaina religion who marries under this Act, and to the property of the issue of such marriage, shall be regulated by the provisions of the Succession Act. Succession to the property of parties married under Act.

25. No person professing the Hindu, Buddhist, Sikh or Jaina religion who marries under this Act shall have any right of adoption. Person marrying under Act not to have right of adoption.

26. When a person professing the Hindu, Buddhist, Sikh or Jaina religion marries under this Act, his father shall, if he has no other son living, have the right to adopt another person as a son under the law to which he is subject. Adoption by father of person marrying under Act.

FIRST SCHEDULE.

(*See* section 4.)

NOTICE OF MARRIAGE.

To , a Registrar of Marriages under the Special Marriage Act for the District.

I hereby give you notice that a marriage under the Special Marriage Act is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described (that is to say) :—

Names.	Condition.	Rank or profession.	Age.	Dwelling-place.	Length of residence.
A B	Unmarried widower.	Landowner.	Of full age	.....	23 days.
C D	Spinster	.....	Minor.	.....	.....

Witness my hand, this day of 19 .

(*Signed*) *A.B.*

SECOND SCHEDULE.

(*See* section 10.)

DECLARATION TO BE MADE BY THE BRIDEGROOM.

I, *A.B.*, hereby declare as follows :—

1. I am at the present time unmarried.

2. I do not profess the Christian, Jewish, Hindu, Muhammadan, Parsi, Buddhist, Sikh or Jaina religion : [or (*as the case may be*) I profess the Hindu, or the Buddhist, or the Sikh or the Jaina religion.]

3. I have completed my age of eighteen years.

4. I am not related to *C.D.* [*the bride*] in any degree of consanguinity or affinity which would, according to the law to which I am subject, or to which the said *C.D.* is subject, and subject to the provisos of clause (4) of section 2 of the Special Marriage Act, render a marriage between us illegal.

[*And when the bridegroom has not completed his age of twenty-one years :*

5. The consent of my father (*or* guardian, *as the case may be*) has been given to a marriage between myself and *C.D.*, and has not been revoked.]

6. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment, and also to fine.

(*Signed*) *A.B.* [*the bridegroom*].

DECLARATION TO BE MADE BY THE BRIDE.

I, *C.D.*, hereby declare as follows :—

1. I am at the present time unmarried.

2. I do not profess the Christian, Jewish, Hindu, Muhammadan, Parsi, Buddhist, Sikh or Jaina religion : [or (*as the case may be*) I profess the Hindu, or the Buddhist, or the Sikh or the Jaina religion.]

3. I have completed my age of fourteen years.

4. I am not related to *A.B.* [*the bridegroom*] in any degree of consanguinity or affinity which would, according to the law to which I am subject, or to which the said *A.B.* is subject, and subject to the provisos of clause (4) of section 2 of the Special Marriage Act, render a marriage between us illegal.

[*And when the bride has not completed her age of twenty-one years, unless she is a widow :*

5. The consent of *M.N.*, my father (*or* guardian, *as the case may be*), has been given to a marriage between myself and *A. B.* and has not been revoked.]

6. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment, and also to fine,

(*Signed*) *C.D.* [*the bride*].

Signed in our presence by the above-named *A.B.* and *C.D.* :

G.H.
I.J. } *three witnesses.*
K.L.

[*And when the bridegroom or bride has not completed the age of twenty-one years, except in the case of a widow :*

Signed in my presence and with my consent by the above-named *A.B.* and *C.D.* :

M.N. the father [or guardian]
of the above-named *A.B.* (*or C.D. as the case may be*).]

(*Countersigned*) *E. F,*
Registrar of Marriages under the Special Marriage Act for the District of .

Dated the *day of* *19* .

THIRD SCHEDULE.

(*See* section 13.)

REGISTRAR'S CERTIFICATE.

I, *E. F.*, certify that, on the of 19 appeared before me *A.B.* and *C.D.*, each of whom in my presence and in the presence of three credible witnesses, whose names are signed hereunder, made the declarations required by the Special Marriage Act and that a marriage under the said Act was solemnized between them in my presence.

(*Signed*) *E.F.*
Registrar of Marriages under the Special Marriage Act for the District of .

(*Signed*) *A.B.*
C.D.

G.H.
I.J. } *three witnesses.*
K.L.

Dated the *day of* *19* .

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5. Petition by wife for judicial separation on the ground of her husband's adultery.
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7. Statement in reply to No. 6.
8. Petition for a judicial separation by reason of cruelty.
9. Statement in answer to No. 8.
10. Petition for reversal of decree of separation.
11. Petition for protection-order.
12. Petition for alimony pending the suit.
13. Statement in answer to No. 12.
14. Undertaking by minor's next friend to be answerable for respondent's costs.

THE BURMA DIVORCE ACT.[1]

[INDIA ACT IV, 1869.] (1st April, 1869.)

I.—PRELIMINARY.

1. * * * *

Extent of Act.

2. [This Act extends to the whole of the Union of Burma.][2]

Extent of power to grant relief generally, and to make decrees of nullity,

Nothing herein contained shall authorize any Court to grant any relief under this Act except where the petitioner or respondent professes the Christian religion,

* * * *[3]

or to make decrees of nullity of marriage except where the marriage has been solemnized in the Union of Burma and the petitioner is resident in the Union of Burma at the time of presenting the petition,

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[1] Sub-section (3) of section 29 of the Limitation Act says that nothing in that Act shall apply to suits under the Burma Divorce Act.
[2] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.
[3] Omitted by the same Order.

or to grant any relief under this Act, other than a decree of dissolution of marriage or of nullity of marriage, except where the petitioner resides in the Union of Burma at the time of presenting the petition. or other relief.

3. In this Act, unless there be something repugnant in the subject or context,— Interpretation clause.

(1) "District Judge" and "District Court" mean, in relation to cases arising in Karenni,[1] such officer as the President of the Union may appoint in this behalf and, in the absence of such appointment, the High Court;

(2)—(3) * * * *

(4) "Court" means the High Court or the District Court, as the case may be; "Court."

(5) "minor children" means, in the case of sons of native fathers, boys who have not completed the age of sixteen years, and, in the case of daughters of native fathers, girls who have not completed the age of thirteen years: in other cases it means unmarried children who have not completed the age of eighteen years; "Minor children."

(6) "incestuous adultery" means adultery committed by a husband with a woman with whom, if his wife were dead, he could not lawfully contract marriage by reason of her being within the prohibited degrees of consanguinity (whether natural or legal) or affinity; "Incestuous adultery."

(7) "bigamy with adultery" means adultery with the same woman with whom the bigamy was committed; "Bigamy with adultery."

(8) "marriage with another woman" means marriage of any person, being married, to any other person, during the life of the former wife, whether the second marriage shall have taken place within the dominions of His Britannic Majesty or elsewhere; "Marriage with another woman."

(9) "desertion" implies an abandonment against the wish of the person charging it; and "Desertion."

(10) "property" includes, in the case of a wife, any property to which she is entitled for an estate in remainder or reversion, or as a trustee, executrix or administratrix; and the date of the death of the testator or intestate shall be deemed to be the time at which any such wife becomes entitled as executrix or administratrix. "Property."

A petition under this Act may be presented (*a*) to the District Court within the local limits of whose ordinary jurisdiction the husband and wife reside or last resided together, or (*b*) to the High Court in any case where the husband and wife reside or last resided together in the Union of Burma, and may not be presented to any other Court in the Union of Burma.

[1] Now the Kayah State.

II.—JURISDICTION.

Matrimonial jurisdiction of High Court and District Courts to be exercised subject to Act.

4. The jurisdiction of the High Court in respect of causes, suits and matters matrimonial shall be exercised by such Court and by the District Courts subject to the provisions of this Act and not otherwise.

5—6. * * * *

Court to act on principles of English Divorce Court.

7. Subject to the provisions contained in this Act, the High Court and District Courts shall, in all suits and proceedings hereunder, act and give relief on principles and rules which, in the opinion of the said Courts, are as nearly as may be conformable to the principles and rules on which the Supreme Court of Judicature in England for the time being acts and gives relief :

Provided that nothing in this section shall deprive the said Courts of jurisdiction in a case where the parties to a marriage professed the Christian religion at the time of the occurrence of the facts on which the claim to relief is founded.

Extraordinary jurisdiction of High Court.

8. The High Court may, whenever it thinks fit, remove and try and determine as a Court of original jurisdiction any suit or proceeding instituted under this Act in the Court of any District Judge.

Power to transfer suits.

The High Court may also withdraw any such suit or proceeding, and transfer it for trial or disposal to the Court of any other such District Judge.

Reference to High Court.

9. When any question of law or usage having the force of law arises at any point in the proceedings previous to the hearing of any suit under this Act by a District Court or at any subsequent stage of such suit, or in the execution of the decree therein or order thereon, the Court may, either of its own motion or on the application of any of the parties, draw up a statement of the case and refer it, with the Court's own opinion thereon, to the decision of the High Court.

If the question has arisen previous to or in the hearing, the District Court may either stay such proceedings, or proceed in the case pending such reference and pass a decree contingent upon the opinion of the High Court upon it.

If a decree or order has been made, its execution shall be stayed until the receipt of the order of the High Court upon such reference.

III.—DISSOLUTION OF MARRIAGE.

When husband may petition for dissolution.

10. Any husband may present a petition to the District Court or to the High Court, praying that his marriage may be dissolved on the ground that his wife has, since the solemnization thereof, been guilty of adultery.

When wife may petition for dissolution.

Any wife may present a petition to the District Court or to the High Court, praying that her marriage may be dissolved on the ground that, since the solemnization thereof, her husband has exchanged his profession of

Christianity for the profession of some other religion, and gone through a form of marriage with another woman ;

or has been guilty of incestuous adultery,
or of bigamy with adultery,
or of marriage with another woman with adultery,
or of rape, sodomy or bestiality,
or of adultery coupled with such cruelty as without adultery would have entitled her to a divorce *a mensâ et toro*,
or of adultery coupled with desertion, without reasonable excuse, for two years or upwards.

Contents of petition.

Every such petition shall state, as distinctly as the nature of the case permits, the facts on which the claim to have such marriage dissolved is founded.

Adulterer to be co-respondent.

11. Upon any such petition presented by a husband, the petitioner shall make the alleged adulterer a co-respondent to the said petition, unless he is excused from so doing on one of the following grounds, to be allowed by the Court :—

(1) that the respondent is leading the life of a prostitute, and that the petitioner knows of no person with whom the adultery has been committed ;
(2) that the name of the alleged adulterer is unknown to the petitioner although he has made due efforts to discover it ;
(3) that the alleged adulterer is dead.

Court to be satisfied of absence of collusion.

12. Upon any such petition for the dissolution of a marriage, the Court shall satisfy itself, so far as it reasonably can, not only as to the facts alleged, but also whether or not the petitioner has been in any manner accessory to, or conniving at, the going through of the said form of marriage, or the adultery, or has condoned the same, and shall also inquire into any counter-charge which may be made against the petitioner.

Dismissal of petition.

13. In case the Court, on the evidence in relation to any such petition, is satisfied that the petitioner's case has not been proved, or is not satisfied that the alleged adultery has been committed, or finds that the petitioner has, during the marriage, been accessory to, or conniving at, the going through of the said form of marriage, or the adultery of the other party to the marriage, or has condoned the adultery complained of, or that the petition is presented or prosecuted in collusion with either of the respondents, then and in any of the said cases the Court shall dismiss the petition.

When a petition is dismissed by a District Court under this section, the petitioner may, nevertheless, present a similar petition to the High Court.

Power to Court to pronounce decree for dissolving marriage.

14. In case the Court is satisfied on the evidence that the case of the petitioner has been proved, and does not find that the petitioner has been in any manner accessory to, or conniving at, the going through of the said form of marriage, or the adultery of the other party to the marriage, or has

condoned the adultery complained of, or that the petition is presented or prosecuted in collusion with either of the respondents, the Court shall pronounce a decree declaring such marriage to be dissolved in the manner and subject to all the provisions and limitations in sections 16 and 17 made and declared :

Provided that the Court shall not be bound to pronounce such decree if it finds that the petitioner has, during the marriage, been guilty of adultery, or if the petitioner has, in the opinion of the Court, been guilty of unreasonable delay in presenting or prosecuting such petition, or of cruelty towards the other party to the marriage, or of having deserted or wilfully separated himself or herself from the other party before the adultery complained of, and without reasonable excuse, or of such wilful neglect or misconduct of or towards the other party as has conduced to the adultery.

Condonation.

No adultery shall be deemed to have been condoned within the meaning of this Act unless where conjugal cohabitation has been resumed or continued.

Relief in case of opposition on certain grounds.

15. In any suit instituted for dissolution of marriage, if the respondent opposes the relief sought on the ground, in case of such a suit instituted by a husband, of his adultery, cruelty or desertion without reasonable excuse, or, in case of such a suit instituted by a wife, on the ground of her adultery and cruelty, the Court may in such suit give to the respondent, on his or her application, the same relief to which he or she would have been entitled in case he or she had presented a petition seeking such relief, and the respondent shall be competent to give evidence of or relating to such cruelty or desertion.

Decrees for dissolution to be *nisi*.

16. Every decree for a dissolution of marriage made by the High Court, not being a confirmation of a decree of a District Court, shall, in the first instance, be a decree *nisi*, not to be made absolute till after the expiration of such time, not less than six months from the pronouncing thereof, as the High Court by general or special order from time to time directs.

Collusion.

During that period any person shall be at liberty, in such manner as the High Court by general or special order from time to time directs, to show cause why the said decree should not be made absolute by reason of the same having been obtained by collusion or by reason of material facts not being brought before the Court.

On cause being so shown, the Court shall deal with the case by making the decree absolute, or by reversing the decree *nisi*, or by requiring further inquiry, or otherwise as justice may demand.

The High Court may order the costs of counsel and witnesses, and otherwise arising from such cause being shown, to be paid by the parties or such one or more of them as it thinks fit, including a wife if she have separate property.

Whenever a decree *nisi* has been made, and the petitioner fails, within a reasonable time, to move to have such decree made absolute, the High Court may dismiss the suit.

17. Every decree for a dissolution of marriage made by a District Judge shall be subject to confirmation by the High Court. Confirmation of decree for dissolution by District Judge.

Cases for confirmation of a decree for dissolution of marriage shall be heard by a Court composed of three Judges, and in case of difference the opinion of the majority shall prevail.

The High Court, if it think further enquiry or additional evidence to be necessary, may direct such enquiry to be made or such evidence to be taken.

The result of such enquiry and the additional evidence shall be certified to the High Court by the District Judge, and the High Court shall thereupon make an order confirming the decree for dissolution of marriage, or such other order as to the Court seems fit :

Provided that no decree shall be confirmed under this section till after the expiration of such time, not less than six months from the pronouncing thereof, as the High Court[1] by general or special order from time to time directs.

During the progress of the suit in the Court of the District Judge, any person, suspecting that any parties to the suit are or have been acting in collusion for the purpose of obtaining a divorce, shall be at liberty, in such manner as the High Court by general or special order from time to time directs, to apply to the High Court to remove the suit under section 8, and the High Court shall thereupon, if it think fit, remove such suit and try and determine the same as a Court of original jurisdiction, and the provisions contained in section 16 shall apply to every suit so removed ; or it may direct the District Judge to take such steps in respect of the alleged collusion as may be necessary to enable him to make a decree in accordance with the justice of the case.

17A. The President of the Union may appoint an officer[2] who shall, within the jurisdiction of the High Court, have the like right of showing cause why a decree for the dissolution of marriage should not be made absolute or should not be confirmed, as the case may be, as is exercisable in England by the King's Proctor, and the President of the Union may make rules[3] regulating the manner in which the right shall be exercised and all matters incidental to, or consequential on, such exercise. Appointment of officer to exercise duties of King's Proctor.

IV.—Nullity of Marriage.

18. Any husband or wife may present a petition to the District Court or to the High Court, praying that his or her marriage may be declared null and void. Petition for decree of nullity.

[1] The High Court has directed that no decree for dissolution of a marriage shall be confirmed till after the expiration of six months therefrom ; *see Burma Gazette*, 1940, Part IV, page 149.

[2] The Attorney-General has been appointed King's Proctor for Burma ; *see Burma Gazette*, 1940, Part I, page 330.

[3] For the Burma Divorce (Domiciled Parties) Intervention Proceedings Rules, *see Burma Gazette*, 1940, Part I, page 330.

Grounds of decree.

19. Such decree may be made on any of the following grounds :—

(1) that the respondent was impotent at the time of the marriage and at the time of the institution of the suit ;

(2) that the parties are within the prohibited degrees of consanguinity (whether natural or legal) or affinity ;

(3) that either party was a lunatic or idiot at the time of the marriage ;

(4) that the former husband or wife of either party was living at the time of the marriage, and the marriage with such former husband or wife was then in force.

Nothing in this section shall affect the jurisdiction of the High Court to make decrees of nullity of marriage on the ground that the consent of either party was obtained by force or fraud.

Confirmation of District Judge's decree.

20. Every decree of nullity of marriage made by a District Judge shall be subject to confirmation by the High Court, and the provisions of section 17, clauses 1, 2, 3 and 4, shall, *mutatis mutandis*, apply to such decrees.

Children of annulled marriage.

21. Where marriage is annulled on the ground that a former husband or wife was living, and it is adjudged that the subsequent marriage was contracted in good faith and with the full belief of the parties that the former husband or wife was dead, or when a marriage is annulled on the ground of insanity, children begotten before the decree is made shall be specified in the decree, and shall be entitled to succeed, in the same manner as legitimate children, to the estate of the parent who at the time of the marriage was competent to contract.

V.—Judicial Separation.

Bar to decree for divorce *a mensâ et toro*; but judicial separation obtainable by husband or wife.

22. No decree shall hereafter be made for a divorce *a mensâ et toro*, but the husband or wife may obtain a decree of judicial separation, on the ground of adultery, or cruelty, or desertion without reasonable excuse for two years or upwards, and such decree shall have the effect of a divorce *a mensâ et toro* under the existing law, and such other legal effect as hereinafter mentioned.

Application for separation made by petition.

23. Application for judicial separation on any one of the grounds aforesaid may be made by either husband or wife by petition to the District Court or the High Court ; and the Court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree judicial separation accordingly.

Separated wife deemed spinster with respect to after-acquired property.

24. In every case of a judicial separation under this Act, the wife shall, from the date of the sentence, and whilst the separation continues, be considered as unmarried with respect to property of every description which she may acquire, or which may come to or devolve upon her.

Such property may be disposed of by her in all respects as an unmarried woman, and on her decease the same shall, in case she dies intestate, go as the same would have gone if her husband had been then dead :

Provided that, if any such wife again cohabits with her husband, all such property as she may be entitled to when such cohabitation takes place shall be held to her separate use, subject, however, to any agreement in writing made between herself and her husband whilst separate.

Separated wife deemed spinster for purposes of contract and suing.

25. In every case of a judicial separation under this Act, the wife shall whilst so separated be considered as an unmarried woman for the purposes of contract and wrongs and injuries, and suing and being sued in any civil proceeding ; and her husband shall not be liable in respect of any contract, act or costs entered into, done, omitted or incurred by her during the separation :

Provided that where, upon any such judicial separation, alimony has been decreed or orderd to be paid to the wife, and the same is not duly paid by the husband, he shall be liable for necessaries supplied for her use :

Provided also that nothing shall prevent the wife from joining, at any time during such separation, in the exercise of any joint power given to herself and her husband.

Reversal of Decree of Separation.

Decree of separation obtained during absence of husband or wife may be reversed.

26. Any husband or wife, upon the application of whose wife or husband, as the case may be, a decree of judicial separation has been pronounced, may, at any time thereafter, present a petition to the Court by which the decree was pronounced, praying for a reversal of such decree, on the ground that it was obtained in his or her absence, and that there was reasonable excuse for the alleged desertion where desertion was the ground of such decree.

The Court may, on being satisfied of the truth of the allegations of such petition, reverse the decree accordingly ; but such reversal shall not prejudice or affect the rights or remedies which any other person would have had, in case it had not been decreed, in respect of any debts, contracts or acts of the wife incurred, entered into or done between the times of the sentence of separation and of the reversal thereof.

VI.—PROTECTION-ORDERS.

Deserted wife may apply to Court for protection.

27. Any wife to whom section 20 of the Succession Act does not apply may, when deserted by her husband, present a petition to the District Court or the High Court, at any time after such desertion, for an order to protect any property which she may have acquired or may acquire, and any property of which she may have become possessed or may become possessed after such desertion, against her husband or his creditors, or any person claiming under him.

Court may grant protection-order.

28. The Court, if satisfied of the fact of such desertion, and that the same was without reasonable excuse, and that the wife is maintaining herself by her own industry or property, may make and give to the wife an order protecting her earnings and other property from her husband and all creditors and persons claiming under him. Every such order shall state the time at which the desertion commenced, and shall, as regards all persons dealing with the wife in reliance thereon, be conclusive as to such time.

Discharge or variation of orders.

29. The husband or any creditor of, or person claiming under, him, may apply to the Court by which such order was made for the discharge or variation thereof, and the Court, if the desertion has ceased, or if for any other reason it think fit so to do, may discharge or vary the order accordingly.

Liability of husband seizing wife's property after notice of order.

30. If the husband, or any creditor of, or person claiming under, the husband, seizes or continues to hold any property of the wife after notice of any such order, he shall be liable, at the suit of the wife (which she is hereby empowered to bring), to return or deliver to her the specific property, and also to pay her a sum equal to double its value.

Wife's legal position during continuance of order.

31. So long as any such order of protection remains in force, the wife shall be and be deemed to have been, during such desertion of her, in the like position in all respects, with regard to property and contracts and suing and being sued, as she would be under this Act if she obtained a decree of judicial separation.

VII.—Restitution of Conjugal Rights.

Petition for restitution of conjugal rights.

32. When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, either wife or husband may apply, by petition to the District Court or the High Court, for restitution of conjugal rights, and the Court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly.

Answer to petition.

33. Nothing shall be pleaded in answer to a petition for restitution of conjugal rights which would not be ground for a suit for judicial separation or for a decree of nullity of marriage.

VIII.—Damages and Costs.

Husband may claim damages from adulterer.

34. Any husband may, either in a petition for dissolution of marriage or for judicial separation, or in a petition to the District Court or the High Court limited to such object only, claim damages from any person on the ground of his having committed adultery with the wife of such petitioner.

Such petition shall be served on the alleged adulterer and the wife, unless the Court dispenses with such service, or directs some other service to be substituted.

The damages to be recovered on any such petition shall be ascertained by the said Court, although the respondents or either of them may not appear.

After the decision has been given, the Court may direct in what manner such damages shall be paid or applied.

Power to order adulterer to pay costs.

35. Whenever, in any petition presented by a husband, the alleged adulterer has been made a co-respondent, and the adultery has been established, the Court may order the co-respondent to pay the whole or any part of the costs of the proceedings:

Provided that the co-respondent shall not be ordered to pay the petitioner's costs—

(1) if the respondent was, at the time of the adultery, living apart from her husband and leading the life of a prostitute, or

(2) if the co-respondent had not, at the time of the adultery, reason to believe the respondent to be a married woman.

Power to order litigious intervenor to pay costs.

Whenever any application is made under section 17, the Court, if it thinks that the applicant had no grounds or no sufficient grounds for intervening, may order him to pay the whole or any part of the costs occasioned by the application.

IX.—ALIMONY.

Alimony *pendente lite.*

36. In any suit under this Act, whether it be instituted by a husband or a wife and whether or not she has obtained an order of protection, the wife may present a petition for alimony pending the suit.

Such petition shall be served on the husband, and the Court, on being satisfied of the truth of the statements therein contained, may make such order on the husband for payment to the wife of alimony pending the suit as it may deem just:

Provided that alimony pending the suit shall in no case exceed one-fifth of the husband's average nett income for the three years next preceding the date of the order, and shall continue, in case of a decree for dissolution of marriage or of nullity of marriage, until the decree is made absolute or is confirmed, as the case may be.

Power to order permanent alimony.

37. The High Court may, if it think fit, on any decree absolute declaring a marriage to be dissolved, or on any decree of judicial separation obtained by the wife, and the District Judge may, if he thinks fit, on the confirmation of any decree of his, declaring a marriage to be dissolved, or on any decree of judicial separation obtained by the wife, order that the husband shall, to the satisfaction of the Court, secure to the wife such gross sum of money, or such annual sum of money for any term not exceeding her own life, as having regard to her fortune (if any), to the ability of the

husband, and to the conduct of the parties, it thinks reasonable, and for that purpose may cause a proper instrument to be executed by all necessary parties.

Power to order monthly or weekly payments.

In every such case the Court may make an order on the husband for payment to the wife of such monthly or weekly sums for her maintenance and support as the Court may think reasonable :

Provided that if the husband afterwards from any cause becomes unable to make such payments, it shall be lawful for the Court to discharge or modify the order, or temporarily to suspend the same as to the whole or any part of the money so ordered to be paid, and again to revive the same order wholly or in part, as to the Court seems fit.

Court may direct payment of alimony to wife or to her trustee.

38. In all cases in which the Court makes any decree or order for alimony it may direct the same to be paid either to the wife herself, or to any trustee on her behalf to be approved by the Court, and may impose any terms or restrictions which to the Court seem expedient, and may from time to time appoint a new trustee, if it appears to the Court expedient so to do.

X.—SETTLEMENTS.

Power to order settlement of wife's property for benefit of husband and children.

39. Whenever the Court pronounces a decree of dissolution of marriage or judicial separation for adultery of the wife, if it is made to appear to the Court that the wife is entitled to any property, the Court may, if it think fit, order such settlement as it thinks reasonable to be made of such property or any part thereof, for the benefit of the husband, or of the children of the marriage, or of both.

Any instrument executed pursuant to any order of the Court at the time of or after the pronouncing of a decree of dissolution of marriage or judicial separation shall be deemed valid notwithstanding the existence of the disability of coverture at the time of the execution thereof.

Settlement of damages.

The Court may direct that the whole or any part of the damages recovered under section 34 shall be settled for the benefit of the children of the marriage, or as a provision for the maintenance of the wife.

Inquiry into existence of ante-nuptial or post-nuptial settlements.

40. The High Court, after a decree absolute for dissolution of marriage, or a decree of nullity of marriage, and the District Court, after its decree for dissolution of marriage or of nullity of marriage has been confirmed, may inquire into the existence of ante-nuptial or post-nuptial settlements made on the parties whose marriage is the subject of the decree, and may make such orders, with reference to the application of the whole or a portion of the property settled, whether for the benefit of the husband or the wife, or of the children (if any) of the marriage, or of both children and parents, as to the Court seems fit :

Provided that the Court shall not make any order for the benefit of the parents or either of them at the expense of the children.

XI.—Custody of Children.

41. In any suit for obtaining a judicial separation the Court may from time to time, before making its decree, make such interim orders, and may make such provision in the decree, as it deems proper with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of such suit, and may, if it think fit, direct proceedings to be taken for placing such children under the protection of the said Court.

Power to make orders as to custody of children in suit for separation.

42. The Court, after a decree of judicial separation, may upon application (by petition) for this purpose make, from time to time, all such orders and provision, with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of the decree, or for placing such children under the protection of the said Court, as might have been made by such decree or by interim orders in case the proceedings for obtaining such decree were still pending.

Power to make such orders after decree.

43. In any suit for obtaining a dissolution of marriage or a decree of nullity of marriage instituted in or removed to the High Court, the Court may from time to time, before making its decree absolute or its decree (as the case may be), make such interim orders, and may make such provision in the decree absolute or decree, and in any such suit instituted in a District Court, the Court may from time to time, before its decree is confirmed, make such interim orders, and may make such provision on such confirmation, as the High Court or District Court (as the case may be) deems proper with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of the suit; and may, if it think fit, direct proceedings to be taken for placing such children under the protection of the Court.

Power to make orders as to custody of children in suits for dissolution or nullity.

44. The High Court, after a decree absolute for dissolution of marriage or a decree of nullity of marriage, and the District Court, after a decree for dissolution of marriage or of nullity of marriage has been confirmed, may, upon application by petition for the purpose, make from time to time all such orders and provision, with respect to the custody, maintenance and education of the minor children, the marriage of whose parents was the subject of the decree, or for placing such children under the protection of the said Court, as might have been made by such decree absolute or decree (as the case may be), or by such interim orders as aforesaid.

Power to make such orders after decree or confirmation.

XII.—Procedure.

45. Subject to the provisions herein contained, all proceedings under this Act between party and party shall be regulated by the Code of Civil Procedure.

Code of Civil Procedure to apply.

Forms of petitions and statements.

46. The forms set forth in the Schedule to this Act, with such variation as the circumstances of each case require, may be used for the respective purposes mentioned in such Schedule.

Petition to state absence of collusion.

47. Every petition [1] under this Act for a decree of dissolution of marriage or of nullity of marriage or of judicial separation shall state that there is not any collusion or connivance between the petitioner and the other party to the marriage;

Statements to be verified.

the statements contained in every petition under this Act shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints, and may at the hearing be referred to as evidence.

Suits on behalf of lunatics.

48. When the husband or wife is a lunatic or idiot, any suit under this Act (other than a suit for restitution of conjugal rights) may be brought on his or her behalf by the committee or other person entitled to his or her custody.

Suits by minors.

49. Where the petitioner is a minor, he or she shall sue by his or her next friend to be approved by the Court; and no petition presented by a minor under this Act shall be filed until the next friend has undertaken in writing to be answerable for costs.

Such undertaking shall be filed in Court, and the next friend shall thereupon be liable in the same manner and to the same extent as if he were a plaintiff in an ordinary suit.

Service of petition.

50. Every petition under this Act shall be served on the party to be affected thereby, either within or without the Union of Burma, in such manner as the High Court by general or special order from time to time directs:

Provided that the Court may dispense with such service altogether in case it seems necessary or expedient so to do.

Mode of taking evidence.

51. The witnesses in all proceedings before the Court, where their attendance can be had, shall be examined orally, and any party may offer himself or herself as a witness, and shall be examined, and may be cross-examined and re-examined, like any other witness:

Provided that the parties shall be at liberty to verify their respective cases in whole or in part by affidavit, but so that the deponent in every such affidavit shall, on the application of the opposite party, or by direction of the Court, be subject to be cross-examined by or on behalf of the opposite party orally, and after such cross-examination may be re-examined orally as aforesaid by or on behalf of the party by whom such affidavit was filed.

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[1] For Court-fee, *see* the Court Fees Act, item 20, Schedule II.

52. On any petition presented by a wife, praying that her marriage may be dissolved by reason of her husband having been guilty of adultery coupled with cruelty, or of adultery coupled with desertion without reasonable excuse, the husband and wife respectively shall be competent and compellable to give evidence of or relating to such cruelty or desertion. Competence of husband and wife to give evidence as to cruelty or desertion.

53. The whole or any part of any proceeding under this Act may be heard, if the Court thinks fit, with closed doors. Power to close doors.

54. The Court may from time to time adjourn the hearing of any petition under this Act, and may require further evidence thereon if it sees fit so to do. Power to adjourn.

55. All decrees and orders made by the Court in any suit or proceeding under this Act shall be enforced and may be appealed from in the like manner as the decrees and orders of the Court made in the exercise of its original civil jurisdiction are enforced and may be appealed from under the laws, rules and orders for the time being in force : Enforcement of and appeal from orders and decrees.

Provided that there shall be no appeal from a decree of a District Judge for dissolution of marriage or of nullity of marriage ; nor from the order of the High Court confirming or refusing to confirm such decree :

Provided also that there shall be no appeal on the subject of costs only. No appeals as to costs.

56. Any person may appeal to [the Supreme Court][1] from any decree (other than a decree *nisi*) or order under this Act of the High Court made on appeal or otherwise, and from any decree (other than a decree *nisi*) or order made in the exercise of original jurisdiction by Judges of the High Court or of any Division Court from which an appeal shall not lie to the High Court, when the High Court declares that the case is a fit one for appeal to [the Supreme Court][1]. Appeal to Supreme Court.

XIII.—Re-Marriage.

57. When six months after the date of an order of the High Court confirming the decree for a dissolution of marriage made by a District Judge have expired, or when six months after the date of any decree of the High Court dissolving a marriage have expired, and no appeal has been presented against such decree to the High Court in its appellate jurisdiction, or when any such appeal has been dismissed, or when in the result of any such appeal any marriage is declared to be dissolved, but not sooner, it shall be lawful for the respective parties to the marriage to marry again, as if the prior marriage had been dissolved by death : Liberty to parties to marry again.

Provided that no appeal to [the Supreme Court] [1] has been presented against any such order or decree.

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

When such appeal has been dismissed, or when in the result thereof the marriage is declared to be dissolved, but not sooner, it shall be lawful for the respective parties to the marriage to marry again as if the prior marriage had been dissolved by death.

English clergyman not compelled to solemnize marriages of persons divorced for adultery.

58. No clergyman in Holy Orders of the Church of England shall be compelled to solemnize the marriage of any person whose former marriage has been dissolved on the ground of his or her adultery, or shall be liable to any suit, penalty or censure for solemnizing or refusing to solemnize the marriage of any such person.

English minister refusing to perform ceremony to permit use of his church.

59. When any minister of any church or chapel of the said Church refuses to perform such marriage service between any persons who, but for such refusal, would be entitled to have the same service performed in such church or chapel, such minister shall permit any other minister in Holy Orders of the said Church, entitled to officiate within the diocese in which such church or chapel is situate, to perform such marriage service in such church or chapel.

XIV.—Miscellaneous.

Decree for separation or protection order valid as to persons dealing with wife before reversal.

60. Every decree for judicial separation or order to protect property obtained by a wife under this Act shall, until reversed or discharged, be deemed valid, so far as necessary, for the protection of any person dealing with the wife.

No reversal, discharge or variation of such decree or order shall affect any rights or remedies which any person would otherwise have had in respect of any contracts or acts of the wife entered into or done between the dates of such decree or order and of the reversal, discharge or variation thereof.

Indemnity of persons making payment to wife without notice of reversal of decree or protection order.

All persons who in reliance on any such decree or order make any payment to, or permit any transfer or act to be made or done by, the wife who has obtained the same shall, notwithstanding such decree or order may then have been reversed, discharged or varied, or the separation of the wife from her husband may have ceased, or at some time since the making of the decree or order been discontinued, be protected and indemnified as if, at the time of such payment, transfer or other act, such decree or order were valid and still subsisting without variation, and the separation had not ceased or been discontinued, unless, at the time of the payment, transfer or other act, such persons had notice of the reversal, discharge or variation of the decree or order or of the cessation or discontinuance of the separation.

Bar of suit for criminal conversation.

61. No person competent to present a petition under sections 2 and 10 shall maintain a suit for criminal conversation with his wife.

62. The High Court shall make such rules[1] under this Act as it may consider expedient : Power to make rules.

Provided that such rules, alterations and additions are consistent with the provisions of this Act and the Code of Civil Procedure.

All such rules shall be published in the Gazette.

[2]**62A.** * * * *

SCHEDULE OF FORMS.

No. 1.—PETITION BY HUSBAND FOR A DISSOLUTION OF MARRIAGE WITH DAMAGES AGAINST CO-RESPONDENT, BY REASON OF ADULTERY.

(*See* sections 10 and 34.)

In the (High) Court of

To the Hon'ble Mr. Justice [*or* To the Judge of].

The day of , 19 .

The petition of *A.B.*, of

SHEWETH,

1. That your petitioner was on the day of , one thousand nine hundred and , lawfully married to *C.B.*, then *C.D.*, spinster, at .[3]

2. That from his said marriage, your petitioner lived and cohabited with his said wife at and at , in , and lastly at in , and that your petitioner and his said wife have had issue of their said marriage, *five* children, of whom *two* sons only survive, aged respectively *twelve* and *fourteen* years.

3. That during the *three* years immediately preceding the day of one thousand nine hundred and , *X.Y.* was constantly, with few exceptions, residing in the house of your petitioner at aforesaid, and that on divers occasions during the said period, the dates of which are unknown to your petitioner, the said *C.B.* in your petitioner's said house committed adultery with the said *X.Y.*

4. That no collusion or connivance exists between me and my said wife for the purpose of obtaining a dissolution of our said marriage or for any other purpose.

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[1] *See* the High Court Rules and Orders.

[2] This section was deleted by the Union of Burma (Adaptation of Laws) Order, 1948.

[3] If the marriage was solemnized out of the Union of Burma, the adultery must be shown to have been committed in the Union of Burma.

Your petitioner, therefore, prays that this (Hon'ble) Court will decree a dissolution of the said marriage, and that the said *X.Y.* do pay the sum of rupees 5,000 as damages by reason of his having committed adultery with your petitioner's said wife, such damages to be paid to your petitioner, or otherwise paid or applied as to this (Hon'ble) Court seems fit.

(Signed) *A.B.*

Form of Verification.

I, *A.B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

No. 2.—RESPONDENT'S STATEMENT IN ANSWER TO NO. 1.

In the (High) Court of

The day of , 19 .

Between *A.B.*, petitioner,

C.B., respondent, and

X.Y., co-respondent.

C.B., the respondent, by *D.E.*, her advocate, in answer to the petition of *A.B.*, says that she denies that she has on divers or any occasions committed adultery with *X.Y.*, as alleged in the third paragraph of the said petition.

Wherefore the respondent prays that this (Hon'ble) Court will reject the said petition.

(Signed) *C.B.*

No. 3.—CO-RESPONDENT'S STATEMENT IN ANSWER TO NO. 1.

In the (High) Court of

The day of

Between *A.B.*, petitioner,

C.B., respondent, and

X.Y., co-respondent.

X.Y., the co-respondent, in answer to the petition filed in this cause, says that he denies that he committed adultery with the said *C.B.* as alleged in the said petition.

Wherefore the said *X.Y.*, prays that this (Hon'ble) Court will reject the prayer of the said petitioner and order him to pay the costs of and incident to the said petition.

(Signed) *X.Y.*

NO. 4.—PETITION FOR DECREE OF NULLITY OF MARRIAGE.

(*See* section 18.)

In the (High) Court of

To the Hon'ble Mr. Justice [*or* To the Judge of].

The day of , 19 .

The petition of *A.B.*, falsely called *A.D.*

SHEWETH,

1. That on the day of , one thousand nine hundred and , your petitioner, then a spinster, eighteen years of age, was married in fact, though not in law, to *C.D.*, then a bachelor of about thirty years of age, at [*some place in the Union of Burma*].

2. That from the said day of , one thousand nine hundred and , until the month of , one thousand nine hundred and , your petitioner lived and cohabited with the said *C.D.*, at divers places, and particularly at aforesaid.

3. That the said *C.D.* has never consummated the said pretended marriage by carnal copulation.

4. That at the time of the celebration of your petitioner's said pretended marriage, the said *C.D.* was, by reason of his impotency or malformation, legally incompetent to enter into the contract of marriage.

5. That there is no collusion or connivance between her and the said *C.D.* with respect to the subject of this suit.

Your petitioner therefore prays that this (Hon'ble) Court will declare that the said marriage is null and void.

(Signed) *A.B.*

Form of Verification : see No. 1.

NO. 5.—PETITION BY WIFE FOR JUDICIAL SEPARATION ON THE GROUND OF HER HUSBAND'S ADULTERY.

(*See* section 22.)

In the (High) Court of

To the Hon'ble Mr. Justice [*or* To the Judge of].

The day of , 19 .

The petition of *C.B.*, of , the wife of *A.B.*

SHEWETH,

1. That on the day of , one thousand nine hundred and , your petitioner, then *C.D.*, was lawfully married to *A.B.* at the Church of , in the .

2. That after her said marriage, your petitioner cohabited with the said *A.B.* at and at , and that your petitioner and her said husband have issue living of their said marriage, *three* children, to wit, *etc., etc.* [1]

3. That on divers occasions in or about the months of *August, September* and *October*, one thousand nine hundred and , the said *A.B.*, at aforesaid, committed adultery with *E.F.*, who was then living in the service of the said *A.B.*, and your petitioner at their said residence aforesaid.

4. That on divers occasions in the months of *October, November* and *December*, one thousand nine hundred and , the said *A.B.*, at aforesaid, committed adultery with *G.H.*, who was then living in the service of the said *A.B.*, and your petitioner at their said residence aforesaid.

5. That no collusion or connivance exists between your petitioner and the said *A.B.*, with respect to the subject of the present suit.

Your petitioner therefore prays that this (Hon'ble) Court will decree a judicial separation to your petitioner from her said husband by reason of his aforesaid adultery.

(Signed) *C.B.*

Form of Verification : see No. 1.

No. 6.—Statement in answer to No. 5.

In the (High) Court of

B. against *B.*

The day of

The respondent, *A.B.*, by *W.Y.*, his advocate, says,—

1. That he denies that he committed adultery with *E.F.*, as in the third paragraph of the petition alleged.

2. That the petitioner condoned the said adultery with *E.F.*, if any.

3. That he denies that he committed adultery with *G.H.*, as in the fourth paragraph of the petition alleged.

4. That the petitioner condoned the said adultery with *G.H.*, if any.

Wherefore this respondent prays that this (Hon'ble) Court will reject the prayer of the said petition.

(Signed) *A.B.*

No. 7.—Statement in reply to No. 6.

In the (High) Court of

B. against *B.*

The day of

[1] State the respective ages of the children.

The petitioner, *C.B.*, by her advocate, says,—

1. That she denies that she condoned the said adultery of the respondent with *E.F.*, as in the second paragraph of the statement in answer alleged.

2. That even if she had condoned the said adultery, the same has been revived by the subsequent adultery of the respondent with *G.H.*, as set forth in the fourth paragraph of the petition,

(Signed) *C.B.*

No. 8.—Petition for a Judicial Separation by reason of cruelty.

(*See* section 22.)

In the (High) Court of

To the Hon'ble Mr. Justice [*or* To the Judge of].

The day of , 19 .

The petition of *A.B.* (wife of *C.B.*) of

Sheweth,

1. That on the day of , one thousand nine hundred and , your petitioner, then *A.D.*, spinster, was lawfully married to *C.B.*, at .

2. That from her said marriage, your petitioner lived and cohabited with her said husband at until the day of , one thousand nine hundred and , when your petitioner separated from her said husband as hereinafter more particularly mentioned, and that your petitioner and her said husband have had no issue of their said marriage.

3. That from and shortly after your petitioner's said marriage, the said *C.B.* habitually conducted himself towards your petitioner with great harshness and cruelty, frequently abusing her in the coarsest and most insulting language, and beating her with his fists, with a cane, or with some other weapon.

4. That on an evening in or about the month of one thousand nine hundred and , the said *C.B.* in the highway and opposite to the house in which your petitioner and the said *C.B.* were then residing at aforesaid, endeavoured to knock your petitioner down, and was only prevented from so doing by the interference of *F.D.*, your petitioner's brother.

5. That subsequently on the same evening, the said *C.B.*, in his said house at aforesaid, struck your petitioner with his clenched fists a violent blow on her face.

6. That on one Friday night in the month of , one thousand nine hundred and , the said *C.B.*, in , without provocation, threw a knife at your petitioner, thereby inflicting a severe wound on her right hand.

7. That on the afternoon of the day of , one thousand nine hundred and , your petitioner, by reason of the great and continued cruelty practised towards her by her said husband, with assistance withdrew from the house of her said husband to the house of her father at , that from and after the said day of , one thousand nine hundred and , your petitioner has lived separate and apart from her said husband, and has never returned to his house or to cohabitation with him.

8. That there is no collusion or connivance between your petitioner and her said husband with respect to the subject of the present suit.

Your petitioner, therefore, prays that this (Hon'ble) Court will decree a judicial separation between your petitioner and the said *C.B.*, and also order that the said *C.B.* do pay the costs of and incident to these proceedings.

(Signed) *A.B.*

Form of Verification: see No. 1.

No. 9.—STATEMENT IN ANSWER TO No. 8.

In the (High) Court of

The day of , 19 .

Between *A.B.*, petitioner, and *C.B.*, respondent.

C.B., the respondent, in answer to the petition filed in this cause, by *W. J.*, his advocate, says that he denies that he has been guilty of cruelty towards the said *A.B.*, as alleged in the said petition.

(Signed) *C.B.*

No. 10.—PETITION FOR REVERSAL OF DECREE OF SEPARATION.

(*See* section 24.)

In the (High) Court of

To the Hon'ble Mr. Justice [*or* To the Judge of].

The day of , 19 .

The petition of *A.B.*, of .

SHEWETH,

1. That your petitioner was on the day of , lawfully married to .

2. That on the day of , this (Hon'ble) Court, at the petition of , pronounced a decree affecting the petitioner to the effect following, to wit.—

(*Here set out the decree.*)

3. That such decree was obtained in the absence of your petitioner, who was then residing at

[*State facts tending to show that the petitioner did not know of the proceedings; and, further, that had he known he might have offered a sufficient defence,*]

or

That there was reasonable ground for your petitioner leaving his said wife for that his said wife

[*Here state any legal grounds justifying the petitioner's separation from his wife.*]

Your petitioner, therefore, prays that this (Hon'ble) Court will reverse the said decree.

(Signed) *A.B.*

Form of Verification: see No. 1.

No. 11.—Petition for Protection-order.

(*See* section 27.)

In the (High) Court of
To the Hon'ble Mr. Justice [*or* To the Judge of].
The day of , 19 .
The petition of *C.B.*, of , the wife of *A.B.*

Sheweth,

That on the day of she was lawfully married to *A.B.* at

That she lived and cohabited with the said *A.B.* for years at , and also at , and had had children, issue of her said marriage, of whom are now living with the applicant and wholly dependent upon her earnings.

That on or about , the said *A.B.*, without any reasonable cause, deserted the applicant, and has ever since remained separate and apart from her.

That since the desertion of her said husband, the applicant has maintained herself by her own industry [*or* in her own property, *as the case may be*] and has thereby and otherwise acquired certain property consisting of [*here state generally the nature of the property.*]

Wherefore she prays an order for the protection of her earnings and property acquired since the said day of , from the said *A.B.*, and from all creditors and persons claiming under him.

(Signed) *C.B.*

NO. 12.—PETITION FOR ALIMONY PENDING THE SUIT.

(*See* section 36.)

In the (High) Court of

B. against *B.*

To the Hon'ble Mr. Justice [or To the Judge of].
The day of , 19 .
The petition of *C.B.*, the lawful wife of *A.B.*

SHEWETH,

1. That the said *A.B.* has for some years carried on the business of , at , and from such business derives the net annual income of from Rs. 4,000 to 5,000.

2. That the said *A.B.* is possessed of plate, furniture, linen and other effects at his said house aforesaid, all of which he acquired in right of your petitioner as his wife, or purchased with money he acquired through her of the value of Rs. 10,000.

3. That the said *A.B.* is entitled, under the will of his father, subject to the life-interest of his mother therein, to property of the value of Rs. 5,000 or some other considerable amount [1].

Your petitioner, therefore, prays that this (Hon'ble) Court will decree such sum or sums of money by way of alimony, pending the suit, as to this (Hon'ble) Court may seem meet.

(Signed) *C.B.*

Form of Verification: *see No. 1.*

NO. 13.—STATEMENT IN ANSWER TO NO. 12.

In the (High) Court of

B. against *B.*

A.B., of , the above-named respondent, in answer to the petition for alimony, pending the suit of *C.B.*, says—

1. In answer to the first paragraph of the said petition, I say that I have for the last *three* years carried on the business of , at , and that, from such business, I have derived a nett annual income of Rs. 900, but less than Rs. 1,000.

[1] The petitioner should state her husband's income as accurately as possible.

2. In answer to the second paragraph of the said petition, I say that I am possessed of plate, furniture, linen and other chattels and effects at my said house aforesaid, of the value of Rs. 7,000, but as I verily believe of no larger value. And I say that a portion of the said plate, furniture and other chattels and effects, of the value of Rs. 1,500, belonged to my said wife before our marriage, but the remaining portions thereof I have since purchased with my own moneys. And I say that, save as hereinbefore set forth, I am not possessed of the plate and other effects as alleged in the said paragraph in the said petition, and that I did not acquire the same as in the said petition also mentioned.

3. I admit that I am entitled under the will of my father, subject to the life-interest of my mother therein, to property of the value of Rs. 5,000, that is to say, I shall be entitled under my said father's will, upon the death of my mother, to a legacy of Rs. 7,000, out of which I shall have to pay to my father's executors the sum of Rs. 2,000, the amount of a debt owing by me to his estate, and upon which debt I am now paying interest at the rate of five per cent. per annum.

4. And, in further answer to the said petition, I say that I have no income whatever except that derived from my aforesaid business, that such income, since my said wife left me, which she did on the day of last, has been considerably diminished, and that such diminution is likely to continue. And I say that out of my said income, I have to pay the annual sum of Rs. 100 for such interest as aforesaid to my late father's executors, and also to support myself and my two eldest children.

5. And, in further answer to the said petition, I say that, when my wife left my dwelling-house on the day of last, she took with her, and has ever since withheld and still withholds from me, plate, watches and other effects in the second paragraph of this my answer mentioned, of the value of, as I verily believe, Rs. 800 at the least ; and I also say that, within five days of her departure from my house as aforesaid, my said wife received bills due to me from certain lodgers of mine, amounting in the aggregate to Rs. , and that she has ever since withheld and still withholds from me the same sum.

(Signed) *A.B.*

No. 14.—UNDERTAKING BY MINOR'S NEXT FRIEND TO BE ANSWERABLE FOR RESPONDENT'S COSTS.

(*See* section 49.)

In the (High) Court of

I, the undersigned, *A.B.*, of , being the next friend of *C.D.*, who is a minor, and who is desirous of filing a petition in this Court, under the Burma Divorce Act, against *D.D.* of , hereby underake to be responsible for the costs of the said *D.D.* in such suit, and that, if the said *C.D.* fail to pay

to the said *D. D.* when and in such manner as the Court shall order all such costs of such suit as the Court shall direct him (*or* her) to pay to the said *D.D.*, I will forthwith pay the same to the proper officer of this Court.

Dated this day of , 19 .

(Signed) *A.B.*

THE NATIVE CONVERTS' MARRIAGE DISSOLUTION ACT.

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မြန်မာနိုင်ငံလင်မယားကွာရှင်းရေးအက်ဥပဒေကို ပြင်ဆင်သည့်ဥပဒေပြဋ္ဌာန်း

ပြန်မာနိုင်ငံလင်မယားကွာရှင်းရေးအက်ဥပဒေကို ပြင်ဆင်သည့်ဥပဒေ
(၂၀၁၇ ခုနှစ်၊ ပြည်ထောင်စုလွှတ်တော်ဥပဒေအမှတ် ၂၄။)
၁၃၇၉ ခုနှစ်၊ ဝါခေါင်လပြည့်ကျော် ၀ ရက်
(၂၀၁၇ ခုနှစ်၊ ဧပြီလ ၁၅ ရက်)

[illegible]

[illegible] "the age of thirteen years" ဆိုသည့် [illegible] "the age of fifteen years" ဆိုလည်း [illegible] "the dominions of His Britannic [illegible] "the Republic of the Union of Myanmar" [illegible] အစားထိုးရမည်။

[illegible] "the High Court" ဆိုသည့် စကားရပ်ကို "the High Court of the Region or the High Court of the State" [illegible] "the District Court" ဆိုသည့် [illegible] "the Court of the Self-Administered Division or the Court of the Self-Administered Zone or the District Court" [illegible] အသီးသီးပေးထားပေါ်ရမည်။

[illegible] "the Supreme Court of Judicature in England" ဆိုသည့်စကားရပ်ကို "the Supreme Court of the Union" ဆိုသည့်စကားရပ်ဖြင့် အစားထိုးရမည်။

၅။ ပြန်မာနိုင်ငံလင်မယားကွာရှင်းရေးအက်ဥပဒေ ပုဒ်မ ၈၊ ပုဒ်မ ၁၃၊ ပုဒ်မ ၁၄-က၊ ပုဒ်မ ၁၉၊ ပုဒ်မ ၂၀၊ ပုဒ်မ ၂၇၊ ပုဒ်မ ၅၀၊ ပုဒ်မ ၅၅ နှင့် ပုဒ်မ ၅၇ တို့တွင်ပါရှိသော "the High Court" ဆိုသည့်စကားရပ်ကို " the High Court of the Region or the High Court of the State" ဆိုသည့် စကားရပ်ဖြင့် အစားထိုးရမည်။

၆။ ပြန်မာနိုင်ငံလင်မယားကွာရှင်းရေးအက်ဥပဒေ ပုဒ်မ ၉ ကို အောက်ပါအတိုင်း အစားထိုးရမည်။

Reference to High Court of the Region or High Court of the State

"9. When any question of law or usage having the force of law arises at any point in the proceedings previous to the hearing of any suit under this Act by a Court of the Self-Administered Division or a Court of the Self-Administered Zone or a District Court or at any subsequent stage of suchsuit, or in the execution of the decree therein or order thereon, the Court may, either of its own motion or on the application of any of the parties, draw up a statement of the case and refer it, with the Court's own opinion thereon, to the decision of the High Court of the Region or the High Court of the State.

If the question has arisen previous to or in the hearing, the Court of the Self-Administered Division or the Court of the Self-Administered Zone or the District Court may either stay such proceedings, or proceed in the case pending such reference and pass a decree contingent upon the opinion of the High Court of the Region or the High Court of the State upon it.

If a decree or order has been made, its execution shall be stayed until the receipt of the order of the High Court of the Region or the High Court of the State upon such reference."

၇။ ပြန်မာနိုင်ငံလင်မယားကွာရှင်းရေးအက်ဥပဒေ ပုဒ်မ ၁၃ နှင့် ပုဒ်မ ၁၆ တို့တွင် ပါရှိသော "a District Court" ဆိုသည့်စကားရပ်ကို "a Court of the Self-Administered Division or a Court of the Self-Administered Zone or a District Court " ဆိုသည့် စကားရပ်ဖြင့်လည်းကောင်း "the High Court" ဆိုသည့်စကားရပ်ကို "the High Court of the Region or the High Court of the State" ဆိုသည့် စကားရပ်ဖြင့်လည်းကောင်း အသီးသီးအစားထိုးရမည်။

၈။ ပြန်မာနိုင်ငံလင်မယားကွာရှင်းရေးအက်ဥပဒေ ပုဒ်မ ၁၅-က တွင် ပါရှိသော "as is exercisable in England by the King's Proctor," ဆိုသည့် စကားရပ်နှင့် "to exercise duties of King's Proctor" ဆိုသည့် စကားရပ်တို့ကို ပယ်ဖျက်ရမည်။

၉။ ပြန်မာနိုင်ငံလင်မယားကွာရှင်းရေးအက်ဥပဒေ ပုဒ်မ ၅၆ တွင် ပါရှိသော "or of any Division Court" ဆိုသည့် စကားရပ်ကို ပယ်ဖျက်ရမည်။

၁၀။ ပြန်မာနိုင်ငံလင်မယားကွာရှင်းရေးအက်ဥပဒေ ပုဒ်မ ၅၆ နှင့် ပုဒ်မ ၅၇ ခွင်းချက်တို့တွင် ပါရှိသော "the Supreme Court" ဆိုသည့် စကားရပ်ကို "the Supreme Court of the Union" ဆိုသည့်စကားရပ်ဖြင့် အစားထိုးရမည်။

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ပြည်ထောင်စုသမ္မတပြန်မာနိုင်ငံတော် ဒွဲ့စည်းပုံအခြေခံဥပဒေအရ ကျွန်တော် လက်မှတ်ရေးထိုးသည်။

(ပုံ) ထင်ကျော်
နိုင်ငံတော်သမ္မတ
ပြည်ထောင်စုသမ္မတပြန်မာနိုင်ငံတော်

CERTIFIED TRUE COPY
DEPARTMENT OF FOREIGN AFFAIRS
Office of Legal Affairs

25 MAR 2019

JONATHAN A. HIPE
Signing Officer

D.—PARSI.

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THE PARSI MARRIAGE AND DIVORCE ACT.

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THE PARSI MARRIAGE AND DIVORCE ACT.

[INDIA ACT III, 1936.] (22nd June, 1936.)

I.—PRELIMINARY.

Extent.

[1]1. This Act extends to Parsis in the Union of Burma.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) * * * *

(2) "Court" means a Court constituted under this Act;

(3) to "desert", together with its grammatical variations and cognate expressions, means to desert the other party to a marriage without reasonable cause and without the consent, or against the will, of such party;

(4) "grievous hurt" means—

(*a*) emasculation;

(*b*) permanent privation of the sight of either eye;

(*c*) permanent privation of the hearing of either ear;

(*d*) privation of any member or joint;

(*e*) destruction or permanent impairing of the powers of any member or joint;

(*f*) permanent disfiguration of the head or face; or

(*g*) any hurt which endangers life;

(5) "husband" means a Parsi husband;

(6) "marriage" means a marriage between Parsis whether contracted before or after the commencement of this Act;

(7) a "Parsi" means a Parsi Zoroastrian;

(8) "priest" means a Parsi priest and includes *Dastur* and *Mobed*; and

(9) "wife" means a Parsi wife.

II.—MARRIAGES BETWEEN PARSIS.

Requisites to validity of Parsi marriages.

3. No marriage shall be valid if—

(*a*) the contracting parties are related to each other in any of the degrees of consanguinity or affinity set forth in Schedule I; or

(*b*) such marriage is not solemnized according to the Parsi form of ceremony called "Ashirvad" by a priest in the presence of two Parsi witnesses other than such priest; or

(*c*) in the case of any Parsi (whether such Parsi has changed his or her religion or domicile or not) who has not completed the age of twenty-one years, the consent of his or her father or guardian has not been previously given to such marriage.

[1] Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

Remarriage when unlawful.

4. (*1*) No Parsi (whether such Parsi has changed his or her religion or domicile or not) shall contract any marriage under this Act or any other law in the lifetime of his or her wife or husband, whether a Parsi or not, except after his or her lawful divorce from such wife or husband or after his or her marriage with such wife or husband has lawfully been declared null and void or dissolved, and if the marriage was contracted with such wife or husband under the Parsi Marriage and Divorce Act, 1865,[1] or under this Act, as in force for the time being in the Union of Burma or India or Pakistan, except after a divorce, declaration or dissolution as aforesaid under either of the said Acts. India XV, 1865.

(*2*) Every marriage contracted contrary to the provisions of sub-section (*1*) shall be void.

Punishment of bigamy.

5. Every Parsi who during the lifetime of his or her wife or husband, whether a Parsi or not, contracts a marriage without having been lawfully divorced from such wife or husband, or without his or her marriage with such wife or husband having legally been declared null and void or dissolved, shall be subject to the penalties provided in sections 494 and 495 of the Penal Code for the offence of marrying again during the lifetime of a husband or wife.

Certificate and registry of marriage.

6. Every marriage contracted under this Act shall, immediately on the solemnization thereof, be certified by the officiating priest in the form contained in Schedule II. The certificate shall be signed by the said priest, the contracting parties, or their fathers or guardians when they shall not have completed the age of twenty-one years, and two witnesses present at the marriage; and the said priest shall thereupon send such certificate together with a fee of two rupees to be paid by the husband to the Registrar of the place at which such marriage is solemnized. The Registrar on receipt of the certificate and fee shall enter the certificate in a register to be kept by him for that purpose and shall be entitled to retain the fee.

Appointment of Registrar.

7. For the purposes of this Act a Registrar shall be appointed. Within the local limits of the ordinary original civil jurisdiction of the High Court, the Registrar shall be appointed by the Chief Justice of such Court,[2] and without such limits, by the President of the Union.

Marriage register to be open for public inspection.

8. The register of marriages mentioned in section 6 shall, at all reasonable times, be open for inspection, and certified extracts therefrom shall, on application, be given by the Registrar on payment to him by the applicant of two rupees for each such extract. Every such register shall be evidence of the truth of the statements therein contained.

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[1] Repealed by India Act III of 1936.

[2] The Chief Justice has appointed the Deputy Commissioner, Rangoon Town District, to be the Registrar within the local limits of the original civil jurisdiction of the High Court, *see Burma Gazette*, 1939, Part IV, page 196.

9. Every Registrar shall, at such intervals as the President of the Union directs, send to the Registrar-General of Births, Deaths and Marriages a true copy, certified by him in such form as the President of the Union from time to time prescribes, of all certificates entered by him in the said register of marriages since the last of such intervals.

Copy of certificate to be sent to Registrar-General of Births, Deaths and Marriages.

10. When a Court passes a decree for divorce, nullity or dissolution, the Court shall send a copy of the decree for registration to the Registrar of Marriages within its jurisdiction appointed under section 7 ; the Registrar shall enter the same in a register to be kept by him for the purpose, and the provisions of Part II applicable to the Registrars and registers of marriages shall be applicable, so far as may be, to the Registrars and registers of divorces and decrees of nullity and dissolution.

Registration of divorces.

11. Any priest knowingly and wilfully solemnizing any marriage contrary to and in violation of section 4 shall, on conviction thereof, be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

Penalty for solemnizing marriage contrary to section 4.

12. Any priest neglecting to comply with any of the requisitions affecting him contained in section 6 shall, on conviction thereof, be punished for every such offence with simple imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Penalty for priest's neglect of requirements of section 6.

13. Every other person required by section 6 to subscribe or attest the said certificate who shall wilfully omit or neglect so to do, shall, on conviction thereof, be punished for every such offence with a fine not exceeding one hundred rupees.

Penalty for omitting to subscribe and attest certificate.

14. Every person making or signing or attesting any such certificate containing a statement which is false, and which he either knows or believes to be false, shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both ; and if the act amounts to forgery as defined in the Penal Code, then such person shall also be liable, on conviction thereof, to the penalties provided in section 466 of the said Code.

Penalty for making, etc., false certificate.

15. Any Registrar failing to enter the said certificate pursuant to section 6 shall be punished with simple imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Penalty for failing to register certificate.

16. Any person secreting, destroying, or dishonestly or fraudulently altering the said register in any part thereof, shall be punished with imprisonment of either description as defined in the Penal Code for a term which may extend

Penalty for secreting, destroying or altering

register.

to two years, or if he be a Registrar, for a term which may extend to five years, and shall also be liable to fine which may extend to five hundred rupees.

Formal irregularity not to invalidate marriage.

17. No marriage contracted under this Act shall be deemed to be invalid solely by reason of the fact that it was not certified under section 6, or that the certificate was not sent to the Registrar, or that the certificate was defective, irregular or incorrect.

III.—Parsi Matrimonial Courts.

Constitution of Special Courts under the Act.

18. For the purpose of hearing suits under this Act, Parsi Matrimonial Courts shall be constituted at Rangoon and at such other places as the President of the Union shall think fit.

19. * * * *

Parsi District Matrimonial Courts.

20. Subject to the provisions contained in section 21, the local limits of the jurisdiction of such Court shall be conterminous with the limits of the district in which it is held. In Rangoon, a Judge of the High Court, and elsewhere the Judge of the principal Court of original civil jurisdiction at such place, shall be the Judge of such Matrimonial Court, and in the trial of cases under this Act he shall be aided by seven delegates.

Power to alter territorial jurisdiction of Courts.

21. The President of the Union may alter the local limits of the jurisdiction of any Parsi Matrimonial Court and may include within such limits any number of districts.

22. * * * *

Court seal.

23. A seal shall be made for every Court constituted under this Act, and all decrees and orders and copies of decrees and orders of such Court shall be sealed with such seal, which shall be kept in the custody of the presiding Judge.

Appointment of delegates.

24. (*1*) The President of the Union shall appoint persons to be delegates to aid in the adjudication of cases arising under this Act, after giving the local Parsis an opportunity of expressing their opinion in such manner as the President of the Union may think fit.

(*2*) The persons so appointed shall be Parsis, their names shall be published in the Gazette, and their number shall, within the local limits of the ordinary original civil jurisdiction of the High Court, be not more than thirty, and in districts beyond such limits, not more than twenty.

Power to appoint new delegates.

25. The appointment of a delegate shall be for ten years; but he shall be eligible for reappointment for the like term or terms. Whenever a delegate shall die, or have completed his term of office, or be desirous of relinquishing his office, or refuse or become incapable or unfit to act, or cease to be a Parsi, or be convicted of an offence under the Penal Code or other law for the time being in force, or be adjudged insolvent, then and so often the President of

the Union may appoint any person being a Parsi to be a delegate in his stead ; and the name of the person so appointed shall be published in the Gazette.

26. All delegates appointed under this Act shall be considered to be public servants within the meaning of the Penal Code. Delegates to be deemed public servants.

27. The delegates selected under section 20 to aid in the adjudication of suits under this Act shall be taken under the orders of the presiding Judge of the Court in due rotation from the delegates appointed by the President of the Union under section 24 : Selection of delegates under section 20 to be from those appointed under section 24.

Provided that each party to the suit may, without cause assigned, challenge any three of the delegates attending the Court before such delegates are selected and no delegate so challenged shall be selected.

28. All legal practitioners entitled to practise in the principal civil Court of a district shall be entitled to practise in the Parsi Matrimonial Court of such district. Practitioners in Matrimonial Courts.

29. (*1*) All suits instituted under this Act shall be brought in the Court within the limits of whose jurisdiction the defendant resides at the time of the institution of the suit. Court in which suits to be brought.

(*2*) When the defendant shall at such time have left the Union of Burma such suit shall be brought in the Court at the place where the plaintiff and defendant last resided together.

(*3*) In any case, whether the defendant resides in the Union of Burma or not, such suit may be brought in the Court at the place where the plaintiff resides or at the place where the plaintiff and the defendant last resided together, if such Court, after recording its reasons in writing, grants leave so to do.

IV.—MATRIMONIAL SUITS.

30. In any case in which consummation of the marriage is from natural causes impossible, such marriage may, at the instance of either party thereto, be declared to be null and void. Suits for nullity.

31. If a husband or wife shall have been continually absent from his or her wife or husband for the space of seven years, and shall not have been heard of as being alive within that time by those persons who would have naturally heard of him or her, had he or she been alive, the marriage of such husband or wife may, at the instance of either party thereto, be dissolved. Suits for dissolution.

32. Any married person may sue for divorce on any one or more of the following grounds, namely :— Grounds for divorce.

(*a*) that the marriage has not been consummated within one year after its solemnization owing to the wilful refusal of the defendant to consummate it ;

(*b*) that the defendant at the time of the marriage was of unsound mind and has been habitually so up to the date of the suit :

Provided that divorce shall not be granted on this ground, unless the plaintiff (1) was ignorant of the fact at the time of the marriage, and (2) has filed the suit within three years from the date of the marriage ;

(*c*) that the defendant was at the time of marriage pregnant by some person other than the plaintiff :

Provided that divorce shall not be granted on this ground, unless (1) the plaintiff was at the time of the marriage ignorant of the fact alleged, (2) the suit has been filed within two years of the date of marriage, and (3) marital intercourse has not taken place after the plaintiff came to know of the fact ;

(*d*) that the defendant has since the marriage committed adultery or fornication or bigamy or rape or an unnatural offence :

Provided that divorce shall not be granted on this ground if the suit has been filed more than two years after the plaintiff came to know of the fact ;

(*e*) that the defendant has since the marriage voluntarily caused grievous hurt to the plaintiff or has infected the plaintiff with venereal disease or, where the defendant is the husband, has compelled the wife to submit herself to prostitution :

Provided that divorce shall not be granted on this ground if the suit has been filed more than two years (i) after the infliction of the grievous hurt, or (ii) after the plaintiff came to know of the infection, or (iii) after the last act of compulsory prostitution ;

(*f*) that the defendant is undergoing a sentence of imprisonment for seven years or more for an offence as defined in the Penal Code :

Provided that divorce shall not be granted on this ground, unless the defendant has prior to the filing of the suit undergone at least one year's imprisonment out of the said period ;

(*g*) that the defendant has deserted the plaintiff for at least three years ;

(*h*) that a decree or order for judicial separation has been passed against the defendant, or an order has been passed against the defendant by a Magistrate awarding separate maintenance to the plaintiff, and the parties have not had marital intercourse for three years or more since such decree or order ;

(*i*) that the defendant has failed to comply with a decree for restitution of conjugal rights for a year or more ; and

(*j*) that the defendant has ceased to be a Parsi :

Provided that divorce shall not be granted on this ground if the suit has been filed more than two years after the plaintiff came to know of the fact.

33. In every such suit for divorce on the ground of adultery, the plaintiff shall, unless the Court shall otherwise order, make the person with whom the adultery is alleged to have been committed a co-defendant, and in any such suit by the husband the Court may order the adulterer to pay the whole or any part of the costs of the proceedings. Joining of co-defendant.

34. Any married person may sue for judicial separation on any of the grounds for which such person could have filed a suit for divorce, or on the ground that the defendant has been guilty of such cruelty to him or her or their children, or has used such personal violence, or has behaved in such a way, as to render it in the judgment of the Court improper to compel him or her to live with the defendant. Suits for judicial separation.

35. In any suit under sections 30, 31, 32 or 34, whether defended or not, if the Court be satisfied that any of the grounds set forth in those sections for granting relief exist, that none of the grounds therein set forth for withholding relief exist, and that— Decrees in certain suits.

(*a*) the act or omission set forth in the plaint has not been condoned ;
(*b*) the husband and wife are not colluding together ;
(*c*) the plaintiff has not connived at or been accessory to the said act or omission ;
(*d*) (save where a definite period of limitation is provided by this Act) there has been no unnecessary or improper delay in instituting the suit ; and
(*e*) there is no other legal ground why relief should not be granted ;

then and in such case, but not otherwise, the Court shall decree such relief accordingly.

36. Where a husband shall have deserted or without lawful cause ceased to cohabit with his wife, or where a wife shall have deserted or without lawful cause ceased to cohabit with her husband, the party so deserted or with whom cohabitation shall have so ceased may sue for the restitution of his or her conjugal rights, and the Court, if satisfied of the truth of the allegations contained in the plaint, and that there is no just ground why relief should not be granted, may proceed to decree such restitution of conjugal rights accordingly. Suit for restitution of conjugal rights.

37. In any suit under this Act, the defendant may make a counter-claim for any relief he or she may be entitled to under this Act. Counter-claim by defendant for any relief.

38. Notwithstanding anything hereinbefore contained, no suit shall be brought in any Court to enforce any marriage or any contract connected with or arising out of any marriage, if, at the date of the institution of the suit, the husband shall not have completed the age of sixteen years, or the wife shall not have completed the age of fourteen years. No suit to be brought to enforce marriage or contract arising out of marriage when husband is under sixteen years or wife under fourteen years.

Alimony *pendente lite.*

39. In any suit under this Act, if the wife shall not have an independent income sufficient for her support and the necessary expenses of the suit, the Court, on the application of the wife, may order the husband to pay her monthly or weekly during the suit such sum not exceeding one-fifth of her husband's net income as the Court, considering the circumstances of the parties, shall think reasonable.

Permanent alimony.

40. (*1*) The Court may, if it shall think fit, at the time of passing any decree under this Act or subsequently thereto on application made to it for the purpose, order that the husband shall,—

(*a*) to the satisfaction of the Court, secure to the wife while she remains chaste and unmarried such gross sum or such monthly or periodical payment of money for a term not exceeding her life as, having regard to her own property, if any, her husband's ability and the conduct of the parties, shall be deemed just, and for that purpose may require a proper instrument to be executed by all necessary parties and suspend the pronouncing of its decree until such instruments shall have been duly executed, or

(*b*) make such monthly payments to the wife for her maintenance and support as the Court may think reasonable.

In case any such order shall not be obeyed by her husband it may be enforced in the manner provided for the execution of decrees and orders under the Code of Civil Procedure, and further the husband may be sued by any person supplying the wife with necessaries during the time of such disobedience for the price of such necessaries.

(*2*) The Court, if satisfied that there is a change in the circumstances of either party at any time, may at the instance of either party vary, modify or rescind such order in such manner as the Court may deem just.

Payment of alimony to wife or to her trustee.

41. In all cases in which the Court shall make any decree or order for alimony, it may direct the same to be paid either to the wife herself, or to any trustee on her behalf to be approved by the Court, and may impose any terms or restrictions which to the Court may seem expedient, and may from time to time appoint a new trustee, if for any reason it shall appear to the Court expedient so to do.

Disposal of joint property.

42. In any suit under this Act the Court may make such provisions in the final decree as it may deem just and proper with respect to property presented at or about the time of marriage which may belong jointly to both the husband and wife.

Suits may be heard with closed doors.

43. In every suit preferred under this Act, the case shall be tried with closed doors should such be the wish of either of the parties.

44. Notwithstanding anything contained in section 20, where in the case of a trial in a Parsi Matrimonial Court not less than five delegates have attended throughout the proceedings, the trial shall not be invalid by reason of the absence during any part thereof of the other delegates. Validity of trial.

45. The provisions of the Code of Civil Procedure shall, so far as the same may be applicable, apply to proceedings in suits instituted under this Act, including proceedings in execution and orders subsequent to decree. Provisions of Code of Civil Procedure to apply to suits under the Act.

46. In suits under this Act all questions of law and procedure shall be determined by the presiding Judge ; but the decision on the facts shall be the decision of the majority of the delegates before whom the case is tried : Determination of questions of law and procedure and of fact.

Provided that, where such delegates are equally divided in opinion, the decision on the facts shall be the decision of the presiding Judge.

47. An appeal shall lie to the High Court from— Appeal to High Court.

(*a*) the decision of any Court established under this Act, on the ground of the decision being contrary to some law or usage having the force of law, or of a substantial error or defect in the procedure or investigation of the case which may have produced error or defect in the decision of the case upon the merits, and on no other ground ; and

(*b*) the granting of leave by any such Court under sub-section (*3*) of section 29 :

Provided that such appeal shall be instituted within three calendar months after the decision appealed from shall have been pronounced.

48. When the time hereby limited for appealing against any decree granting a divorce or annulling or dissolving a marriage shall have expired, and no appeal shall have been presented against such decree, or when any such appeal shall have been dismissed, or when in the result of any appeal a divorce has been granted or a marriage has been declared to be annulled or dissolved, but not sooner, it shall be lawful for the respective parties thereto to marry again, as if the prior marriage had been terminated by death. Liberty to parties to marry again.

V.—CHILDREN OF THE PARTIES.

49. In any suit under this Act, the Court may from time to time pass such interim orders and make such provisions in the final decree as it may deem just and proper with respect to the custody, maintenance and education of the children under the age of sixteen years, the marriage of whose parents is the subject of such suit, and may, after the final decree upon application by petition for this purpose, make, revoke, suspend or vary from time to time all such orders and provisions with respect to the custody, maintenance and education of suchichildren as might have been made by such final decree or by interim orders in case the suit for obtaining such decree were still pending. Custody of children.

Settlement of wife's property for benefit of children.

50. In any case in which the Court shall pronounce a decree of divorce or judicial separation for adultery of the wife, if it shall be made to appear to the Court that the wife is entitled to any property either in possession or reversion, the Court may order such settlement as it shall think reasonable to be made of any part of such property, not exceeding one-half thereof, for the benefit of the children of the marriage or any of them.

VI.—MISCELLANEOUS.

Superintendence of High Court.

51. The High Court shall have superintendence[1] over all Courts constituted under this Act subject to its appellate jurisdiction in the same manner as it has over other Courts [* * * * *].[2]

Applicability of provisions of the Act.

52. (*1*) The provisions of this Act shall apply to all suits to which the same are applicable whether the circumstances relied on occurred before or after the passing of this Act, and whether any decree or order referred to was passed under this Act or under the law in force before the passing of this Act, and where any proceedings are pending in any Court at the time of the commencement of this Act, the Court shall allow such amendment of the pleadings as may be necessary as the result of the coming into operation of this Act.

(*2*) A Parsi who has contracted a marriage under the Parsi Marriage and Divorce Act, 1865,[3] or under this Act as in force for the time being in the Union of Burma or India or Pakistan, even though such Parsi may change his or her religion or domicile, so long as his or her wife or husband is alive and so long as such Parsi has not been lawfully divorced from such wife or husband or such marriage has not lawfully been declared null and void or dissolved under the decree of a competent Court under any of the said Acts, shall remain bound by the provisions of this Act. India XV; 1865.

SCHEDULE I.

(*See* section 3.)

Table of prohibited Degrees of Consanguinity and Affinity.

A man shall not marry his—

1. Paternal grand-father's mother.
2. Paternal grand-mother's mother.
3. Maternal grand-father's mother.
4. Maternal grand-mother's mother.
5. Paternal grand-mother.
6. Paternal grand-father's wife.

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[1] For rules made by the High Court in exercise of this power, *see Burma Gazette*, 1939, Part IV, page 157.
[2] Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.
[3] Repealed by India Act III of 1936.

7. Maternal grand-mother.
8. Maternal grand-father's wife.
9. Mother or step-mother.
10. Father's sister or step-sister.
11. Mother's sister or step-sister.
12. Sister or step-sister.
13. Brother's daughter or step-brother's daughter, or any direct lineal descendant of a brother or step-brother.
14. Sister's daughter or step-sister's daugther, or any direct lineal descendant of a sister or step-sister.
15. Daughter or step-daughter, or any direct lineal descendant of either.
16. Son's daughter or step-son's daughter, or any direct lineal descendant of a son or step-son.
17. Wife of son or step-son, or of any direct lineal descendant of a son or step-son.
18. Wife of daughter's son or of step-daughter's son, or of any direct lineal descendant of a daughter or step-daughter.
19. Mother of daughter's husband.
20. Mother of son's wife.
21. Mother of wife's paternal grand-father.
22. Mother of wife's paternal grand-mother.
23. Mother of wife's maternal grand-father.
24. Mother of wife's maternal grand-mother.
25. Wife's paternal grand-mother.
26. Wife's maternal grand-mother.
27. Wife's mother or step-mother.
28. Wife's father's sister.
29. Wife's mother's sister.
30. Father's brother's wife.
31. Mother's brother's wife.
32. Brother's son's wife.
33. Sister's son's wife.

A woman shall not marry her—

1. Paternal grand-father's father.
2. Paternal grand-mother's father.
3. Maternal grand-father's father.
4. Maternal grand-mother's father.
5. Paternal grand-father.
6. Paternal grand-mother's husband.
7. Maternal grand-father.
8. Maternal grand-mother's husband.
9. Father or step-father.
10. Father's brother or step-brother.
11. Mother's brother or step-brother.

12. Brother or step-brother.
13. Brother's son or step-brother's son, or any direct lineal descendant of a brother or step brother.
14. Sister's son or step-sister's son, or any direct lineal descendant of a sister or step-sister.
15. Son or step-son, or any direct lineal descendant of either.
16. Daughter's son or step-daughter's son, or any direct lineal descendant of a daughter or step-daughter.
17. Husband of daughter or of step-daughter, or of any direct lineal descendant of a daughter or step-daughter.
18. Husband of son's daughter or of step-son's daughter, or of any direct lineal descendant of a son or step-son.
19. Father of daughter's husband.
20. Father of son's wife.
21. Father of husband's paternal grand-father.
22. Father of husband's paternal grand-mother.
23. Father of husband's maternal grand-father.
24. Father of husband's maternal grand-mother.
25. Husband's paternal grand-father.
26. Husband's maternal grand-father.
27. Husband's father or step-father.
28. Brother of husband's father.
29. Brother of husband's mother.
30. Husband's brother's son, or his direct lineal descendant.
31. Husband's sister's son, or his direct lineal descendant.
32. Brother's daughter's husband.
33. Sister's daughter's husband.

NOTE.—In the above table the words "brother" and "sister" denote brother and sister of the whole as well as half-blood. Relationship by step means relationship by marriages.

SCHEDULE II.

(*See* section 6.)

Certificate of Marriage.

Date and place of marriage ...	
Names of the husband and wife ...	
Condition at the time of marriage ...	
Rank or profession ...	
Age ...	
Residence ...	
Names of the fathers or guardians ...	
Rank or profession ...	
Signature of the officiating priest ...	
Signatures of the contracting parties	
Signatures of the fathers or guardians of the contracting parties under 21 years of age.	
Signatures of witnesses ...	

* [ကျွန်တော် နှင့် ကျွန်မ တို့၏၊ ယခုထိမ်းမြားမှု ကို၊ အောက်ပါ သက်သေများရှေ့တွင် ပြုလုပ်ပါသည်။

လင်၏လက်မှတ်။

မယား၏လက်မှတ်။

ကျွန်ုပ်တို့ရှေ့တွင် ပြုလုပ်ပါသည်။

	အမည်.....။
မောင်	အလုပ် အကိုင်.....။
မ	နေ ရပ်.....။
	အမည်.....။
မောင်	အလုပ် အကိုင်.....။
မ	နေ ရပ်.....။

ထိမ်းမြားရန်သဘောတူချက်ပေးသူ၏လက်မှတ်။

အထက်တွင်အမည်ဖော်ပြပါရှိသူတို့၏ ထိမ်းမြားမှုကို ၁၉ ခုနှစ်၊ လ ရက်နေ့တွင် ကျွန်ုပ်ရှေ့ဌာပြုလုပ်သည်။]

ထိမ်းမြားမှုမှတ်ပုံတင်အရာရှိ။

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* မှတ်ချက်။ ။အက်ဥပဒေပုဒ်မ ၂၁၊ ပုဒ်မခွဲ(၂)အရ၊ ထိမ်းမြားခြင်းကို မှတ်ပုံတင်ရန် ငြင်းဆိုသူများ ဖြစ်လျှင် ၅ အိုင်ကိုပယ်ဖျက်ရမည်။

B.—HINDU.

ခ။ ။ဟိန္ဒူဘာသာဝင်များဆိုင်ရာ။

THE HINDU WIDOWS' RE-MARRIAGE ACT.

[INDIA ACT XV, 1856.] (25th July, 1856.)

Preamble. Whereas it is known that, by the law as administered in the civil Courts, Hindu widows with certain exceptions are held to be, by reason of their having been once married, incapable of contracting a second valid marriage, and the offspring of such widows by any second marriage are held to be illegitimate and incapable of inheriting property ;

and whereas many Hindus believe that this imputed legal incapacity, although it is in accordance with established custom, is not in accordance with a true interpretation of the precepts of their religion, and desire that the civil law administered by the Courts of Justice shall no longer prevent those Hindus who may be so minded from adopting a different custom, in accordance with the dictates of their own conscience ;

and whereas it is just to relieve all such Hindus from this legal incapacity of which they complain, and the removal of all legal obstacles to the marriage

of Hindu widows will tend to the promotion of good morals and to the public welfare ; It is enacted as follows :—

Marriage of Hindu widows legalized.

1. No marriage contracted between Hindus shall be invalid, and the issue of no such marriage shall be illegitimate, by reason of the woman having been previously married or betrothed to another person who was dead at the time of such marriage, any custom and any interpretation of Hindu law to the contrary notwithstanding.

Rights of widow in deceased husband's property to cease on her re-marriage.

2. All rights and interests which any widow may have in her deceased husband's property by way of maintenance, or by inheritance to her husband or to his lineal successors, or by virtue of any will or testamentary disposition conferring upon her, without express permission to re-marry, only a limited interest in such property, with no power of alienating the same, shall upon her re-marriage cease and determine as if she had then died ; and the next heirs of her deceased husband, or other persons entitled to the property on her death, shall thereupon succeed to the same.

Guardianship of children of deceased husband on the re-marriage of his widow.

3. On the re-marriage of a Hindu widow, if neither the widow nor any other person has been expressly constituted by the will or testamentary disposition of the deceased husband the guardian of his children, the father or paternal grandfather, or the mother or paternal grandmother, of the deceased husband, or any male relative of the deceased husband, may petition the highest Court having original jurisdiction in civil cases in the place where the deceased husband was domiciled at the time of his death for the appointment of some proper person to be guardian of the said children, and thereupon it shall be lawful for the said Court, if it shall think fit, to appoint such guardian, who when appointed shall be entitled to have the care and custody of the said children, or of any of them, during their minority in the place of their mother ; and in making such appointment the Court shall be guided, so far as may be, by the laws and rules in force touching the guardianship of children who have neither father nor mother :

Provided that, when the said children have not property of their own sufficient for their support and proper education whilst minors, no such appointment shall be made otherwise than with the consent of the mother unless the proposed guardian shall have given security for the support and proper education of the children whilst minors.

Nothing in this Act to render any childless widow capable of inheriting.

4. Nothing in this Act contained shall be construed to render any widow who, at the time of the death of any person leaving any property, is a childless widow, capable of inheriting the whole or any share of such property, if before the passing of this Act she would have been incapable of inheriting the same by reason of her being a childless widow.

Saving of rights of widow.

5. Except as in the three preceding sections is provided, a widow shall not, by reason of her re-marriage, forfeit any property or any right to which she

marrying, except as provided in sections 2 to 4.

would otherwise be entitled ; and every widow who has re-married shall have the same rights of inheritance as she would have had, had such marriage been her first marriage.

Ceremonies constituting valid marriage to have same effect on widow's marriage.

6. Whatever words spoken, ceremonies performed or engagements made on the marriage of a Hindu female who has not been previously married are sufficient to constitute a valid marriage shall have the same effect if spoken, performed or made on the marriage of a Hindu widow ; and no marriage shall be declared invalid on the ground that such words, ceremonies or engagements are inapplicable to the case of a widow.

Consent to re-marriage of minor widow.

7. If the widow re-marrying is a minor whose marriage has not been consummated, she shall not re-marry without the consent of her father, or if she has no father, of her paternal grandfather, or if she has no such grandfather, of her mother, or, failing all these, of her elder brother , or failing also brothers, of her next male relative.

Punishment for abetting marriage made contrary to this section.

All persons knowingly abetting a marriage made contrary to the provisions of this section shall be liable to imprisonment for any term not exceeding one year, or to fine, or to both.

Effect of such marriage.

And all marriages made contrary to the provisions of this section may be declared void by a Court of law : Provided that, in any question regarding the validity of a marriage made contrary to the provisions of this section, such consent as is aforesaid shall be presumed until the contrary is proved, and that no such marriage shall be declared void after it has been consummated.

Consent to re-marriage of major widow.

In the case of a widow who is of full age, or whose marriage has been consummated, her own consent shall be sufficient consent to constitute her re-marriage lawful and valid.

THE ANAND MARRIAGE ACT.

[INDIA ACT VII, 1909.] (22nd October, 1909.)

Preamble.

Whereas it is expedient to remove any doubts as to the validity of the marriage ceremony common among the Sikhs called Anand ; It is hereby enacted as follows :—

1. * * * *

Validity of Anand marriages.

2. All marriages which may be or may have been duly solemnized according to the Sikh marriage ceremony called Anand shall be, and shall be deemed to have been with effect from the date of the solemnization of each respectively, good and valid in law.

3. Nothing in this Act shall apply to— Exemption of certain marriages from Act.

(*a*) any marriage between persons not professing the Sikh religion, or

(*b*) any marriage which has been judicially declared to be null and void.

4. Nothing in this Act shall affect the validity of any marriage duly solemnized according to any other marriage ceremony customary among the Sikhs. Saving of marriages solemnized according to other ceremonies.

5. Nothing in this Act shall be deemed to validate any marriage between persons who are related to each other in any degree of consanguinity or affinity which would, according to the customary law of the Sikhs, render a marriage between them illegal. Non-validation of marriages within prohibited degrees.

THE HINDU DISPOSITION OF PROPERTY ACT.

[INDIA ACT XV, 1916.] (28th September, 1916.)

Whereas it is expedient to remove certain existing disabilities in respect of the power of disposition of property by Hindus for the benefit of persons not in existence at the date of such disposition; It is hereby enacted as follows :— Preamble.

1. * * * *

2. Subject to the limitations and provisions specified in this Act, no disposition of property by a Hindu, whether by transfer *inter vivos* or by will, shall be invalid by reason only that any person for whose benefit it may have been made was not in existence at the date of such disposition. Disposition for the benefit of persons not in existence.

3. The limitations and provisions referred to in section 2 shall be the following, namely :— Limitations and conditions.

(*a*) in respect of dispositions by transfer *inter vivos*, those contained in Chapter II of the Transfer of Property Act, and

(*b*) in respect of dispositions by will, those contained in sections 113, 114, 115 and 116 of the Succession Act.

4. * * * *

5. Where the President of the Union is of opinion that the Khoja community in the Union of Burma or any part thereof desire that the provisions of this Act should be extended to such community, he may, by notification in the Gazette, declare that the provisions of this Act, with the substitution of the word "Khojas" or "Khoja", as the case may be, for the word "Hindus" or "Hindu", wherever those words occur, shall apply to that community in such area as may be specified in the notification, and this Act shall thereupon have effect accordingly. Application of this Act to the Khoja community.

THE HINDU LAW OF INHERITANCE AMENDMENT ACT.

[INDIA ACT II, 1929.] (21st February, 1929.)

Whereas it is expedient to alter the order in which certain heirs of a Hindu male dying intestate are entitled to succeed to his estate ; It is hereby enacted as follows :— Preamble.

1. This Act applies only to persons who, but for the passing of this Act would have been subject to the law of Mitakshara in respect of the provisions herein enacted, and it applies to such persons in respect only of the property of males not held in coparcenary and not disposed of by will. Application.

2. A son's daughter, daughter's daughter, sister, and sister's son shall, in the order so specified, be entitled to rank in the order of succession next after a father's father and before a father's brother : Order of succession of certain heirs.

Provided that a sister's son shall not include a son adopted after the sister's death.

3. Nothing in this Act shall— Savings.

(*a*) affect any special family or local custom having the force of law, or

(*b*) vest in a son's daughter, daughter's daughter or sister an estate larger than, or different in kind from, that possessed by a female in property inherited by her from a male according to the school of Mitakshara law by which the male was governed, or

(*c*) enable more than one person to succeed by inheritance to the estate of a deceased Hindu male which by a customary or other rule of succession descends to a single heir.

THE HINDU GAINS OF LEARNING ACT.

[INDIA ACT XXX, 1930.] (25th July, 1930.)

Whereas it is expedient to remove doubt, and to provide an uniform rule, as to the rights of a member of a Hindu undivided family in property acquired by him by means of his learning ; It is hereby enacted as follows :— Preamble.

1. * * * *

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) "acquirer" means a member of a Hindu undivided family who acquires gains of learning ;

(*b*) "gains of learning" means all acquisitions of property made substantially by means of learning, whether such acquisitions

Republic of the Union of Myanmar

Supreme Court of the Union

Directive No. 1/2012

Dated – 4th Waning of Kason 1374 ME

(Wednesday, 9 May, 2012)

Foreigners getting married to Myanmar women

1. Some foreigners, immigrated into the Union of Myanmar from other countries, used to make affidavits to get married to Myanmar women. But, few foreigners, without really wishing to get married to Myanmar women, took them abroad and forced them to do the jobs that spoilt their moral character. As such, those Myanmar women were faced with dangers that would shatter their hopes and spoil their lives. Knowing this situation full well, the Supreme Court issued the Directive No. 2/1998 on the 1st July 1998, under which the Supreme Court instructed all courts not to accept and administer the application for making affidavit to marry a Myanmar woman by a foreigner.

2. After issuing the above directive the courts did not administer the affidavit of marriage made by a Myanmar woman

and a foreigner man and therefore, the foreigners and the Myanmar women, who honestly and sincerely wished to get married, got into some difficulties and were faced with some problems. And as a result, it was found that Myanmar women had also suffered loss of benefits and privileges which they were entitled to. Therefore, in order to see that Myanmar women, who wish to get married to foreigners, do not suffer loss of their benefits and privileges, the courts should at first examine the following points, on receiving an application to administer the affidavit of marriage.

(a) The court should examine that whether those who visit to make affidavit of marriage could submit sufficient and irrefutable evidence of their intention to get married and live together as man and wife or not.

(b) Those who wish to make affidavits are Buddhists or not.

(c) Whether they are the parties legally capable of contracting to marry or not.

(d) Whether the points mentioned in the affidavits are true or not.

(e) Whether the affidavit is made by the parties concerned, voluntarily freely and of their own accord,

and without containing any false statements, persuasions and threats therein, or not.

3. After examining the points mentioned in paragraph (2), and if the courts find them satisfactory them the parties shall be instructed to make affidavit in the presence of the Judge and the witnesses, and then the Judge and the witnesses shall also see that the parties put their signatures thereon, certifying that the points mentioned in the affidavits are true and correct.

4. If the person who makes the affidavit is not known to the Judge, then the witness who identifies that particular person (affidavit-maker), must mention his (the witness') name, his citizenship nationality scrutiny card, and his full address under the affidavit. The Judge must not administer the affidavit of any person who does not sign it in his presence, who does not mention his / her name, his or her parents' names, his/her occupation and his/ her full address.

5. The marriage affidavit made by a Myanmar Buddhist woman and a foreigner Buddhist man must be written down, signed and registered in a special registration book.

6. The marriage affidavit made by a Myanmar Buddhist

A

woman and a foreigner Buddhist man must be administered only by the District Judge of the district court.

7. If a Myanmar Buddhist woman is going to get married to a Myanmar citizen or to a foreigner such a marriage could be legally contracted only in accordance with "1954 Myanmar Buddhist Women Special Marriage and Succession Act". And it must be noted that in such a Marriage, only the marriage registration officials, appointed under the procedures of the act, have the authority to conduct the marriage ceremony. The following officials are authorized and appointed to serve as marriage registrars by the Supreme Court of the Union under its Notification No. 169/2011 dated 14-6-2011;

(A) Head of the Regional Judicial Office, High Court of the Region/Head of the State Judicial Office, High Court of the State

(B) District Judge, District Court

(C) Township Judge, Township Court

8. As marriage is based on the religion professed by the marrying parties, in Myanmar the afore-mentioned Myanmar Customary Law and 1954 Myanmar Buddhist Women Special Marriage and Succession Act are valid and still remain in force. Moreover the customary laws relating to the respective races and

religions concerned, and the following marriage laws are also valid and remain in force respectively.

(A) The Christian Marriage Act

(B) The Special Marriage Act

(C) The Hindu Widows Re-Marriage Act

(D) The Hindu Law

(E) The Islamic Law

(F) The Anand Marriage Act

(G) The Parsi Marriage and Divorce Act

9. It should be noted that when marriage is contracted in accordance with the laws, mentioned in the subparagraphs (A to G), only those officials authorized under those laws can conduct, such a marriage ceremony.

10. If affidavits of marriage are made by Myanmar women and foreigners, a list of the affidavits must be made and together with their copies, they must be sent without fail to the procedure department of the Supreme Court.

11. It is, therefore, instructed that this directive must be strictly followed and advised by in order to permit, systematically and in accordance with law, marriage of Myanmar women and foreigners.

12. The previous Directive No. 2/1998, dated 1-7-1998 of the Supreme Court is hereby repealed by this directive.

Letter No. 102/Su-8/2012(La Hta Na) Signed
Dated 9-5-2012 x x x x
(Htun Htun Oo)
Chief Justice of the Union

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25 MAR 2019

JONATHAN A. HIPE
Signing Officer