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OFFICE OF THE DISTRICT & SESSIONS JUDGE, FARIDKOT

Endst.No. 11229 /EB Dated 30/11, 2024

Seen, System Officer to upload it on official website. Copy forwarded to all the learned Judicial Officers posted in this Sessions Division for information and necessary action.

Distt


District & Sessions Judge
Faridkot


District & Sessions Judge
Faridkot. 29.11.2024

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From

The Registrar General,
Punjab and Haryana High Court,
Chandigarh.

To

The District and Sessions Judges,
in the States of Punjab, Haryana and U.T.,
Chandigarh.

Dated: Chandigarh; the

21/11/24

Sub:

Notification no. 10656-IH(8)-Judl.-2024/6628 dated 21.05.2024 received from the Home Department, Chandigarh Administration and Notification No. G.S.R. 42 / C.A. 66 /1984 /S.23 / Amd. (1)/2024 dated 26.08.2024 received from the Department of Home Affairs and Justice (Judicial-1 Branch), Government of Punjab.

Sir/Madam,

I am directed to refer to you on the subject cited above and to forward herewith a copy of Notification no. 10656-IH(8)-Judl.-2024/6628 dated 21.05.2024 received from the Home Department, Chandigarh Administration regarding framing of The Union Territory of Chandigarh Family Courts Rules, 2024 in terms of Section 23 of the Family Courts Act, 1984 and Notification no. G.S.R. 42 / C.A. 66 /1984 /S.23 / Amd. (1)/2024 dated 26.08.2024 received from the Department of Home Affairs and Justice (Judicial-1 Branch), Government of Punjab, regarding The Punjab Family Courts (Amendment) Rules, 2024, for information and necessary action.

Yours faithfully,

Suman
21/11/2024
Superintendent (Gaz.II),
for Registrar(General).

Encl: As above.

8/c

CHANDIGARH ADMINISTRATION
HOME DEPARTMENT
NOTIFICATION

CHANDIGARH, DATED. 21.5.24

No.10656-IH(8)-Judl.-2024/1128

In exercise of the powers conferred by Section 23 of the Family Courts Act, 1984 (Central Act No. 66 of 1984) read with Notification No.S.O.1085, dated 05.03.2024 issued by the Ministry of Home Affairs, Government of India and all other powers enabling him in this behalf, the Administrator, U.T., Chandigarh in consultation with the Punjab and Haryana High Court, is hereby makes the following rules, to regulate the working of the Family Courts in Union Territory of Chandigarh, namely:-

1. Short title, extent and commencement.- (1) These Rules may be called the Union Territory of Chandigarh Family Courts Rules, 2024.

(2) These rules shall apply to Family Courts constituted in the Union Territory of Chandigarh under the Family Courts Act, 1984.

(3) These rules shall come into force with effect from the date of publication in the Official Gazette of U.T. Administration, Chandigarh.

2. Definition.- (1) In these rules, unless the context otherwise requires-

(a) "Act" means the Family Courts Act, 1984;

(b) "Government" means the Union Territory Administration, Chandigarh.

(c) "Government Service" means the service under the Union Government, State Government/Union Territory Administration, Public Sector Undertaking, Government Enterprises and Autonomous Bodies (Fully funded by any Government).

(d) "Family Courts" means the Courts constituted under the Family Courts Act, 1984.

(e) "High Court" means the High Court of Punjab and Haryana at Chandigarh.

(f) "Institution" and "Organization" means any institution or organization engaged in social welfare and registered under the Societies Registrations Act, 1860.

(g) "Judicial Officer" means the officer of Punjab Superior Judicial Service/Haryana Superior Judicial Service.

(h) '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.

(i) "Recognized Expert" means a person specially skilled in the field of Family/Social Welfare, Medical Handwriting or in any field which may be suitable to resolve the family matter(s).

(2) All other words and expressions used in these rules, but not defined herein, shall have the same meaning as assigned to them in the Family Courts Act, 1984 or Code of Civil Procedure, 1908.

(3) **Service Conditions of a Judge of Family Court.** - (1) A Judge, other than Judicial Officer shall hold office for a term of three years from the date he assumes the office or until he attains the age of sixty two years, whichever is earlier.

(2) A Judicial Officer appointed as Judge shall be entitled to the same pay and allowances as are admissible to the other judicial officers in Union Territory of Chandigarh.

(3) The terms and conditions of the Judge other than the Judicial Officer shall be such as may be determined by the government.

(4) The Judge may incur expenditure to the extent of rupees twenty thousand per annum for serving refreshments to litigating spouses and their children during conciliation proceedings.

4. Association of Social Welfare Organization- (1) The Family Court, may take the help of any institution or organization or representative thereof, any person professionally engaged in promoting welfare of the family, any person working in the fields of social welfare or any other person whose association would enable the Family Court to exercise its jurisdiction more effectively, in accordance with the purposes of this Act.

(2) The duty of such associated institution(s), organization(s) or person(s) shall be to help the Family Court in promoting conciliation and in securing speedy settlement of disputes.

(3) Such institution(s), organization(s) or person(s), as the case may be, for rendering service to the Family Court shall be entitled to get a lump sum fee of rupees one hundred for each case or proceeding in addition to the normal travelling allowances etc.

(4) Such institution(s), organization(s) or person(s), as the case may be, shall also be entitled to get the amount actually incurred by them in accordance with direction of the Family Court.

(5) The Family Court may require any institution(s), organization(s) or person(s) referred to above for undertaking journey or journeys that it may deem necessary for the purpose of effecting or attempting to effect conciliation, settlement etc. of disputes.

(6) For journeys referred to in the above sub-rules the normal mode of conveyance shall be the ordinary available means of conveyance like Public Bus, U.T. State Transport Bus, Railway etc. provided that in case any public servant/government officer engaged in social or family welfare is engaged for the purposes, then he shall be entitled to get the travelling allowances in the mode and manner prescribed therefore in the relevant rules applicable to such public servant/government officer according to his grade of service.

Provided further that the Family Court in special case(s) may permit any special mode of conveyance, as it may deem fit.

5. Appointment of employees of Family Courts. - (1) The following employees may be provided to assist a Family Court, namely:-

1. Superintendent Grade-I (Chief Administrative Officer)	-	1
2. Reader Grade - I	-	1
3. Stenographer Grade-I	-	1
4. Stenographer Grade-II	-	1
5. Stenographer Grade-III	-	1
6. Senior Assistant	-	2
7. Translator	-	1
8. Clerk	-	3
9. Allmahad	-	1
10. Copy Clerk	-	1
11. Usher	-	1
12. Peon	-	6

(2) Appointment of employees shall be made by the concerned appointing authorities as per the recruitment rules applicable to such employees.

(3) The conditions of service of the employees of the Family Courts, shall be such as are applicable to the employees of District Courts, Union Territory, Chandigarh from time to time.

(4) The Stenographer Grade-II and two peons shall be meant for the Counselling Centre and Stenographer Grade-III and the two peons shall be meant for the office.

(5) The Principal Judge of the Family Court shall be the appointing and Controlling Authority of the staff referred to in sub-rule (1) of this Rule.

6. Counselling Centre.- (1) There shall be a centre of counselling known as "Counselling Centre" attached with every Family Court or group of Family Courts.

(2) Counselling Centre(s) shall be located in the Family Court premises and/or such other place(s) as the High Court may direct.

(3) Counselling Centre shall consist of such number of Counsellor(s) as the High Court may from time to time determine.

(4) The Counselling Centre shall be provided with such supporting staff as may be determined by the High Court for its day-to-day functioning.

7. Empanelment or removal of counsellors.- (1) The panel of counsellors shall be approved for a term of three years by the High Court on the recommendation of Principal Judge of Family Court. The term of Counsellor(s) can be extended by the High Court from time to time on the recommendation of Principal Judge of Family Court. In recommending the panel of Counsellors to the High Court, the Principal Judge of Family Court may seek help of the concerned District & Sessions Judge.

(2) The name of Counsellor(s) may be removed from the panel without any prior notice, by the High Court at any time before the expiry of term on the recommendation of Principal Judge of Family Court.

8. Qualifications for empanelment as Counsellor.- A person who has attained the age of 35 years and has obtained a graduate degree of recognized university preferably with social science/sociology, psychology, clinical psychiatry as one of the subjects or law and has at least two years experience in the field of social work/welfare or is associated with field work, research or teaching in Government Departments, College, University or a similar academic institute in the areas of welfare of family or problems of women and children shall be eligible for being empanelled as a Counsellor.

9. Payment of honorarium to Counsellors.- (1) A Counsellor shall be paid honorarium of ₹1200/- per sitting for every case at an appropriate stage (preferably on submission of report to the Court after counselling process) to be decided by the Judge of the Family Court subject to maximum of five sittings.

(2) A Counsellor shall be paid honorarium of ₹10,000/- after passing of final order by the Family Court. The honorarium of ₹10,000/- shall include the honorarium, if any, paid under sub-rule (1) of this rule.

(3) Where the subject matter of dispute consists of two or more cases between the same parties, for the purpose of payment of honorarium, the same shall be considered to be one case.

(4) The honorarium payable to Counsellor(s) shall be revisable from time to time as the High Court may determine, but not exceeding five years and in case no such determination takes place within five years, the honorarium shall stand increased by 20% of the above rate, on completion of such five years from the date of notification of this rule.

10. Experts opinion.-(1) Whenever the Family Court thinks it fit and necessary or whenever any right occasion arises for the purposes of safe conclusion, a Family Court may have the opinion of any recognized expert, including medical and handwriting expert, even at his own account or will.

(2) The Family Court may, if it thinks it expedient so to do, may examine any such expert.

(3) Payment of fee and expenses shall be made to a medical expert or such person, whether related to the parties or not, including a person professionally engaged in promoting the welfare of a family whose services are secured under Section 12 of the Act, at the rate of rupees one thousand five hundred per referral visit. The total fee and expenses of a medical and other expert in a day in respect of referral cases, shall not exceed rupees three thousand. The expenses incurred in obtaining the opinion of any such expert or the expenses incurred in examining such experts shall be borne by the Family Court from the fund allocated to it by the Union Territory, Chandigarh.

Provided that whenever the expert referred to above is a public servant, the Family Court shall issue a Court's certificate as issued by Judicial Courts to witnesses who are public servants or Government officials. The experts who are already in Government service shall not be entitled to get any remuneration for their opinion and they shall be duty bound to help the Family Court.

(4) There shall be a panel of recognized experts and the panel shall be prepared and maintained by the High Court.

Provided that whenever any occasion arises to have the opinion of any other expert not included in the panel referred to above, the Family Court shall have to obtain the approval of the High Court.

11. Honorarium to Amicus Curiae:- The legal practitioners appointed under Section 13 of the Act as Amicus Curie shall be entitled to get the honorarium at the rates admissible to a legal aid counsel or as fixed by the Family Court for appearing in the Courts of District & Sessions Judge.

12. Creation of Fund:- (1) The Government shall create separate fund for Family Court(s) of each Districts for payment of honorarium.

(2) The Principal Judge of Family Court shall be competent authority to disburse the honorarium.

13. Interpretation:- If any question arises as to the interpretation of these rules the same shall be decided by the Administrator, Union Territory, Chandigarh.

Chandigarh, dated
21.05.2024

Nitin Kumar Yadav, IAS
Home Secretary,
Chandigarh Administration

Endst. No.10656-IH(8)-Judl.-2024/6629

Chandigarh, Dated the 21.5.24

A copy is forwarded to the Nodal Officer, Judicial Branch, Chandigarh Administration with a request to publish this Notification on official e-Gazette Portal.

UK
Superintendent Judicial,
for Home Secretary,
Chandigarh Administration



Punjab Government Gazette

EXTRAORDINARY

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LEGISLATIVE SUPPLEMENT		
	Contents	Pages
Part - I	Acts <i>Nil</i>	
Part - II	Ordinances <i>Nil</i>	
Part - III	Delegated Legislation Notification No. G.S.R. 42/C.A.66/1984/ S.23/ Amd.(1)/2024, dated 26.08.2024, containing amendment in the Punjab Family Courts Rules, 2010.	.. 541-543
Part - IV	Correction Slips, Republications and Replacements <i>Nil</i>	

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PART III
GOVERNMENT OF PUNJAB,
DEPARTMENT OF HOME AFFAIRS AND JUSTICE
(JUDICIAL-1 BRANCH)

NOTIFICATION

The 26th August, 2024

No. G.S.R., 42/C.A.66/1984/S.23/Amd.(1)/2024.- In exercise of the powers conferred by section 23 of the Family Courts Act, 1984 (Central Act No. 66 of 1984), and all other powers enabling him in this behalf, the Governor of Punjab after consultation with the Punjab and Haryana High Court, is pleased to make the following rules, further to amend the Punjab Family Courts Rules, 2010, namely:-

RULES

1. (1) These rules may be called the Punjab Family Courts (Amendment) Rules, 2024.
(2) They shall come into force on and with effect from the date of their publication in the Official Gazette.
2. In the Punjab Family Courts Rules, 2010 (hereinafter referred to as the said rules), after rules 4, the following rule shall be inserted, namely:-
"4-A. Counselling Centre.- (1) There shall be a centre of counselling known as the "Counselling Centre" attached with every Family Court or group of Family Courts.
(2) The Counselling Centre(s) shall be located in the Family Court premises and/or such other place(s) as the High Court may direct.
(3) The Counselling Centre shall consist of such number of Counsellor(s) as the High Court may from time to time determine.
(4) The Counselling Centre shall be provided with such supporting staff as may be determined by the High Court for its day-to-day functioning."
3. In the said rules, for rules 5, 6 and 7, the following rules shall be substituted, namely:-
"5. Empanelment or removal of counsellors.- (1) The panel of counsellors shall be approved for a term of three years by the High Court on the recommendation of the Principal Judge of Family Court. The term of Counsellor(s) can be extended by the High Court from time to time on

the recommendation of the Principal Judge of Family Court. In recommending the panel of Counsellors to the High Court, the Principal Judge of Family Court may seek help of the concerned District and Sessions Judge.

(2) The name of Counsellor(s) may be removed from the panel without any prior notice, by the High Court at any time before the expiry of term on the recommendation of the Principal Judge of Family Court.

"6. Qualifications for empanelment as Counsellor:- A person shall not be empanelled as a Counsellor unless,-

- (a) He has attained the age of thirty five years;
- (b) he has obtained a graduate degree of recognized university preferably with Social Science/Sociology, Psychology, Clinical Psychiatry as one of the subjects or law; and
- (c) he has at least two years experience in the field of social work/welfare or is associated with field work, research or teaching in Government Departments, College, University or a similar academic institute in the areas of welfare of family or problems of women and children.

"7. Payment of honorarium to Counsellors.- (1) A Counsellor shall be paid honorarium of six hundred rupees per sitting for every case at an appropriate stage (preferably on submission of report to the Court after counselling process) to be decided by the Judge of the Family Court subject to maximum of five sittings.

(2) For every reconciled case, the counsellor shall be paid, honorarium of seven thousand rupees after passing of final order by the Family Court. The honorarium of seven thousand rupees shall include the honorarium, if any, paid under sub-rule (1).

(3) Where the subject matter of dispute consists of two or more cases between the same parties, for the purpose of payment of honorarium, the same shall be considered to be one case.

(4) The honorarium payable to the Counsellor(s) shall be revisable from time to time as the High Court may determine, but not exceeding five years and in case no such determination takes place within five years, the honorarium shall stand increased by twenty per cent of the above rate, on completion of such five years from the date of commencement

of the Punjab Family Courts (Amendment) Rules, 2024."

4. In the said rules, in rule 8, for the words "rupees two hundred" the words "one thousand five hundred rupees" shall be substituted.
5. In the said rules, in rule 9,-
 - (i) for the word "fee", whenever occurring, the word "honorarium" shall be substituted; and
 - (ii) in the proviso, for the words "rupees one thousand", the words "three thousand rupees" shall be substituted.

GURKIRAT KIRPAL SINGH,
Administrative Secretary to Government of Punjab,
Department of Home Affairs and Justice.

3175/S-2024/Pb. Govt. Press, S.A.S. Nagar

