

174

No: PCH-HC (1)102/2008-II-Pariwar Register- 58 998  
Govt. of Himachal Pradesh  
Panchayati Raj Department

To

The District Panchayat Officer,  
Kullu, Himachal Pradesh.

Shimla-9

dated

18<sup>th</sup> Sept. 2012

Subject: Regarding rejoining of two families.  
Sir,

I am to refer to your office letter No: PCH-KLU(Shi)Shillirajgiri-2012-6125 dated 28.8.2012 on the subject cited above and to inform that the Department has already taken up similar situated case with the Law Department for clarification in which the Law Department has opined that under section 20 of the H.P. General Clauses Act, 1968, there is a provision that where by any Himachal Pradesh Act or bye laws is conferred, then that power includes a power exercisable in the like manner and subject to the like sanction and conditions (if any), to add, to amend, vary or rescind any notifications, orders, rules or bye-laws so issued or made.

In view of above, a family separated under the relevant provisions of the Act and Rules of Himachal Pradesh Government, can be re-joined by adopting the same procedure which was adopted/followed for its separation but the case, in hand, does not fall within the ambit of this provision because the separation of a particular family is governed under Rule 21 of the H.P. Panchayati Raj (General) Rules 1997 and its re-joining would also be governed under the rule *ibid*. In Rule 21, it has also been made clear that the definition of the family shall be taken into consideration while deciding the matter regarding division of family. The definition of the "family" is as under:-

***"family means a joint family of all persons descended from common ancestor including adoption, who live, worship and mess together permanently as shown in the pariwar register of the Gram Panchayat;"***

Smt. Sauji Devi is not the common ancestor of Sh. Ram Lal or his family as has been defined above, therefore, he or his family cannot be re-joined with the family of Smt. Sauji Devi. However, Smt. Sauji Devi may follow the procedure under the Child

175

Adoption Act, if it applicable in her case. In view of the above, you are requested to advice the concerned Gram Panchayat.

Yours faithfully,



*o/c*  
Joint Director,  
Panchayati Raj Department,  
Shimla-9, H.P.