

ASSAM FAMILY COURTS RULES, 1990

Registered No. A- The Assam Gazette EXTRAORDINARY PUBLISHED BY AUTHORITY 23712 20 - 1990, 29 1912 (Bf.) No. 23 ' DI Thuryday, 20th Dooember, 1991), 29th Aagrahyana 1912 (8. E.) GOVERNMENT 01! ASSAM ORDERS BY THE GOVERNOR JUDICIAL DEPARTMENT . JUDICIAL BRANCH il gal} NOTIFICATION The 19th December, 1990 Nci.jDj/23/85/155.—In exercise of the powers conferred by Section (jf •th'é frältilly Courts Act, 1984 (Aqt No.66 of 1984) and in consultation with the Gauhati High Court, 1624 DEC. 20, 1990 is pleased to Gi •t e manner hereinafter appearing . Short iti j y be called the Assam 1 (1) These extent and commence, Family Courts Rul ment. (2) extendS to the (3) •It shall, force with effect from the date a ion ih the Offc {al Gazette kClÅ, 2. e ntext othere wise requires,- (a) "Act" meane the Family Courts Act, (b) "Family Courts" means the C '*Fts conse Aet, (c) "PrilAO\peR Yååge" means \$he Presiding Judge of a Family Court w ich consist* nd includeS also th sole Jud e where the Family bfik916Hé(judge. 'v or judges of the Family Court other than the Principal judge ganisation" means isation engaged s thé fUi.é ASSAM GAZETTE, EXTRAORDINARY, DEC. 20, 1990 162 5 means a person having legal knowledge and working +pqiqnc@, Of social and family Welfare ted sq as to assist the Family Court matters of law and in making con- glialion etc. and to tender legal advice to lhe parties of litigations before the Family Court. (g) All other words expressions used but not defined in these Rules and defined in ghe Oct or the Code gof Civil, Procedure, \$hall have, the; meanings •respectively f.o them,in thoft cpde,, rov •the Act

3. These Rules shall apply to the Family Application Courts constituted in the State of Assam under the Farnly Courts 4.post Jrudgq Judges-ofl the Family Hding Prinqjpal Judge rand Addi- of 6%le-áuof Judicial Seervice such Judge or Judges shall be entitled to get the sala- jes other emoluments as admis\$ible to the Grade post Grade I ot the Assam Judi- c)ai *ervice. 5. (1) The terms and conditions of service of Termg •nd tp or Judges of the Family Court inclu- In 'a Principal Judge and Additional Judge be those of a Selection Grade District judge GFE\de-T the Assam, Judicial Service. (2) Unlegs othfx•wi\$Q eyepyessly fryovided foap in thfS,e Buie*, the pro.vjston,ß of the Assam ejudiéiqi Service Rules, 196? , shall be apnlicable Fregarqs the gonå trans of seervice. Of the Judge or judges of. the dour,t includUpg the Prihcipäi Judge and Additional judge, 16'6 THE ASSAM GAZEerrE. EXTRAORDINARY, DEC. 20 Assrciation 6. (1) The Family Court, wit a view to of Scial wet— fare jurjgdiétion mo in accor- dance with the purposes! of Äét, may take the help of(åhv institutioPPÖ åHisation engag- htive thereof, ed in social wêlfaré of any persoh professionallv ehgh/qd' in promoting thér welfare Of thé ' fâm'il.9, persohs working in the fields •bf social welfare and Åny other person whose association with the Court would enable the Family Court to exercise its jurisdic- tion more effectively, in with the purpö\$€ of ffhiS Äét. (2) The duty of such asdociatdd institutions, organisation5 or persons Would be to help the Éamily TCOtirt in prbmoting conciliation and in securing speedy settlement flispt\$. 8 (3) Such inktiât{ohs. r per- each ease broc.qedinß in odditl tfåVé11in\$ allowaneek etc' t4) Such institâtiónS, (bpghniéati hSr qr per- Sons, as the Case mãSrl bé ghÄII be. the amount actually incurred {F accor- dance with the direction of the Family Court, (5) Family tion, organisation or persong te abdo+e for making or that may. deem neceSsary for the purßpse ... of makipq åtemp- ting to make conciliation, J settlementl, etc. of dis- putes. (6b For journeys referred: c to iq the fore- going Rules. the norma mede o/ conVfÅnfe Shall be the ordinary avai able rne9nsr Of n g riy' yance SIpte Bus, like Public Bus, Ass Railway etc, provided -lh4t . abirpublic 1 TK*QASSAMTAZFÄVrj: •bPrkAöRb1NARV, 'DEC, 20, 1990 162i @er+åht-- or Government officer engaged in social Gr 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 F Rs and SRs applicable tp him according to his grade.of service. Provided further that the Family Court! in special cases mav allow any special mode of conveyance as it may deem fit and proper under special circumstances of the case or proceeding. 7. (i) There shall be one Counsellor for Council lot each Family Court. (2) The Counsellor must have suitable legal knowledge and working experience pf social and family welfare. (3) Notwithstanding anythink contained in Rulé 6 (2) above, an officer in Grade 11 of the Assam Judicial Service shall be eligible for being appointed as Counsellor of Family Court. 8. (1) The Counsellor shall be entitled to Salah, terms and get salary and other allowances at the rate pres- conditions• cribed for an officer in Grade-II of the Assam Judicial Service. (2) The terms and conditions of service of thé

Counsellor shall be those prescribed by the Assam Judicial Service Rules for an officer in Grade 11 of the Assam Judicial Service. (3) It shall be the duty of the Counsellor to help the Family Court in matters of law and facts so that the Family Court may make a legal opinion, 1628 ASSAM AND* pFâce?dingqt 9. (1) " Wfiei4évéf Färnäiy tillnks ig Experts, fit and necessary or whenever any right occasion arise\$ top thg eqnclusion, a É9rnfJ ourt may pf any hand- exper , will

2. The Family Court may if it thinks it ex- tqA9, Fhch,éxpert. (3) The expenses incurred 'in the opinion of any such expert the expenses incur. Ft; borne bv a. \$p it by Provided that whenever thé expert F?ryant, thé Fpmi\y tiph 40 yttcourtS wit. nment nesse,\$t officials. The experts who are already In overn- ment service shall not be entitled to get any re- rnuneration for their..qpinipn shall b6'? dutybound to help sthe (4) There Shall be a panel of recognised experts arid the panel shall be prepared and jnt consultation maintained the Court gith Govepnmeptt. Provided that whenever any occasion â+iseé to have the opinion of anv other expert not inclu- ded in thehpanel refer-ped Above, the Family Court shall have to obtain the concupFeF(0f the State Government EXTkA0ftDtNARY. DEC. 20, 1990 '1629 1•0. 1(1) 'There shall be the following staff for estâblishtëât ofl Baeh Family Court 1. Superintendent 102. •L. DAsgistânt 4. Typßt Stenographer Gr.l 5. 7. 8. 9. ±Pebn Counsellor Stenographer Gr. 11 Peon -1 -1 -3 u €1 (English) -1 -4 -1 -1 -2 Terms a d pudition Ot sei Vieeg. (2) The Stenographer Grade-II and the two peons referred to in item Nos. 8 and 9 above shall be meant for the Counsellor. (3) Excepting in case of Counsellor the Principal Judge or the Judge of the Family Court where there is only one Judge, shall be the appointing and controlling authority of the staff referred to in Rule 10 (1). 11. (1) Except otherwise expressly provided in these Rules, the terms and conditions of ser- vice of the stÅff referred to in the foregoing Rule shall be the same as that of the correspond- ing garde in the establishment of the District and Sessions Judge ASOM GöZE'1 CFO (2) eThe post , of Superintendent ferréd.tto int,item of Rule! shall. bei\$equivalent to that of Sheristadar in the establishment of the District and Sessions Judge

12. The legal practioners appointed under Section 12 of the Act as Amicus Curiae shall be entitled to get theeles *the rates admissible to a Public Prosecutor for appearing in the Courts of District and Sessions Judge.S. M. DEKA, Secretaryßouithe Govt of Assam, Judicial Department, & pub'fghed b the Dy. bireétoÖ(P), Directorate of Pt and Guwahati—21 (ER-Gazecte) No. 33