

Monogamy Bill

(The Pyidaungsu Hluttaw Law No. ()/2014)

Day - Month - 1376 ME

Day - Month - 2014

Preamble

In order to help legally married couples set up peaceful and pleasant families on the basis of loyalty by practicing monogamy, to protect women from being co-wives, and to prevent crimes arising from polygamous acts of men, the Pyidaungsu Hluttaw hereby enacts this law.

Chapter (1)

Title and Definition

1. This law shall be called the “Monogamy Law”.
2. This law concerns all those who are living in Myanmar, Myanmar citizens who live outside of Myanmar, and foreigners who marry Myanmar citizens while living in Myanmar.
3. The following expressions contained in this law shall have the meaning given hereunder: -
 - (a) “Citizen” means a citizen of the Union of Myanmar. It also includes an associate citizen or a naturalized citizen.
 - (b) “Inhabitant of Myanmar” means a person who lives in Myanmar permanently or temporarily.
 - (c) “Man” means any male human irrespective of age, old or young.
 - (d) “Woman” means any female human irrespective of age, old or young.

Chapter (2)

Monogamous Marriages, of One Husband and One Wife System

4. Unless contrary to the provisions of this law, any man or woman can legally enter into a marriage in accordance with the existing law or religion or custom.
5. After this law comes into effect, any marriage between a man and a woman in accordance with any law or any religion or any custom shall be legitimate only if monogamous.
6. Any marriage between two Myanmar Buddhists shall be legitimate if it is consistent with Myanmar Customary Law, and as long as it is not contrary to this law.
7. Any marriage between a Buddhist woman and a non-Buddhist man shall be legitimate if it is consistent with the Myanmar Buddhist Women's Special Marriage Law, and as long as it is not contrary to this law.
8. Any marriage between two non-Buddhists in accordance with their respective law, religion or customs shall be legitimate as long as it is not contrary with this law.

Chapter (3)

Prohibition on Extramarital Affairs

9. On the date this law enters into force, any man or woman who is already married with one spouse or more than one spouse in accordance with a law or a religion or a custom, shall not enter, while the original union is still legally recognized, into another marriage with another person or conduct an illegal extramarital affair.
10. On, or after, the date this law enters into force, any man or woman who is already married in accordance with a law or a religion or a custom, shall not enter, while the original union is still legally recognized, into another marriage with another person or conduct an illegal extramarital affair.
11. Any man or woman, if he or she was previously married, can enter into another marriage with another person, only after declaring the previous marriage and showing evidence of legal divorce with his or her previous spouse.

Chapter (4)

Consequences of the Violation of Monogamy

- 12.If any husband or wife, while the original union is still legally recognized according to a law or a religion or a custom, marries another person, that person is deemed to commit matrimonial crime.
- 13.Despite whatever contradictories with an existing law or religion or custom, if any husband or wife, while an original union is still legally recognized, marries another person, he or she is deemed to commit a matrimonial crime, and his or her spouse has the right to seek divorce.
- 14.In a divorce according to section 13, the person who commits a matrimonial crime shall forfeit all his property rights.¹
- 15.If a husband who is married according to a law or a religion or a custom, enters into another marriage with another woman while the original union is still legally recognized, such marriage is not legal and thus the second wife shall not be entitled to inheritance when that husband dies. The husband who marries and lives together with another spouse shall also not be entitled to inheritance if that second wife dies.
- 16.If any person, while an original union is still legally recognized according to a law or a religion or a custom, enters into another marriage in contravention to section 9 or section 10 of this law, that person shall be deemed to commit the act of polygamy or conjugal infidelity under section 494 of the Penal Code.
- 17.If any husband or wife violates the provision of section 11, he or she shall be deemed to commit a crime under section 495 of the Penal Code.

Chapter (5)

Miscellaneous

- 18.This law shall not have effect on any lawful marriage in accordance with a law or a religion or a custom before this law comes into force.

It is published for the purpose of public learning and suggestion.

¹ Translator's Note: It is unclear from the Myanmar text whether the provision refers to property acquired prior to marriage or during marriage, whether individually or jointly.