

MARRIAGE AND DIVORCE LAWS - NEPAL

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1. MARRIAGE LAWS

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1.1 Legal Framework

Marriage in Nepal is governed by the Muluki Ain (Civil Code) and related regulations. Both civil and religious marriages are recognized under Nepali law.

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1.2 Marriage Requirements

- Minimum age: 20 years for both parties
- Consent of both parties required
- No existing marriage (monogamy required)
- Mental capacity to understand marriage
- Not within prohibited degrees of relationship

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1.3 Required Documents for Marriage Registration

- Application form for marriage registration
- Birth certificates of both parties
- Citizenship certificates
- Affidavit of single status
- Witness statements (minimum 2 witnesses)
- Medical fitness certificates
- Photographs of both parties

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1.4 Marriage Registration Process

- Submit application to Local Government Office
- Documents verification (7-10 days)
- Publication of marriage notice (15 days)
- Objection period (30 days)
- Marriage registration certificate issued

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1.5 Marriage Ceremonies

- Civil marriage at government office
- Religious marriage (Hindu, Buddhist, Christian, Muslim)
- Both types require registration for legal validity

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2. DIVORCE LAWS

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2.1 Grounds for Divorce

- Mutual consent of both parties
- Adultery by either party
- Desertion for 2 years or more
- Cruelty or domestic violence
- Mental illness or insanity
- Incurable disease
- Conversion to another religion
- Failure to maintain family

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2.2 Types of Divorce

- Mutual consent divorce
- Contested divorce
- Judicial separation (pre-divorce)

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2.3 Divorce Process

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2.3.1 Mutual Consent Divorce

- Joint application by both parties
- Settlement agreement on property, children, alimony
- Court approval required
- Timeline: 3-6 months

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2.3.2 Contested Divorce

- Application by one party
- Grounds for divorce must be proven
- Court proceedings and hearings
- Timeline: 1-3 years

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2.4 Required Documents for Divorce

- Application for divorce
- Marriage certificate
- Grounds for divorce evidence
- Property settlement agreement
- Child custody agreement (if applicable)
- Witness statements
- Legal representation documents

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3. PROPERTY RIGHTS

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3.1 Marital Property

- Property acquired during marriage is joint property
- Equal rights for both spouses
- Separate property remains individual
- Inheritance rights protected

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3.2 Property Division in Divorce

- Equal division of joint property
- Consideration of individual contributions
- Protection of pre-marital assets
- Court supervision of division

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4. CHILD CUSTODY

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4.1 Custody Principles

- Best interests of the child
- Child's preference (if mature enough)
- Parental capability and stability

- Existing care arrangements

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4.2 Types of Custody

- Joint custody
- Sole custody
- Split custody
- Visitation rights

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4.3 Child Support

- Both parents responsible for child support
- Based on income and needs
- Court-determined amounts
- Regular review and adjustment

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5. ALIMONY AND MAINTENANCE

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5.1 Spousal Support

- Temporary alimony during proceedings
- Permanent alimony after divorce
- Based on income disparity and needs
- Duration determined by court

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5.2 Maintenance Factors

- Length of marriage
- Income and earning capacity
- Standard of living during marriage
- Age and health of parties
- Contributions to marriage

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6. LEGAL PROCEDURES

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6.1 Court Jurisdiction

- District Court has jurisdiction
- Filing in court where marriage was registered
- Alternative dispute resolution encouraged
- Mediation services available

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6.2 Legal Representation

- Legal counsel recommended
- Free legal aid available for eligible parties
- Pro bono services for indigent parties
- Professional mediation services

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7. TIMELINES AND FEES

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7.1 Marriage Registration

- Processing time: 1-2 months
- Fee: NPR 1,000

- Publication fee: NPR 500

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7.2 Divorce Proceedings:

- Mutual consent: 3-6 months
- Contested: 1-3 years
- Court fees: NPR 2,000-5,000
- Legal fees: Variable

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8. POST-DIVORCE REQUIREMENTS

- Update official documents
- Change name (if applicable)
- Update property records
- Maintain child support payments
- Comply with custody arrangements

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9. APPEALS AND REVIEW

- Appeal to High Court within 35 days
- Supreme Court appeal for constitutional issues
- Review petitions for new evidence
- Enforcement of court orders

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10. CONTACT INFORMATION

Family Court

Ministry of Law, Justice and Parliamentary Affairs

Government of Nepal

Phone: +977-1-4262080

Email: info@familycourt.gov.np

Website: www.familycourt.gov.np

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11. IMPORTANT NOTICES

- Marriage registration is mandatory for legal recognition
- Divorce must be through proper legal channels
- Child custody decisions are binding
- Property division must be fair and equitable
- Legal advice is recommended for complex cases