

THE FAMILY COURTS (KARNATAKA) RULES, 1987

Notification No. LAW 167 LCE 83
Bangalore, dated 21st May 1987

(As amended by Notification No. LAW 277 LAC 2002 dated 3rd June 2002, No. LAW 13 LAC 2009, Bangalore, Dated: 13th May 2010 and LAW 72 LCE 2011, Bangalore, dated 9th June, 2011)

G.S.R. 123.- In exercise of the powers conferred by Section 23 of the Family Courts Act, 1984 (Central Act 66 of 1984), the Government of Karnataka, after consultation with the High Court of Karnataka, hereby makes the following rules, namely.-

1. Short title and Commencement.- (1) These rules may be called the Family Courts (Karnataka) Rules, 1987.

(2) They shall come into force at once.

2. Terms and conditions of service of the Judges of the Family Courts.-

(1) A judge of a Family Court shall hold office for a term of five years from the date he assumes office or until he attains the age of sixty two years, whichever is earlier.

(2) A Judge of a Family Court shall be entitled to the scale of pay and allowances, (including travelling and daily allowance) and leave as admissible to a District Judge:

Provided that if he is in respect of a pension in respect of any previous service under any Government, he shall be entitled to the last pay drawn by him, less the pension and the pension equivalent of other pensionary benefits, if any, drawn by him and in addition he shall be entitled to draw the allowances admissible to a District Judge:

Provided further that if a serving District Judge is appointed on deputation he shall be entitled to the pay and allowances that would have been admissible to him but for this appointment and if he retires from service before the expiry of his term, he shall, from the date of his retirement, be entitled to pay and allowances admissible under the first proviso.

(3) Other conditions of service of a Judge of the Family Court shall be those applicable to officers in the cadre of District Judges.

(4) A Judge of the Family Court shall not be entitled to any pension for service as judge of the Family Court:

Provided that, an officer of the State Government on deputation shall be entitled to count his service till the date of his superannuation for the purpose of his pension as such officer.

3. Association of persons engaged in field of social welfare.- (1)(a) The Family Court shall prepare in the month of January, each year a list of not less than ten persons engaged in the field of social welfare for association with the Family Court and submit it to the High Court for approval:

Provided that if the Family Court is established in the middle of any year such list shall be submitted within one month from the date of establishment of the Court.

(b) The list shall be valid till the approval of the next list by the High Court.

¹[(2) The Family Court shall nominate any person or persons out of the list prepared under sub-rule(1) as counsellor or counsellors to assist the Court in such manner as the Court directs.]

(3) If for any reason a counsellor so nominated is unable to attend the Court the Family Court may nominate another counsellor from out of the list prepared under sub-rule (1).

²[(4) Each such counsellor shall be entitled to a sitting fee of ³[rupees five hundred per day.]

4. Number and categories of officers and other employees of Family Court.- The number and categories of officers and other employees of a Family Court shall be as specified in the schedule appended to these rules.

5. Conditions of service of officers and other employees of the Family Court.- The Salary, allowance and other conditions of service of the officers and other employees of the Family Court referred to in Rule 4 shall be same as those applicable to the employees of the Karnataka Subordinate Judicial Services holding similar posts.

6. Fees and expenses of medical and other experts.- Medical and other pensions referred to in Section 12 whose services are secured for assisting the Family Court shall be paid fees at the rate of one hundred rupees per case and traveling and daily allowance at the rate admissible to Group 'A' officers of the State Civil Services.

7. Fees and expenses of Legal Practitioners appointed under Section 13.- The legal practitioners appointed under Section 13 shall be entitled to payment of fees at the rate of rupees two hundred per case and expenses.

1. Substituted by Notification No. GSR 120 dated 23-5-1987.

2. *Substituted by Notification No. LAW 277 LAC 2002 dated 3-6-2002.

***Previous Reference:** (4) Each such counsellor shall be entitled to sitting fee of rupees sixty per day.

3. Substituted for the words "rupees two hundred per day" by Notification No. LAW 13 LAC 2009, Bangalore, Dated: 16-6-2010, Published in the Gazette No. 479, Part IV-A.

SCHEDULE

(See Rule 4)

Each Family Court shall consist of the following category of posts, cadres and number of posts, which shall carry the scale of pay indicated against them.

| Sl. No. | Name of the Post | No. of Posts | Scale of Pay |
|--------------------------------|----------------------|--------------|-------------------------|
| Principal Judge's Court | | | |
| 1. | Sheristedars | Two | Rs. 1600-2990 |
| 2. | First Dn. Assts | Two | Rs. 1190-2200 |
| 3. | Stenographer | One | Rs. 1190-2200 + Spl Pay |
| 4. | Typist | One | Rs. 960-1760 + Spl Pay |
| 5. | Typist-copyists | Three | Rs. 960-1760+ Spl Pay |
| 6. | Second Dn. Assts | Four | Rs. 960-1760 |
| 7. | Bailiffs | Two | Rs. 810-1310 |
| 8. | Attender | One | Rs. 810-1310 |
| 9. | Jamedar | One | Rs. 810-1310 |
| 10. | Process Servers | Four | Rs. 810-1310 |
| 11. | Peons | Three | Rs. 780-1040 |
| 12. | Sweeper-cum-Watchman | One | Rs. 780-1040 |

Additional Principal Judge's Court

¹[Same category of posts, cadres and number of posts as in the case of Principal Judges Court]

The above posts shall be filled ²[in accordance with the Karnataka Subordinate Courts (Ministerial and other posts) (Recruitment) Rules, 1982, by the Principal District and Session Judge of the concerned District where the family courts are situated].

1. Substituted by Notification No. LAW 72 LCE 2011, dated 9-06-2011, published in the Karnataka Gazette Extra-ordinary Part IVA, No. 577, dated 9-06-2011.

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|----------------------------|----|-----------------|-----|-------------------------|
| Previous Reference: | 1. | First Dn. Assts | One | Rs. 1190-2200 |
| | 2. | Stenographer | One | Rs. 1190-2200 + Spl Pay |
| | 3. | Typist | One | Rs. 960-1760 + Spl Pay |
| | 4. | Jamedar | One | Rs. 810-1310 |
| | 5. | Peons | Two | Rs. 780-1040 |

2. Substituted for the words "by deputation of officers holding equivalent posts in the State Service Cadre in respect of Ministerial and other posts in the Subordinate Courts on the High Court" by Notification No. LAW 72 LCE 2011, dated 9-06-2011, Published in the Karnataka Gazette Extra-ordinary Part IVA, No. 577, dated 9-06-2011.