

འབྲུག་གི་གཏེན་འབྲེལ་(འཕྲི་སྒྲོན་)བཙའ་ཁྲིམས་

༢༠༠༩ ཅན་མ།



**Marriage (Amendment) Act of Bhutan
2009**



ཨེན་ཨེ་ཟེ/ཨེས་ཟེ-04/2072/ 226

ལྷོ་ཚེས་ 13-11-2072 ལཱ།

3 བང་ཁྲིམས་ལྷན་ལྷེ་དབུ་ཡིད་པ་མི་ཇི་འབྲུག་གི་ཁྲིམས་ལྷོ་སློབ་པོ་མཚོགས་ལཱ།

དོན་འབྲས་ དེ་ནི་ ལྷོ་ཚེས་དང་པའི་ཚོགས་ཐེངས་ ༤

པའི་ནང་ལས་ཆ་འཛོགས་གྲུབ་པའི་ **འབྲུག་གི་གཉེན་འབྲེལ་(འཕྲི་སློབ་)བཙའ་ཁྲིམས་ 2009 ཙན་མ་འདི་** ཅུ་ཁྲིམས་ཚེན་ མོའི་ཙན་ཚེན་ 13.11 དགོངས་དོན་ལྟར་ མི་དབང་མངའ་བདག་རིན་པོ་ཆའི་ཞབས་ལས་ རང་ལུགས་གནམ་ལོ་ལྷུགས་ལོ་ ལྷུག་ལོ་ ལྷོ་དང་པའི་ཚེས་ 30 ལུངས་ ལྷོ་ལོ་ 2070 ལྷོ་ 3 པའི་ཚེས་ 14 ལས་འགོ་བཟུང་ ལྷོ་ཚོགས་ཀྱི་གྲོས་ཚོད་ དང་འཁྲིལ་ཏེ་ བསྐྱར་སློབ་འབད་དགོ་པའི་བཀའ་ཐམ་གནང་ཡོད་པ་བཞིན་དུ་ དེར་ལྷན་ལྷེ་མངའ་ལུལ་གྱི་ ཁྲིམས་འདུན་ ཡོངས་ཀྱིས་ དང་བླངས་མཛད་གནང་དགོ་པའི་སྐོར་སློབ་ལུ་བཀའ་ རང་ལུགས་གནམ་ལོ་ ལུ་ལོ་འབྲུག་ལོ་ ལྷོ་ 9 པའི་ཚེས་ 30 ལཱ།

(Handwritten signature)
 (འཛིགས་མེད་ཚུལ་ཁྲིམས་)
ཚོགས་དཔོན།

- འད་**
1. གཞུང་གྲོ་དབུ་ཡིད་པ་མི་ཇི་སློབ་ཚེན་མཚོགས་ལཱ། ལྷན་སློབ་།
 2. ལྷུལ་ཡོངས་ཚོགས་ལྷེ་ལེ་ཇི་ལེ་འཛིན་མཚོགས་ལཱ། ལྷན་སློབ་།
 3. མངའ་བདག་དབུ་ཡིད་པ་ལཱ། ལྷན་ལུ་ལེ་།
 4. ལྷུལ་ཡོངས་ཚོགས་འདུ་ལེ་ཡོངས་ལྷུབ་དབུ་ཡིད་པ་ལཱ།

TABLE OF CONTENTS

Title	Page
Short Title, Commencement and Extent	1
In the Marriage Act of Bhutan 1980, hereinafter referred to as the Act, Section Kha 7.2 is amended as	2
In the Act, Section Kha 7.6 (2) is amended as	3
In the Act, Section Kha 7.6 (3) is amended as	3
In the Act, Section Kha 8.6 is amended as	3
In the Act, Section Kha 8.7(1) is amended as	4
In the Act, Section Kha 8.7(2) is amended as	4
In the Act, Section Kha 8.8(1) is amended as	5
In the Act, Section Kha 8.17 is amended as	5
In the Act, Section Kha 8.24(1) is amended as	5
In the Act, Section Kha 8.24 (2) is amended as	6

Marriage (Amendment) Act of Bhutan 2009

An Act to amend the Marriage Act of Bhutan 1980

Parliament of the Kingdom of Bhutan do hereby enact the Marriage (Amendment) Act 2009, on the 22nd Day of the 10th Month of the Female Earth Ox Year of the Bhutanese Calendar corresponding to the 8th Day of December, 2009 at its 4th Session of the First Parliament as follows:

Short Title, Commencement and Extent

1. This Act shall:
 - a) Be called the MARRIAGE (AMENDMENT) ACT OF BHUTAN 2009;
 - b) Come into force on the 30th Day of the 1st Month of Iron Male Tiger Year of the Bhutanese Calendar corresponding to the 15th Day of March 2010; and
 - c) Extend to the whole of the Kingdom of Bhutan.

2. In the Marriage Act 1980 , hereinafter referred to as the Act, Section Kha 7.2 is amended as:

In the case of married couple getting a divorce, children under the age of 9 years shall remain under the custody of the mother unless the court finds compelling reasons to order otherwise. Compelling reasons by which a mother can be deprived of custody include: neglect, abandonment, unemployment and immorality, habitual drunkenness, drug addiction, maltreatment of the child, insanity, affliction with communicable illness, and any other ground that the court determines. In such a case, the custody of a child may be given to the other parent or to a third person or recognized organization established under Civil Society Organization Act in the best interest of the child. The court shall determine the frequency and conditions under which the other parent(s) may meet with the child/children.

3. In the Act , Section Kha 7.6 (2) is amended as:

For finding out the costs incurred for a marriage, the amount determined by a minimum of three impartial witnesses not related to either of the parties to the marriage shall be accepted.

4. In the Act , Section Kha 7.6 (3) is amended as:

However the claims for such expenditure shall not exceed 20% of one year's income of the person who pays.

5. In the Act , Section Kha 8.6 is amended as:

If any person causes a dispute between a couple who are innocent of committing any offence or brings a false allegation an offence on the part of either of the parties to cause a divorce between them, then such a person causing rift between a married couple by making false allegations shall be liable for violation under the Penal Code of Bhutan.

6. In the Act , Section Kha 8.7(1) is amended as:

If a married person who had consented to have illicit relations with one or two men/women is injured because of the act of several other men/women, then in such a case, a report shall have to be submitted to the Court of competent jurisdiction or Royal Bhutan Police or Gewog/Thromde Tshogde members within twenty-four hours of the incident, excluding the time taken for making the journey to submit the report; and

7. In the Act , Section Kha 8.7(2) is amended as:

In such a case, the person who procures her/him and each of those involved in the immoral act shall be guilty of gang rape and shall be liable for sentencing as per the Penal Code of Bhutan. The person who procures her/him should be charged with deception as per the Penal Code of Bhutan. He/she and the members of the group shall also pay *gaw* to the other partner.

8. **In the Act , Section Kha 8.8(1) is amended as:**

If such a person succumbs to his/her injuries when committing such an act, then that person who had procured his /her and those persons involved in the act shall be liable for culpable homicide under the Penal Code of Bhutan as and make contribution towards the expenses for the funeral rites for that person.

9. **In the Act , Section Kha 8.17 is amended as:**

If a person alleges his/her partner having illicit relation with another person and takes position of property of that illicit partner or engages in battering that person and causes physical damages, such harmful and forceful acts shall be forbidden. If a person violates these provisions, he/she shall be guilty of extraction and battering of the other person on separate accounts and shall be liable as per the Penal Code of Bhutan.

10. **In the Act , Section Kha 8.24(1) is amended as:**

If as mentioned in the aforesaid Section, a person abducts a woman after making her unconscious or by

influencing her mind by the use of medicines or drugs, and if that woman is subsequently traced out, then that offender shall be liable as per the Penal Code of Bhutan. Such compensation shall be paid to the victim as determined by the court in accordance with the Penal Code of Bhutan.

11. In the Act , Section Kha 8.24 (2) is amended as:

And if in such a search, the abductor only is caught and the person who had been abducted is not found, then that offender shall have to restore all the properties taken by that person who had been abducted.