

Press Release

Supreme Court, Lhadrong, Thimphu (07th October, 2015):

Marriage is a socially recognized union or legal contract between two people that establishes rights and obligations between them and their children. It establishes interpersonal relationships. It can be recognized by a State, an organization or a religious authority etc. It is often viewed as a civil contract between two people, evidenced by a Marriage Certificate obtained from competent authority or solemnized in a religious setting. It is necessary to create normative or legal obligations between the individuals involved, or to recognize and legalize the marriage between two people. In accordance with Section Kha 1-3 of the Marriage Act, 1980 all couples married after 1963 must acquire a marriage certificate from a local Court of Law to make the marriage valid.

In Bhutan, parties desiring to obtain a Marriage Certificate must abide by the provisions of the Marriage Act of Bhutan, 1980 and other relevant laws. The Marriage Act clearly enshrines the requirements and procedure to obtain Marriage Certificate.

The Marriage Act provides separate procedures for Bhutanese marrying a foreigner. However, in the absence of proper guidelines, the issuance of the Marriage Certificate between a Bhutanese and a foreigner was temporarily kept in abeyance due to issues connected with marriage of convenience (marriage is contracted for immigration advantage and other purposes by a couple who are not in a genuine relationship). Therefore, Honorable Chief Justice of Bhutan on 16.1.2015 issued an order to formulate a clear guideline for Bhutanese citizens obtaining Marriage Certificate with foreign nationals in consonance with the relevant laws. In compliance with the order of the Honorable Chief Justice, a detailed guideline has been framed. Henceforth, all applicants shall apply for Marriage Certificate in accordance with the guidelines. The judiciary will process Marriage Certificates from 4th November, 2015 onwards.

In accordance with the guidelines, interviews will be conducted by a panel of three Justices chaired by the Chief Justice of the High Court designed to prevent marriage of convenience. In the event suspicion arises that the marriage is not genuine, the panel may also question couples separately. Henceforth, if any instances of fraud being involved are brought to light in the process, the applicants shall be subject to criminal prosecution in accordance with the relevant laws. Once approval is accorded by the High Court the applicants must appear in person before the Court with jurisdiction (the Dzongkhag Court where the Bhutanese spouse is recorded in the census) along with their respective sureties.

Parties whose marriage certificate applications are pending with the High Court are requested to check the list of necessary documents and other requirements provided in the guidelines and ensure that their applications are duly completed within one year from the date of announcement.

Failure to comply with the above will result in dismissal of the application. However, the applicants may re-register themselves with the complete list of documents after a lapse of one year.

All other applicants are also requested to comply with the guidelines and apply for Marriage Certificate accordingly. The details of the procedure, documents required and checklists are available on the judiciary website (www.judiciary.gov.bt).

Timeline for the formulation of the guidelines regarding the issuance of Marriage Certificate for the marriage between Bhutanese National and Foreign National

