

Amendment to the Marriage Act, 1980.

Whereas, it is expedient to amend certain sections of the Marriage Act, 1980, it is hereby enacted in the Seventy Fourth Session of the National Assembly of the Kingdom of Bhutan as follows:

1 Short Title and Commencement:

- 1.1 This Act shall be called the Marriage (Amendment) Act, 1996.
- 1.2 It shall come into force on the fourth day of sixth month of the Male Fire Rat Year corresponding to the nineteenth day of July, 1996.

2 Repeal.

- 2.1 The provisions of Sections Kha 1-17 and Kha 3-9 of the Marriage Act, 1980 are hereby repealed.

3 Amendments

In the Marriage Act of Male Iron Monkey Year corresponding to the year 1980, the following sections shall be deemed to have been amended:

Kha 1-19

The Court shall not grant a Marriage Certificate for a subsequent marriage unless his/her former spouse:

- (Ka) appears in person before the Court and confirms his/her express consent to the subsequent marriage; or
- (Kha) submits a written consent, signed and attested and giving his/her express consent to the subsequent marriage.

Kha 3-1.

If any person commits adultery with a married person, he/she shall pay compensation (Gao) to the aggrieved spouse at the national daily wage rate, calculated in accordance with Chathrim for national wage rate, for:

- (Ka) three months, if the duration of marriage does not exceed three years;
- (Kha) five months, if the duration of marriage does not exceed seven years; or
- (Ga) seven months, if the duration of marriage exceeds seven years.

Kha 4-1

Where a person commits adultery with a married person and subsequently marries him/her, the co-respondent in adultery marrying that person, shall pay compensation (Log Jyel) to the aggrieved spouse at the national daily wage rate calculated in accordance with Chathrim for wage Rate, for:

- (Ka) three months, if the duration of marriage does not exceed three years;
- (Kha) five months, if the duration of marriage does not exceed seven years; or
- (Ga) seven months, if the duration of marriage exceeds seven years.

Kha 5-1

Any spouse who is seeking a divorce, shall pay compensation (drok zhen pai zhenthued) to his/her spouse at the national daily wage rate calculated in accordance with Chathrim for national wage rate, for:

- (Ka) three months, if the duration of marriage does not exceed three years;
- (Kha) five months, if the duration of marriage does not exceed seven years; or
- (Ga) seven months, if the duration of marriage exceeds seven years.

Kha 7-3

- (1) Where a married couple has been granted a divorce, the custody of a child under the age of nine years shall be given to the mother. The father shall pay child support allowance according to the provisions of a marriage settlement agreement. In the absence of any such agreement, the father shall pay a sum in cash amounting to twenty percent of his monthly income per month to each child as child support allowance. Provided, the total child support allowance does not exceed 40% of his monthly income.

The payment of the child support allowance may be made either monthly or once a year in lump sum, depending upon his convenience, until the child attains eighteen years of age.

Kha 8-1

- (1) Where a suit has been filed in a Court of Law on the grounds of an unmarried woman having been made pregnant and if the suit succeeds, the person committing the offence shall pay an amount equal to the national daily wage for ten months calculated in accordance with the Chathrim for national wage rate to the unmarried woman towards the cost of her medical treatment.
- (2) The father of a child born out of wedlock shall pay child support allowance according to the provisions of a mutually settled agreement. In the absence of any such agreement, the father shall pay a sum in cash amounting to twenty percent of his monthly income per month to each child. Provided, the total child support allowance does not exceed 40% of his monthly income.

The payment of the child support allowance may be made either monthly or once a year in lump sum, depending upon his convenience, until the child attains eighteen years of age.

(3) Income shall mean:

- a) net salary/wage in the case of employees;
- b) net income from ownership of property/
farm/business;
- c) net income from dividends of stocks or shares; or
- d) any net income earning not included above.