

GOVERNMENT OF TRIPURA  
LAW DEPARTMENT

No. F.8(3)-LAW/LEG- II/2002

Dated, Agartala, the 23rd December, 2002.

TRIPURA FAMILY COURTS RULES, 2002.

NOTIFICATION

In exercise of the powers conferred by Section 23 of the Family courts Act, 1984 (Act. No. 66 of 1984) and in consultation with the Gauhati High Court, the Governor of Tripura is pleased to make the Rules in the manner hereinafter appearing :-

CHAPTER -I

Preliminary

Short, title extent and commencement.

1. (1) These Rules may be called the Tripura Family Courts Rules, 2002.  
(2) These rules shall apply to the Family Courts established under Section 3 of the family Courts Act, 1984.  
(3) They extend to the areas in Tripura to which the provisions of the Family Courts Act, 1984 extends  
(4) They shall come into force with effect from the date of publication in the Official Gazette.
2. In these Rules, unless, the context otherwise requires,
  - (a) " Act" means the Family Courts Act, 1984 (No. 66 of 1984).
  - (b) " Family Courts " means the courts constituted under the Family Courts Act, 1984.
  - (c) " Judge " includes the Principal Judge/Additional Principal Judge, and Judge of the Family Court.
  - (d) " Institutions " and " Organizations " mean any institution or organization engaged in social welfare and registered under the Societies Registration Act, 1860.
  - (e) "Counsellor" means a person having suitable legal knowledge and working experience of social and family welfare appointed to assist the Family court in the matters of law and in making conciliation etc. and to tender legal advice to the parties in litigations before the Family court.
  - (f) All other words and expressions used but not defined in these Rules, but defined in the Act or the Code of Civil Procedure shall have the meanings respectively as signed to them in the Act or the Code.

CHAPTER-II

Terms and conditions of service of Judge of the Family court :-

3. The post of judge or judges of the Family Court including the Principal Judge and Additional Judge, shall be in Grade-I of the Tripura Judicial Service and such Judge or Judges shall be entitled to the salaries and other emoluments as admissible under the Rules.
4. (1) The terms and conditions of service of the Judge or Judges of the Family court including the Principal Judge and additional Judge shall be those of a Judicial Officer in Grade-I of the Tripura Judicial Service.

- (2) Unless otherwise expressly provided for in these rules, the provisions of the Tripura Judicial Service Rules shall be applicable as regards the conditions of service of the Judge or judges of the Family court including the principal judge and the Additional Judge.

### **CHAPTER-III**

#### **Association of Counsellors with Family Courts.**

5. **Counselling Centre :-** There will be a centre for counselling attached with every Family court or a group of Family Courts.
- Composition :-** Counselling Centre may be divided into different units and may be located in such other place or places as the High court may direct.
6. (1) **Appointment of Counsellors :-** Three Counsellors may be attached to every Family Court. The Counsellors will be appointed from the panel of Counsellors prepared by the Judge of the Family Court and approved by the High Court.
- (2) A principal Counsellor may be attached/posted by the High court from Grade-II of the Tripura Judicial Service.
- (3) The Principal Counsellor shall be entitled to get salary and other allowances at the rate prescribed for an officer in Grade-II of the Tripura Judicial Service.
- (4) The provisions of Tripura Judicial Service rules shall be applicable as regards conditions of service of the Principal Counsellor.
7. **Qualifications :-** (1) A person shall not be appointed as a Counsellor unless ;
- (1) he has attained the age of 35 years ;
- (2) he has obtained a bechelor's degree in any of the Social Sciences including Sociology, Psychology, Clinical Psychiatry or Law and has at least two years experience in the field of social welfare or is associated with field-work, research or teaching in Government Departments or in College, University or a similar academic institute in the areas of welfare of family or problems of women and children.
8. **Payment of honorarium/fees to the Counsellors :-** The Counsellors shall be entitled to the payment of honorarium or fee at the minimum rate of Rs. 75/- per sitting for conciliation. In case of reconciled matter, he shall be paid Rs. 125/- per sitting. The number of sittings resorted for each case should not be more than four.
9. **Panel of Welfare Agencies/ medical experts :-** The Court will also maintain a panel of Welfare agencies or institutions specially in matters relating to children or guardianship and may call them as required. They will also maintain a panel of medical experts for assisting the court. They will be paid fees @ Rs. 200/- per visit or as may be prescribed from time to time by the High Court.
10. **Work by the Counsellors :-** The Counsellors may periodically visit the residences of the parties. They may also be entitled to interview relatives, friends, acquaintances of the parties or any of them in order to reconcile the dispute. The Counsellor may also visit Residence/House of the spouse in a reconciled matter periodically and submit his report to the judge.

### **CHAPTER - IV**

#### **Appearance of Legal Practitioner / Advocate, Amicus Curiae in Family Courts.**

11. Appearance of Legal Practitioners or Advocates in the Family Court.



Notwithstanding anything contained in any Law for the time being in force, no party to a suit or proceeding before a Family court shall be entitled as of right to be represented by a Legal Practitioner or Advocate provided that if the Family Court considers it necessary in the interest of justice, it may seek assistance of a legal expert as amicus curiae.

**Explanation :-** It does not preclude the Family Court from granting permission in the exercise of its discretion, where the circumstances justify, to a party to be represented by Legal Practitioner or Advocate.

12. **Appointment of Amicus Curiae :-** A Judge will maintain a panel of legal experts consisting of not less than five as Amicus Curiae. The panel of Amicus Curiae shall consist of legal experts, retired judges or advocates who have expertise in the field. The Amicus Curiae shall be paid a fee as admissible to a Public Prosecutor in the state.

13. **Party entitled to free legal advice :-** A party will be entitled to take legal advice at any stage of the proceedings before the Court. A party in indigent circumstances will be entitled to free legal aid and advice from the State Legal Services Authority in accordance with the rules made thereunder by the State.

14. **Panel of Lawyers for free legal advice :-** The Court shall maintain a panel of Lawyers willing to render free legal aid and advice. A party entitled to free legal aid and advice will be entitled to select any of the lawyers from the said panel provided the lawyer is available and willing to accept the case.

15. **Circumstances entitling a party to legal aid :-** The circumstances under which such legal aid will be made available to a party shall be as determined by the Family Court Judge in each case.

## **CHAPTER - V**

### **Procedure in the Family Court.**

16. **Filing of petitions :-** Every petition or application shall be accompanied by as many clear authenticated copies thereof as there are respondents to be served and by 3 additional copies for the use of the court and by such papers as are referred to with petition or application. No court fee shall be levied for filing a petition.

(All proceedings instituted before the Family Court shall be by way of petition)

17. (i) **Application of the Civil Procedure Code :-**

The provisions of Civil Procedure Code, 2002, as far as possible and shall apply to the proceedings before the Family Court.

(ii) Save as aforesaid, Chapter IX of the Criminal Procedure Code 1973 (Act No. II & 1974) shall apply in respect of petitions filed before the Family court.

## **CHAPTER - VI**

### **Experts opinion :-**

18. (1) Whenever the Family Court thinks it fit and necessary or whenever any occasion arises for the purposes of safe conclusion, a Family Court may have the opinion of any recognized expert including medical and handwriting expert.

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

- (3) 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 by the State Government :

Provided that whenever the expert referred to above is a public servant ; the Family court shall issue a court certificate as issued by judicial Courts to official witnesses. The experts already in the 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 concurrence of the High Court.

#### **CHAPTER - VII**

19. Except in case of Principal Counsellor, the Principal Judge or the 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 7(1).

#### **Terms and conditions of services :-**

20. (1) Except, otherwise expressly provided in these Rules, the terms and conditions of service of the staff referred to in the foregoing Rules shall be the same as that of the corresponding grade in the establishment of the District and Sessions judge.
- (2) The post of Superintendent referred to in item No. 1 of Rule 7(1) shall be equivalent to that of the sheristadar in the establishment of the District and Sessions Judge.

By order of the Governor,

A. B. Paul  
LR & Secretary, Law  
Government of Tripura.