

MANIPUR



GAZETTE

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GOVERNMENT OF MANIPUR
SECRETARIAT: LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION
Imphal, the 16th May, 1992

No. 4/2/85-Judl/L(Pt).—In exercise of the powers conferred by section 23 of the Family Court Act, 1984 and after consultation with the Gauhati High Court, the Governor of Manipur is pleased to make the following rules:—

THE MANIPUR FAMILY COURTS RULES, 1992

1. Short title and commencement.—(1) These rules may be called the Manipur Family Courts Rules, 1992.

(2) They shall come into force at once.

2. Definitions.—In these rules, unless the context otherwise requires.—

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

(b) "Counsellor" means the Counsellor of the Court and includes Senior Counsellor;

(c) "Court" means the Family Court established under section 3 of the Act;

(d) "High Court" means the Gauhati High Court.

3. The terms and conditions of service of Judge.—(1) A member of Grade-I of the Manipur Judicial Service under Manipur Judicial Services Rules, 1976 for appointment as a Judge of the Court, by deputation, must have attained the age of 45 years.

(2) In selecting such member of appointment of a Judge the following qualifications may be taken into account in addition to the conditions prescribed under clause (a) of sub-section (3) of section 4 of the Act.—

(a) the number and nature of matrimonial case decided;

(b) the extent of involvement in Lok Adalats and experience in welfare and conciliatory works;

(c) persons who possess degree or diploma in Psychology or social work or sociology;

(d) knowledge of Manipuri language; and

(e) person should not be a party in matrimonial dispute(s).

(3) A member of such service so appointed on the post of the Judge-ship should serve at least for a term of 5 years, except in special circumstances.

(4) The Judge shall retire from the service in the afternoon of the last day of the month in which he attains the age of fifty eight years;

Provided that if the Government considers it expedient in the public interest so to do, it may re-employ with or without pension such a Judge for further period not exceeding two years at a time so however that no person shall continue as a Judge after he attains the age of 62 years.

4. Appointment of other employees.—(1) The Judge may appoint for the Court such category of employees in the pay scales and in such numbers as the State Government may determine.

(2) The qualification of employees, procedures of recruitment, pay and other conditions of their service shall be same as of the employees of similar category in the courts under the control of the District Judge and the rules relating thereto shall, mutatis mutandis, apply.

5. Record of social welfare agencies etc.—(1) The Judge shall, in consultation with the Counsellor, shall maintain a register and record therein the names of—

(i) Institution or organisations engaged in social welfare in family, matrimonial and allied matters alongwith the names of authorised representative thereof;

(ii) Persons professionally engaged in promoting the welfare of the family;

(iii) persons working in the field of social welfare.

(2) The Judge may record the names of social welfare agencies and persons *suo motu*, after obtaining their consent, in writing or on the application of such agencies or persons.

(3) The Judge shall also record the names of such agencies or persons as may be sent to him by the High Court or the Law and Legislative Affairs Department, Government of Manipur.

6. Counselling Centre.—(1) There shall be attached to the court a Counselling Centre to be known as "The Family Court Counselling Centre, at Imphal."

(2) The Counselling Centre shall as far as practicable, be located in the Court premises.

7. Qualification for appointment as Counsellor.—"A person for appointment as Counsellor must have attained the age of 41 years and Senior Counsellor 45 years, and must not have attained the age of 65 years on the 1st day of January

of the calender year, must possess a Bachelor's Degree in law or a master's Degree in Sociology or Diploma in Social Works and must be person who is or has been married."

8. Appointment of Counsellor.—(1) Counsellor shall be appointed by the State Govt. in consultation with a professionally qualified expert in family and child welfare.

(2) Subject to rule 9, the employment of a Counsellor shall be for a period of two years but may be continued by fresh appointment;

Provided that no Counsellor shall not be continued in employment after he attains the age of 65 years.

9. Termination employment of Counsellor.—The employment of Counsellors may be terminated on one month's notice by the State Government without any reason.

10. Pay and Allowance of Counsellor.—The emoluments admissible to persons as Counsellors shall be such as may be determined by the State Government from time to time.

11. Functions of Counsellor.—The Counsellor, entrusted with any person, shall—

- (a) unless exempted by the Judge, attend Court everyday;
- (b) aid and advise the parties regarding settlement of the subject matter of dispute or any part thereof;
- (c) help parties in arriving at reconciliation;
- (d) submit report or interim report on any matter entrusted to him by the court within such time as may be fixed by Court—
- (e) perform such other functions as may be assigned by the Court from time to time.

(2) In performing his functions under sub-rule (1) the Counsellor shall be guided by such general or specified direction as may be made by the Court in consultation with the State Government from time to time.

12. Assistants of medical experts and other persons or social welfare agencies—

(1) The Court may secure the services of medical experts or any other person or social welfare agency in discharging the functions under the Act. The service may be secured suo motu or at the instance of any party.

(2) Where the Court decides to refer or permits the Counsellor to refer any matter to the medical or other experts; or persons or social welfare agency the Court shall indicate the exact point or points and manner in which service is required to be rendered.

(3) The medical or other experts, person or agency referred to in sub-rule (1), shall render service and submit its report within such time as may be indicated in the order or within such time extended as may be given by the Court.

(4) The Court shall permit the party to file objections against the report of the medical or other experts, persons or agency.

(5) The Court shall consider the report in deciding the dispute but shall not be bound to accept anything contained therein.

13. **Amicus Curiae:**—(1) The Court shall, in consultation with the Counsellor, maintain a panel of legal experts including legal practitioner willing to render service for the purpose of the Act as amicus curiae.

(2) The amicus curiae, appointed may be paid by the Court a fee out of the revenues of the State Govt. as the rate as per scale of fee fixed by the State Govt. by an order in this behalf.

14. Travelling allowance and other expenses to medical or other expert etc.—Wherein the opinion of the Court, the assistance of medical or other expert or person referred to section 12 of the Act is necessary but the party needing such assistance does not have means to pay his fees and expenses (including travelling expenses) it may suo motu or on the application of the party may direct payment of the said expenses of such person out of the revenues of the State Government at such rate as per scale of fee and expenses fixed by the State Government, by an order in this behalf.

By order & in the name of Governor,

I. BIJOY SINGH,
Secretary (Law), Government of Manipur.