

DELHI FAMILY COURTS RULES, 1996

CHAPTER I

Preliminary

1. Short title and commencement: (1) These rules may be called the Delhi Family Courts Rules, 1996.

(2) They shall come into force from the date of their notification in the official Gazette.
2. Definitions: In these rules, unless the context otherwise requires-
 - (a) “Act” means the Family Courts Act, 1984 (66 of 1984);
 - (b) “High Court” means the High Court of Delhi;
 - (c) “Judge” includes Principal Judge and Additional Principal Judge;
 - (d) “Lt. Governor” means the Lt. Governor of the National Capital Territory of Delhi appointed by the President under Article 239 read with Article 239 AA of the Constitution;
 - (e) “Principal counsellor” includes Counsellor or Counsellors, as the case may be, where Principal Counsellor is not appointed;
 - (f) All other words and expressions not defined in these rules shall have the same meanings as given in the Act.

CHAPTER II

Salary and other allowances etc. payable to judges.

3. **Pay:** The Principal Judge of the Family Court shall receive a salary in the scale of pay prescribed for the District Judge, Delhi with Rs.500/- as special pay and the Additional Principal Judge and other Judges shall receive the salary in the pay scale prescribed for the selection grade of the Delhi Higher Judicial Service with special pay of Rs.300/- per month.

Provided that the pay and allowances of Judge who has retired from service under the Central Government or a State Government shall be regulated in accordance with the Central Civil Service (fixation of pay of re-employed) pensioners Order, 1980 as amended from time to time.

4. Other conditions of service:

Other conditions of service of the Judge of the Family Court relating to leave, pension provident fund, conveyance allowance, travelling allowance, Leave Travel Concession, etc. and other amenities and benefits shall be same as are applicable to a member of the Delhi Higher Judicial Service.

5. Conveyance:

A staff car shall be made available to each Judge of the Family Court, or 100 litres of petrol per month/every month or the actual consumption of petrol, whichever is less.

6. Contingency:

The Judge shall be entitled to incur expenditure towards contingency to the extent of Rs.5000/- per annum for refreshments served to litigating spouses and their children during conciliation proceedings.

7. Leave

(i) The Judge shall be entitled to leave as admissible to the member of Delhi Higher Judicial Service.

(ii) The chief secretary, Government of National Capital Territory of Delhi shall be the authority competent to sanction leave to the Judge.

8. Residuary Matters:

In respect of such matters regarding the conditions of service of a Judge for which no provision or insufficient provision has been made in these rules, the rules, directions and orders for the time being in force, and applicable to the members of Delhi Higher Judicial Service shall regulate the conditions of such service.

CHAPTER-III

Terms and conditions of association of Counsellors and those of the officers and other employees.

9. Counselling Centres:

There shall be attached to the Family Courts in the National Capital Territory of Delhi, centres to be known as the counselling centres of the family courts at Delhi.

Each counselling centre may have a Principal Counsellor and such number of counsellors not less than two counsellors attached to each court, as may be determined by the High Court.

10. Appointment of Counsellors:

The Principal Counsellor and the Counsellors attached to the Counselling Centres shall be appointed by the High Court. The High Court shall prepare a panel of Principal Counsellors and Counsellors in consultation with one or more qualified experts in family and child welfare preferably working with recognized institutions of social sciences or social work, for the purpose of making appointment as Principal Counsellors and Counsellors.

11. Qualifications:

A person shall not be qualified for appointment as a counsellor unless he possesses the following qualifications, namely:-

(i) Degree in social sciences such as social welfare, sociology, clinical psychiatry, psychology/philosophy preferably with a Degree in laws and

(ii) At least five years experience in field work/research or of teaching in Government department or in a College/university or a comparable academic institute, with special reference to problems of women and children.

OR

Five years experience in the examination and/or application of Central/State Law relating to marriage divorce, maintenance, guardianship and adoption and other family disputes.

12. Terms and conditions of Association of counsellors:

(1) The Principal counsellor and counsellors shall be entitled to the payment of fees at such rates as may, from time to time, be determined and notified by the High Court.

13. Staff of the family court:

The number and the categories of the officers and other employees of the Family Courts and the scales of pay attached thereto, shall be as specified in the schedule appended to these rules.

14. Conditions of services:

The conditions of service of the officers and other employees of the Family courts in the matter of pay, allowance, leave, provident fund, age of superannuation, pension, retirement benefits, leave travel concession, medical facilities and other conditions of service, shall be regulated in accordance with such rules and regulations as are applicable to officers and employees of the District Courts.

CHAPTER-IV

Payment of fees and other expenses to Medical and other Experts and other persons referred to in section 12 of the Act.

15. Payment of fees and other expenses to medical and other experts and other persons referred to in Section 12.

A medical or other expert or such other person(s) whose services are secured for the purpose of assisting Family Court in discharging the functions laid down in the Act shall be entitled to the payment of fees and other expenses at such rates as may, from time to time, be determined and notified by the High Court.

CHAPTER-V

16. Payment of fee to Legal Practitioner appointed as amicus-curiae:

The Legal Practitioner appointed as amicus-curiae shall be entitled to the payment of fees at such rates as may, from time to time, be determined and notified by the High Court. The payment of fees shall be made by the Government of the National Capital Territory of Delhi on production of a certificate issued by the Judge hearing the case.

17. Interpretation

If any question arises relating to interpretation of these Rules, it shall be decided by the State Government in consultation on with the High Court.

18. Repeal:

The Delhi Family Court Rules, 1992 notified vide this Government's Notification No.F.6/141/84-judl. Dated the 9th March, 1992 are hereby repealed.