The Registration of Marriage Bill, 1982

By
Shrimati Pramila Dandavate, M.P.

A
BILL

to provide for compulsory registration of marriages in India and for matters connected therewith.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:--

Short title and commencement

1. (1) This Act may be called the Registration of Marriage Act, 1982.
   (2) It shall come into force at once.

Compulsory registration of marriage

2. Every marriage performed after the commencement of this Act under any law for the time being in force in India or under any custom or usage having the force of law shall be compulsorily registered.

3. The marriages shall be registered
   (i) in the office of Panchayat in the rural areas;
   (ii) with the Sub-Registrar or Tehsildar, who may be authorised by the State Government in this behalf, in the urban areas:

Provided that where there is no Panchayat, the marriages shall be registered with the nearest Sub-Registrar or Tehsildar who may be authorised in this behalf.

Particulars of marriage

4. (1) The particulars of the marriage to be entered in the marriage register to be maintained by the Panchayat, Sub-Registrar or Tehsildar, as the case may be, and the form and manner in which such particulars shall be entered, shall be prescribed by the respective State Governments.
(2) The State Government shall also prescribe the documents relating to marriage to be furnished at the time of registration for record.

(3) The particulars/documents relating to marriage, to be prescribed by the State Government, required to be furnished for registration, shall include the following namely:

(a) the names and addresses of the bride, bridegroom and their parents;
(b) the ages of the bride and the bridegroom with documentary proof thereof;
(c) photograph of the married couple;
(d) invitation card, if printed for the marriage;
(e) an Inventory of gifts received by the bride and the bridegroom from the time of betrothal till the completion of marriage;
(f) an affidavit stating the share of the bride in her parents' property till the date of her marriage with an assurance to ensure her claim on her share in the property earned after her marriage;
(g) statement of expenses incurred by both the parties for marriage ceremony including betrothal.

5. (1) The bride, the bridegroom and their parents or guardians shall make a declaration at the time of registration of the marriage in the form of an affidavit, to be prescribed by the Central Government, that they have not violated any provision of any existing law relating to marriage, prohibition of dowry and prohibition of polygamy, applicable to them.

(2) A person making a false declaration under sub-section (1) shall be punishable with imprisonment which may extend to two years but which shall not be less than six month.

6. (1) It shall be the duty of the bride, bridegroom and their parents or guardians to get the marriage registered within ten days of the date of solemnisation of the marriage.

(2) In case the parents or the guardians of the bride and the bridegroom fail to apply for the registration of the marriage and to furnish the necessary particulars/documents within the prescribed time, they shall be liable to a fine which may extend to five hundred rupees:

Provided that if the application for registration is not made and the necessary particulars/documents are not furnished within thirty days after the date of marriage, they shall be liable to a further fine of one hundred rupees per week after the expiry of the aforesaid thirty days.

7. A marriage which is not registered under this Act shall not get the legal status and shall not entitle the bride and the bridegroom to the advantages under the law.

8. Gifts received by the bride in the marriage shall be treated "Streedhan" for the purposes of succession.
9. The Central or the State Government, as the case may be, shall frame rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The security and sanctity of marriage is fast diminishing. Number of dowry murders or suicides due to mental and physical torture inflicted on young wives is increasing at an alarming rate. Women are either abandoned or deceived and lured into marrying illegally, contravening the law relating to prohibition of polygamy.

There is an urgent need to protect women from destitution, polygamy and economic insecurity.

This Bill seeks to achieve these objectives.

New Delhi July 1, 1982

PRAMILA DANDAVATE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central and the State Governments to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, e.g., particulars/documents relating to marriage to be furnished at the time of registration of marriage, the delegation of legislative powers is of a normal character.
The Marriage Laws (Amendment) Bill, 1984

By

Shrimati Pramila Dandavate M.P.

A

BILL


BE it enacted by Parliament in the thirty-fifth Year of the Republic of India as follows:—

Short title

1. This Act may be called the Marriage Laws (Amendment) Act, 1984.

Insertion of new section 69A

2. After section 69 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Criminal Procedure Code), the following new section shall be inserted, namely:—

Service of summons by publication of notice in newspaper

“69A. Where the person summoned has shifted his residence and the address of the new residence of the person summoned is not known, the Magistrate may order for the service to be effected by publication of a notice to that effect in a daily newspaper normally circulated in the area in which the person summoned last resided and after the publication of the notice in the newspaper, it shall be deemed that the service has been effected”.

Amendment of section 125

3. In section 125 of the Criminal Procedure Code, in sub-section (7), for the words “not exceeding five hundred rupees”, the words “which shall not be less than fifty per cent of his income” shall be substituted.

Insertion of new section 125A, 125B and 125C

4. After section 125 of the Criminal Procedure Code, the following new section shall be inserted, namely:—

100
Order for maintenance during pendency of petition

"125A. The Magistrate may, at any time after the filing of the application under section 125, on being satisfied that the applicant has no sufficient income to maintain himself or herself or to bear the necessary expenses of the application, order that the respondent shall pay the expenses of the application and such sum every month, during the pendency of the application, for the maintenance of the applicant as may be just and reasonable:

Provided that the Magistrate may pass such an order before service of summons to the opposite party if he is satisfied that there is sufficient proof of the existence of relationship between the parties as provided under sub-section (1) of section 125 and that the circumstances of the case are so grave and serious in nature that they require passing of an immediate order for payment of interim maintenance.

Order for maintenance in case of desertion

125B. The Magistrate may, after verifying the fact given in an affidavit filed by an aggrieved wife that she has been deserted by her husband and on being satisfied that she has no sufficient income to maintain herself and her children, order the employer of the husband to pay directly to the wife such sum from the salary of the husband every month, as may be necessary, for the support and maintenance of the wife and her children:

Provided that if the affidavit is proved to be false, the applicant shall be punished with an imprisonment which may extend to six months but which shall not be less than two months and with fine amounting to the amount she has already received from the employer of the husband plus rupees five hundred.

Order as to place of residence

125C. The magistrate may, immediately after filing of the application, on being satisfied, that the women has been driven out of the house by her husband or his other family members and has no other place to live, order that the wife shall be allowed to stay in one part of the residence of her husband till such time the husband makes separate arrangement for her residence at his own expense”.

5. Insertion 126 of the Criminal Procedure Code, in sub-section (2), in the proviso, after the words “or wilfully neglecting to attend the Court,”, the words “or not attending the court even after publication of notice in the newspaper as provided under section 69A,” shall be inserted.

Amendment of section 127

6. In section 127 of the Criminal Procedure Code, in sub-section (3), clause (b) shall be omitted.

Amendment of section 13

7. In section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as the Hindu Marriage Act), sub-section (1A) shall be omitted.
Amendment of section 25

8. In section 25 of the Hindu Marriage Act, in sub-section (1), for the words “passing any decree”, the words “passing any final order decreeing or dismissing the petition” shall be substituted.

Amendment of section 27

9. In section 27 of the Hindu Marriage Act, the following proviso shall be added at the end, namely:

Provided that the court shall have the jurisdiction to decide which of the property was given exclusively to the wife and the court may also pass order for the return of any such property which was given exclusively to the wife but is proved to be at present in possession of the husband.”

STATEMENT OF OBJECTS AND REASONS

Tensions are building up in the matrimonial relationship due to rapid changes in the social and economic conditions, industrialisation and changes in the value system. Indian society which has come under the influence of Western culture, without discarding the feudal mentality, has accepted its consumerism and materialist outlook on life. However, failure to appreciate the fundamental value of equality of human beings has resulted in the erosion of moral values.

Women are the worst victims of this phenomenon. The licentious society which has lost its traditional values and is incapable to accept modern ones is denying justice to the women. No wonder, cases of dowry deaths, desertions, rapes and prostitution are on the increase.

Despite many benevolent laws the women continue to suffer. Besides economic dependence on the husband for survival, poverty and ignorance of law, basic defects in the laws of maintenance and marriage contribute to the factors responsible for the perpetration of injustice to women and children. Changes in these laws will help in getting expeditious relief.

This Bill seeks to amend the Code of Criminal Procedure, 1973 and the Hindu Marriage Act, 1955 so as to plug loopholes in the existing laws and provide expeditious relief to the women irrespective of their religious faith.

New Delhi;

July 11, 1984

PRAMILA DANDAVATE
ANNEXURE

Extracts from the Code of Criminal Procedure, 1973

(2 of 1974)

Order for maintenance of wives, children and parents.

125. (1) If any person having sufficient means neglects or refuses to maintain—

(a) his wife, unable to maintain herself, or

(b) his legitimate or illegitimate minor child, whether married or not, unable to maintain itself, or

(c) his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself, or

(d) his father or mother, unable to maintain himself or herself,

a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, father or mother at such monthly rate not exceeding five hundred rupees in the whole, as such Magistrate thinks fit, and to pay the same to such person as the Magistrate may from time to time direct:

Procedure.

126. (1) Proceedings under section 125 may be taken against any person in any district—

(2) All evidence in such proceedings shall be taken in the presence of the person against whom an order for payment of maintenance is proposed to be made, or, when his personal attendance is dispensed with, in the presence of his pleader, and shall be recorded in the manner prescribed for summons cases:

Provided that if the Magistrate is satisfied that the person against whom an order for payment of maintenance is proposed to be made is wilfully avoiding service, or wilfully neglecting to attend the Court, the Magistrate may proceed to hear and determine the case.
ex parte and any order so made may be set aside for good cause shown on an application made within three months from the date thereof subject to such terms including terms as to payment of costs to the opposite party as the Magistrate may think just and proper.

Alteration in allowance.

127. (1) On proof of a change in the circumstances of any person, receiving, under section 125 a monthly allowance, or ordered under the same section to pay a monthly allowance to his wife, child, father or mother, as the case may be, the allowance as he thinks fit:

Provided that if he increases the allowance, the monthly rate of five hundred rupees in the whole shall not be exceeded.

(2)...

(3) Where any order has been made under section 125 in favour of a woman who has been divorced by, or has obtained a divorce from her husband, the Magistrate shall, if he is satisfied that—

(a) the woman has, after the date of such divorce, remarried, cancel such order as from the date of her remarriage;

(b) the woman has been divorced by her husband and that she has received whether before or after the date of the said order, the whole of the sum which, under any customary or personal law applicable to the parties, was payable on such divorce, cancel such order,—

(i) in the case where such sum was paid before such order, from the date on which such order was made,

(ii) in any other case, from the date of expiry of the period, if any, for which maintenance has been actually paid by the husband to the woman;

EXTRACTS FROM THE HINDU MARRIAGE ACT, 1955
(25 of 1955)

Divorce

13. (1) Any marriage solemnized, whether before or after the commencement of this Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the ground that the other party—

(I-A) Either party to a marriage, whether solemnized before or after the commencement of this Act, may also present a petition for the dissolution of the marriage by a decree of divorce on the ground—
(i) that there has been no resumption of cohabitation as between the parties to the marriage for a period of one year or upwards after the passing of a decree for judicial separation in a proceeding to which they were parties; or

(ii) that there has been no restitution of conjugal rights as between the parties to the marriage for a period of one year or upwards after the passing of a decree for restitution of conjugal rights in a proceeding to which they were parties.

Permanent alimony and Maintenance

25. (1) Any court exercising jurisdiction under this Act may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose by either the wife or the husband, as the case may be, order that the respondent shall pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent’s own income and other property, if any, the income and other property of the applicant, the conduct of the parties and other circumstances of the case, it may seem to the court to be just, and any such payment may be secured, if necessary, by a charge on the immovable property of the respondent.

Disposal of property.

27. In any proceeding under this Act, the court may make such provisions in the decree as it deems just and proper with respect to any property presented, at or about the time of marriage, which may belong jointly to both the husband and the wife.
The Family Courts Bill, 1984

A BILL

to provide for the establishment of Family Courts with a view to promote conciliation in, and secure speedy settlement of, disputes relating to marriage and family affairs and for matters connected therewith.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Chapter I

PRELIMINARY

Short title extent and commencement

1. (1) This Act may be called the Family Courts Act, 1984.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States.

Definitions

2. In this act, unless the context otherwise requires,—

(a) “Judge” means the Judge or, as the case may be, the Principal Judge, Additional Principal Judge or other Judge of a Family Court;

(b) “notification” means a notification published in the Official Gazette;

(c) “prescribed” means prescribed by rules made under this Act;

(d) “Family Court” means a Family Court established under Section 3;

(e) all other words and expressions used but not defined in this Act and defined in the Code of Civil Procedure, 1908 shall have the meanings respectively assigned to them in that Code.
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(e) all other words and expressions used but not defined in this Act and defined in the Code of Civil Procedure, 1908 shall have the meanings respectively assigned to them in that Code.
Chapter II

FAMILY COURTS

Establishment of Family Courts

(3) (1) For the purpose of exercising the jurisdiction and powers conferred on a Family Courts by this Act, the State Government, after consultation with the High Court, and by notification,—

(a) shall, as soon as may be after the commencement of this Act establish or every area in the State comprising a city or town whose population exceeds one million, a Family Court;

(b) may establish Family Courts for such other areas in the State as it may deem necessary.

(2) The State Government shall, after consultation with the High Court, specify, by notification, the local limits of the area to which the jurisdiction of a Family Court shall extend and may, at any time, increase, reduce or alter such limits.

Appointment of Judges

4. (1) The State Government may, with the concurrence of the High Court, appoint one or more persons to be the Judge or Judges of a Family Court.

(2) When a Family Court consists of more than one Judge,—

(a) each of the Judges may exercise all or any of the powers conferred on the Court by this Act or any other law for the time being in force;

(b) the State Government may, with the concurrence of the High Court, appoint any of the Judges to be the Principal Judge and any other Judge to be the Additional Principal Judge;

(c) the Principal Judge may, from time to time, make such arrangements as he may deem fit for the distribution of the business of the Court among the various Judges thereof;

(d) the Additional Principal Judge may exercise the powers of the Principal Judge in the event of any vacancy in the office of the Principal Judge or when the Principal Judge is unable to discharge his functions owing to absence, illness or any other cause.

(3) A person shall not be qualified for appointment as a Judge unless he—

(a) has for at least seven years held a judicial office in India or the office of a Member of a Tribunal or any post under the Union or a State requiring special knowledge of law; or
(b) has for at least seven years been an advocate of a High Court or of two or more such courts in succession; or

(c) possesses such other qualifications as the Central Government may, with the concurrence of the Chief Justice of India prescribe.

(4) In selecting persons for appointment as Judges,—

(a) every endeavour shall be made to ensure that persons committed to the need to protect and preserve the institution of marriage and to promote the welfare of children and qualified by reason of their experience and expertise to promote the settlement of disputes by conciliation and counselling are selected; and

(b) preference shall be given to women.

(5) No person shall be appointed as, or hold the office of, a Judge or a Family Court after he has attained the age of sixty-two years.

(6) The salary or honorarium and other allowances payable to, and the other terms and conditions of service of, a Judge shall be such as the State Government may, in consultation with the High Court, prescribe.

Association of social welfare agencies, etc.

5. The State Government may, in consultation with the High Court, provide, by rules, for the association, in such manner and for such purposes, and subject to such conditions as may be specified in the rules, with a Family Court of—

(a) institutions or organisations engaged in social welfare or the representatives thereof;

(b) persons professionally engaged in promoting the welfare of the family;

(c) persons working in the field of social welfare; and

(d) any other person whose association with a Family Court would enable it to exercise its jurisdiction more effectively in accordance with the purpose of this Act.

Counsellors, officers and other employees of Family Courts

6. (1) The State Government shall, in consultation with the High Court, determine the number and categories of counsellors, officers and other employees required to assist a Family Court in the discharge of its functions and provide the Family Court with such counsellors, officers and other employees as it may think fit.

(2) The terms and conditions of association of the counsellors and the terms and conditions of service of the officers and other employees referred to in sub-section (1), shall be such as may be specified by rules made by the State Government.
Chapter III

JURISDICTION

Jurisdiction

7. (1) Subject to the other provisions of this Act, a Family Court shall—

(a) have and exercise all the jurisdiction exercisable by any district court or any subordinate civil court under any law for the time being in force in respect of suits and proceedings of the nature referred to in the Explanation; and

(b) be deemed, for the purposes of exercising such jurisdiction under such law, to be a district court or, as the case may be, such subordinate civil court for the area to which the jurisdiction of the Family Court extends.

Explanation—The suits and proceedings referred to in this sub-section are suits and proceedings of the following nature, namely:—

(a) a suit or proceeding between the parties to a marriage for a decree of nullity of marriage (declaring the marriage to be null and void or, as the case may be, annulling the marriage) or restitution of conjugal rights or judicial separation or dissolution of marriage;

(b) a suit or proceeding for a declaration as to the validity of a marriage or as to the matrimonial status of any person;

(c) a suit or proceeding between the parties to a marriage with respect to the poverty of the parties or of either of them;

(d) a suit or proceeding for an order or injunction in circumstances arising out of a marital relationship;

(e) a suit or proceeding for a declaration as to the legitimacy of any Person;

(f) a suit or proceeding for maintenance;

(g) a suit or proceeding for a relation to the guardianship of the person or the custody of, or access to, any minor.

(2) Subject to the other provisions of this Act, a Family Court shall also have and exercise—

(a) the jurisdiction exercisable by a Magistrate of the first class under Chapter IX (relating to order for maintenance of wife, children and parents) of the Code of Criminal Procedure, 1973; and

(b) such other jurisdiction as may be conferred on it by any other enactment.

Exclusion of jurisdiction and pending proceedings

8. Where a Family Court has been established for any area,—

(a) on district court or any subordinate civil court referred to in sub-section (1) of
section 7 shall, in relation to such area, have or exercise any jurisdiction in respect of any suit or proceeding of the nature referred to in the Explanation to that sub-section;

(b) no magistrate shall, in relation to such area, have or exercise any jurisdiction or powers under Chapter IX of the Code of Criminal Procedure, 1973;

(c) every suit or proceeding of the nature referred to in the Explanation to sub-section (1) of section 7 and every proceeding under Chapter IX of the Code of Criminal Procedure, 1973,

(i) which is pending immediately before the establishment of such Family Court before any district court or subordinate court referred to in that sub-section or, as the case may be, before any magistrate under the said Code; and

(ii) which would have been required to be instituted or taken before or by such Family Court if, before the date on which such suit or proceeding was instituted or taken, this Act had come into force and such Family Court had been established,

shall stand transferred to such Family Court on the date on which it is established.

Chapter IV

PROCEDURE

Duty of Family Court to make efforts for settlement

9. (1) In every suit or proceeding, endeavour shall be made by the Family Court in the first instance, where it is possible to do so consistent with the nature and circumstances of the case, to assist and persuade the parties in arriving at a settlement in respect of the subject-matter of the suit or proceeding and for this purpose a Family Court may, subject to any rules made by the High Court, follow such procedure as it may deem fit.

(2) If, in any suit or proceeding, at any stage, it appears to the Family Court that there is a reasonable possibility of a settlement between the parties, the Family Court may adjourn the proceedings for such period as it thinks fit to enable attempts to be made to effect such a settlement.

(3) The power conferred by sub-section (2) shall be in addition to, and not in derogation of, any other power of the Family Court to adjourn the proceedings.

Procedure generally

10. (1) Subject to the other provisions of this Act and the rules, the provisions of the Code of Civil Procedure and of any other law for the time being in force shall apply to the suits and proceedings (other than the proceedings under Chapter IX of the Code of Criminal Procedure, 1973) before a Family Court and for the purposes of the said provisions
of the Code, a Family Court shall be deemed to be a civil court and shall have all the powers of such court.

(2) Subject to the other provisions of this Act and the rules, the provisions of the Code of Criminal Procedure, 1973 or the rules made thereunder, shall apply to the proceedings under chapter IX of that Code before a Family Court.

(3) Nothing in sub-section (1) or sub-section (2) shall prevent a Family Court from laying down its own procedure with a view to arrive at a settlement in respect of the subject-matter of the suit or proceedings or at the truth of the facts alleged by the one Party and denied by the other.

Procedures to be held in camera.

11. In every suit or proceedings to which this Act applies, the proceedings may be held in camera if the Family Court so desires and shall be so held if either party so desires.

Assistance of medical and welfare experts.

12. In every suit or proceedings, it shall be open to a Family Court to secure the services of a medical expert or such person (preferably a woman where available), whether related to the parties or not, including a person professionally engaged in promoting the welfare of the family as the Court may think fit, for the purposes of assisting the Family Court in discharging the functions imposed by this Act.

Right to legal representation.

13. Notwithstanding anything contained in any law, no party to a suit or proceeding before a Family Court shall be entitled, as of right, to be represented by a legal practitioner:

Provided that if the Family Court considers it necessary in the interest of justice, it may seek the assistance of a legal expert as amicus curiae.

Application of Indian Evidence Act, 1872.

14. A Family Court may receive as evidence any report, statement, documents information or matter that may, in its opinion, assist in to deal effectually with a dispute, whether or not the same would be otherwise relevant or admissible under the Indian Evidence Act, 1872.

Record of oral evidence.

15. In suits or proceedings before a Family Court, it shall not be necessary to record the evidence of witnesses at length, but the Judge, as the examination of each witness proceeds, shall, record or cause to be recorded, a memorandum of the substance of what the witness deposes, and such memorandum shall be signed by the witness and the Judge and shall form part of the record.
Evidence of formal character on affidavit.

16. (1) The evidence of any person where such evidence of any person where such evidence is of a formal character, may be given by affidavit and may, subject to all just exceptions, be read in evidence in any suit or proceeding before a Family Court.

(2) The Family Court may, if it thinks fit, and shall, on the application of any of the parties to the suit or proceeding summon and examine any such person as to the facts contained in his affidavit.

Judgment.

17. Judgment of a Family Court shall contain a concise statement of the case, the case, the point for determination, the decision thereon and the reasons for such decision.

Execution of decrees and orders.

18. (1) A decree or an order (other than an order under Chapter IX of the Code of Criminal Procedure, 1973), passed by a Family Court shall have the same force and effect as a decree or order of a civil court and shall be executed in the same manner as is prescribed by the Code of Civil Procedure, 1908 for the execution of decrees and orders.

(2) An order passed by a Family Court under Chapter IX of the Code of Criminal Procedure, 1973 shall be executed in the manner prescribed for the execution of such order by that Code.

(3) A decree or order may be executed either by the Family Court which passed it or by the other Family Court or ordinary civil court to which it is sent for execution.

CHAPTER V

Appeal

19. (1) Save as provided in sub-section (2) and notwithstanding anything contained in the Code of Civil Procedure: 1208 or in the Code of Criminal Procedure, 1973 or in any other law, an appeal shall lie from every judgment or order, not being an interlocutory order, of a Family Court to the High Court both on facts and on law.

(2) No appeal shall lie from a decree or order passed by the Family Court with the consent of the parties.

(3) Every appeal under this section shall be preferred within a period of thirty days from the date of the judgment or order of a Family Court.

(4) Except as aforesaid, no appeal or revision shall lie to any court from any judgment, order or decree of a Family Court.

(5) An appeal preferred under sub-section (1) shall be heard by a Bench consisting of two or more Judges.
CHAPTER VI
Miscellaneous

Act to have overriding effect

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Power of High Court to make rules.

21. (1) The High Court may, by notification in the Official Gazette, make such rules as it may deem necessary for carrying out the purposes of the Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) normal working hours of Family Courts and holding of sittings of Family Courts on holidays and outside normal working hours;

(b) holding of sittings of Family Courts at places other than their ordinary places of sitting;

(c) efforts which may be made by and the procedure which may be followed by a Family Court for assisting and persuading parties to arrive at a settlement.

Power of the central Government to make Rules

22. (1) The Central Government may, with the concurrence of the Chief Justice of India, by notification make rules prescribing the other qualifications for appointment of a Judge referred to in clause (c) of 3 sub-section (3) of section 4.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be: so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of the State Government to make rules.

23. (1) The State Government may, after consultation with the High Court, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the provisions of the provisions of sub-section (1), such rules may provide for all or any of the following matters, namely:—
(a) the salary or honorarium and other allowances payable to, and the other terms and conditions of Judges under sub-section (6) of section 4;

(b) the terms and conditions of association of counsellors and the terms and conditions of service of the officers and other employees referred to in section 6;

(c) payment of fees and expenses (including travelling expenses) of medical and other experts and other persons referred to in section 12 out of the revenues of the State Government and the scales of such fees and expenses;

(d) payment of fees and expenses to legal practitioners appointed under section 13 as amicus curiae out of the revenues of the State Government and the scales of such fees and expenses;

(e) any other matter which is required to be, or may be, prescribed or provided for by rules.

(3) Every rule made by a State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.