

# Chhattisgarh Family Courts Rules, 2007

CHHATTISGARH

India

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### Rule CHHATTISGARH-FAMILY-COURTS-RULES-2007 of 2007

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9338/D-4104/XXI-B/C.G./07. - In exercise of the powers conferred by Section 23 of the Family Courts Act, 1984 (No. 66 of 1984), the State Government of Chhattisgarh after consultation with the High Court of Chhattisgarh makes following rules, namely : -

#### 1. Short title, extent and commencement.

- (i) These rules may be called "The Chhattisgarh Family Courts Rules, 2007".(ii)They shall extend to whole of the State of Chhattisgarh.(iii)They shall come into force with effect from the date of publication in the "Chhattisgarh Gazette".

#### 2. Definitions.

- In these rules unless the context otherwise requires : -(a)"Act" means the Family Court Act, 1984 (No. 66 of 1984);(b)"Family Court" means the Court established under Section 3 of the said Act;(c)"Government" means the Government of Chhattisgarh;(d)"High court" means the High Court of Chhattisgarh;(e)"Judge" means the Judge appointed under sub-section (1) of Section 4 of the Act and includes a Principal Judge or Additional Principal Judge of the Family Court;(f)All other words and expressions not defined in these rules shall have the same meaning as assigned to them in the said Act.

#### 3. Service Conditions of the Judge of Family Court.

(1)The term of the office of the Judge of Family Court shall be the term for which he is recommended for appointment by High Court or till his retirement from service under the relevant service rules, whichever is earlier.(2)The Judge of a Family Court shall be under the administrative and disciplinary control of the High Court.(3)A Judge of a Family Court shall be entitled to pay and

allowances including travelling allowances, dearness allowance as admissible to a District Judge, who is drawing Super Time pay scale.(4)A serving member of the Chhattisgarh Judicial Service appointed as a Judge or Principal Judge or Additional Principal Judge of a Court being superannuated on attaining the age of superannuation during his tenure as such Judge shall receive pay and allowances which he last drawn minus pension, if any.

#### **4. Association of Social Welfare Agencies.**

(1)Every Principal Judge of the Family Court shall for the association with it, in consultation with the High Court and State Government maintain in respect of its area a register or registers and records therein the name of: -(i)institutions and organizations engaged in Social Welfare, Family, Matrimonial and allied matters and the representatives thereof;(ii)persons professionally engaged in promoting the welfare of families; and(iii)persons working in the field of social welfare.(2)Subject to sub-rule (1), the Principal Judge of the Family Court may record such names after obtaining the written consent of the institution, organization or person, as the case may be, on its own motion or on its/his application.

#### **5. Counselling Centre.**

(1)There shall be a Counselling Centre attached to the Family Court to be known as Family Court Counselling Centre.(2)The Counselling Centre shall be located in the Family Court premises or at such other places as the High Court may direct.

#### **6. Appointment of Counsellors.**

- The Counsellors shall be appointed by the State Government from the Panel of Counsellors prepared by the Principal Judge of the Family Court and approved by the High Court:Provided that no Counsellor shall continue after he attains the age of 65 years.

#### **7. Number of Counsellors.**

(1)The number and categories of Counsellor in each Counselling Centre shall be such as may be determined by the Government in consultation with the High Court from time to time.(2)Where more than one Counsellors are appointed in Counselling Centre, one of them may be designated as Principal Counsellor by the High Court.

#### **8. Qualification for Counsellor.**

(1)Any person having a degree of a recognized University preferably with Social Science or Psychology as one of the subjects, or minimum experience of two years in social work, child psychiatry or family Counselling shall be eligible for appointment as a Counsellor :Provided that the minimum academic qualification/minimum experience may be relaxed in exceptional circumstances by the State Government in consultation with the High Court.Provided that

preference may be given to women having equal requisite qualifications :Provided further that a person shall not be eligible for appointment on the post of Counsellor unless he has attained the age of 35 years and is below 60 years of age.(2)A candidate who : -(a)has been a judge ; or(b)has experience of Counselling in family matters shall other things being equal, be given preference in the matter of appointment.

## **9. Payment of Honorarium/fee to Counsellors.**

(1)The Honorarium or fee admissible to persons employed as Counsellors shall be such as may be determined by the State Government from time to time.(2)The Counsellors shall be entitled to the payment of Honorarium or fee at the minimum rate of Rs. 200/- (Rupees Two hundred) per case per sitting for reconciliation. The number of sittings restricted for each case should not be more than four. In any case, the total Honorarium or fee of a Counsellor shall not exceed Rs. 600/- (Rupees Six hundred) per day.

## **10. Function of Counsellor.**

(1)The Counsellor, entrusted with any petition shall -(i)attend the Court as and when required by the Judge of the Family Court;(ii)aid and advise the parties regarding settlement of the subject matter of dispute or any other part thereof;(iii)help the parties in reconciliation;(iv)submit report or interim report, as the case may be fixed by the Court;(v)perform such other functions as may be assigned to him by the family court from time to time.(2)In performing his functions under sub-rule (1) the Counsellor shall be guided by such general or special directions as may be given by the Family Court from time to time.

## **11. Conditions of service of employees of a Family Court.**

(1)The qualifications, procedure for recruitment of a Family Court shall be as of the employees of similar category in the Courts under control of District Judge and the rules relating thereto shall, mutatis mutandis, apply.(2)Principal Judge of the concerned Family Court shall be the appointing authority and also head of the office.

## **12. Assistance of medical experts, welfare experts.**

(1)Where the Family Court decides to secure the services of any expert or other person referred to in Section 12 of the Act, the Court shall indicate the exact point or points on which and the manner in which the service required is to be rendered.(2)The expert or other person referred to in sub-rule (1) shall render the service and submit its report within such time as may be indicated in the order of the Family Court or within such expended time as may be given by the Court.(3)The Family Court shall permit the parties to file objections against such report.(4)The Court shall consider the report in deciding the dispute but shall not be bound by it.

### 13. Travelling and other expenses payable to medical and other experts.

- If in the opinion of the Family Court, the assistance of an expert or other person referred to in Section 12 of the Act is necessary, but the party seeking such assistance does not have means to pay his fees and travelling and other expenses, the court may, suo moto or on the application of the party, direct the payment of such fees and expenses, out of the revenue of the State as specified below : -

	(1)	(2)
(a)	If the expert is Government Servant	Travelling expenses at the rates as admissible to him in the service of the State Government.
(b)	If the expert is not a Government Servant	Travelling expenses at the rates as admissible to Class-I Officer of the State Government plus Rs. 500/- (Rupees five hundred) as fees per day.

### 14. Amicus Curiae.

(1) The Family Court shall maintain a panel of legal experts including legal practitioners, willing to be appointed as amicus curiae. (2) Where it appears to the Family Court that the assistance of a legal expert as amicus curiae is necessary in the interest of justice, the Court may appoint a legal expert from the said panel. (3) The amicus curiae, appointed under sub-rule (2) may be paid by the Family Court out of revenues of the State, fees and expenses at the rates of Rupees Five Hundred per case or proceedings or as fixed by the Family Court not exceeding Rs. 5000/- (Rupees Five Thousand). (4) The Family Court may remove the amicus curiae at any time, if it deems necessary in the interest of justice.

### 15. Termination of appointment of Counsellor.

- The appointment of a Counsellor may be terminated by the State Government at any time before the expiry of his term on the recommendation of the Judge of the Family Court.