

RAJYA SABHA

Tuesday, the 21th August, 1991/ Thadra 5, 1913 (Saka)

The House met at eleven of the clock,

Mr. Chairman in the Chair.

ORAL ANSWERS TO QUESTIONS

Setting up of Family courts in States and Union Territories

*21. MISS SAROJ KHAPARDE: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) what is the number of Family Courts set up in the country so far, State-wise;

(b) whether Government propose to expedite the setting up of Family Courts in the remaining States and Union Territories; and

(c) if so, what are the details in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTRY OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARA-MANGALAM): (a) On the basis of information received from States/ Union Territories, a total of 18 Family Courts have so far been set up, namely, 8 in Uttar Pradesh, 3 in Rajasthan, 2 in Maharashtra, 2 in Orissa and one each in Karnataka, Tamil Nadu and Pondicherry.

(b) and (c) The Union Government have been impressing upon the remaining State Governments/Union Territories to consider setting up of Family Courts as early as possible since it would be for them to take action in the matter.

MISS SAROJ KHAPARDE: Mr. Chairman, Sir, the Family Courts Act, 1984 aims at promoting conciliation

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and speedy settlements of disputes relating to marriage and family affairs. The Act envisages that the family courts should be established in all places and towns where the population exceeds one million. The second part of my question, he has not answered. Therefore, I would like to know from the Minister whether the Central Government have sanctioned the creation of post of judges and supporting staff for the establishment of family courts in Delhi and other Union Territories in requisite numbers.

SHRI RANGARAJAN KUMARA-MANGALAM: Sir, so far as Delhi is concerned, we have sanctioned ten posts of judges and one hundred posts of supporting staff.

MISS SAROJ KHAPARDE: What about other Union Territories? You have not answered that part of the question.

SHRI RANGARAJAN KUMARA-MANGALAM: So far as sanctioning of posts for other Union Territories is concerned, they have to come to us specifically with the proposals. We are awaiting their proposals.

KUMARI CHANDRIKA PREMJI KENIA: Mr. Chairman, Sir, the Family Courts Act, 1984 suggests that women be given preference in appointment as the Presiding Officers or the Judges of the family courts. As far as my information goes, I find that even in the State of Maharashtra which is a very progressive State, not a single woman has been appointed as a Judge of the family court. I would like to know from the hon. Minister whether there are any instances elsewhere apart from Maharashtra where women have been appointed as the Judges of the family courts. That is one point.

Secondly, when the courts are established in certain States, the matters which are pending before the

ordinary civil courts are supposed to be transferred to the family courts. I was told that in certain cases, these matters have not been transferred so far to the family courts. So we are operating at two levels right now: one is the ordinary civil procedure code where the matters are pending before the normal courts and the other procedure is the family court which is a summary procedure. So I would like to get the information from the hon. Minister whether the pending matters before the ordinary civil courts have been transferred to the family courts.

SHRI K. VIJAYA BHASKARA REDDY: So far as the first part of the hon. Member's question is concerned, at present I do not have statistics as to how many women Judges have been appointed to the family courts. But the Act specifically says that if there are any qualified women for appointment to the post of Judges to the family courts they should be given preference.

So far as the second...

MR. CHAIRMAN: You can inform the hon. Member later on about how many women Judges have been appointed.

SHRI K. VIJAYA BHASKARA REDDY: I do not have statistics.

MR. CHAIRMAN: You can supply to her later on, not now.

SHRI K. VIJAYA BHASKARA REDDY: I will supply to her.

KUMARI CHANDRIKA PREMJI KENIA: The whole concept of family court is that women have to be given priority in settlement of the disputes because the approach is reconciliation.

MR. CHAIRMAN: He has understood it.

SHRI K. VIJAYA BHASKARA REDDY: I have understood her

question. Our view is also that women should be given preference in these courts. Actually I do not have statistics right now. However, I will supply to the House or to the hon. Member. On the other aspect, where the family courts are functioning, if the cases are not yet transferred, we will see that they are transferred immediately.

SHRI MOHINDER SINGH LATHER: Sir, these courts were set up to give early relief, speedy relief, in matrimonial and family cases. I want to know from the hon. Minister what the comparative study has been. Have results been achieved by setting up these family courts? What is the performance as compared to the regular courts? This is the first part of my question. In the second part, I want to know whether advocates have opposed the setting up of the family courts because they are not allowed to appear at least at the first stage.

SHRI K. VIJAYA BHASKARA REDDY: Sir, I shall answer the second part of the question first. There was some opposition from advocates because they felt that some portion of their work would be lost. It was questioned in courts and was upheld.

On the first part of comparative study, now only a few special courts are functioning. Some people who visited them from Delhi have said that the work is satisfactory.

श्री धूलेश्वर मीणा : श्रीमान्, मंजरी महोदय ने सारे देश के बारे में नहीं बताया; खासकर राजस्थान के बारे में कि फैमिली कोर्ट स्थापित करने जा रहे हैं या नहीं ?

श्री सभापति : बताया है, तीन राजस्थान में किये हैं इन्होंने बताया है । . .

श्री धूलेश्वर मीणा : बाकी दूसरी स्टेटस में भी आप स्थापित करेंगे ?

SHRI RANGARAJAN KUMARA-MANGALAM: Mr. Chairman, Sir, actually, in this particular matter on issue, if the hon. Member could see section 3 of the Act regarding setting up of the courts, it is within the competence of the State Government and it is the State Government which has to take the appropriate steps to do so. We have approached the State Government. We have been impressing upon them that it is necessary to set up the courts. And some State Governments have responded positively and have taken steps. Others normally give the excuse of infrastructure for *not* being able to set up the courts. But we will be impressing upon them even stronger in the days coming to see that the courts are set up as quickly as possible.

SHRI MOHD. KHALEELUR RAHMAN: I want to know from the hon. Minister whether there is any scheme to set up the family courts in the State of Andhra Pradesh.

SHRI K. VIJAYA BHASKARA REDDY: Sir, every State will be covered by this. But it is for the State to decide. They have to consult the High Court.

MR. CHAIRMAN: He has especially asked you.

SHRI K. VIJAYA BHASKARA REDDY: It applies to Andhra Pradesh also. They have not come to the Central Government.

SHRI MOHD. KHALEELUR RAHMAN: How much time it may take?

SHRI K. VIJAYA BHASKARA REDDY: The High Court of Andhra State does not seem to be thinking of it. (*Interruption*).

MR. CHAIRMAN: They have no disputes in Andhra.

SHRI K. VIJAYA BHASKARA REDDY: No. There is no proposal from Andhra Pradesh with the Government of India.

MR. CHAIRMAN: The Minister is from Andhra and he says that there are no disputes there and families are at peace.

SHRI S JAIPAL REDDY: There are disputes only within the Congress-I in Andhra, not in families.

MR. CHAIRMAN: Question No. 22.

Black snow in the Himalayan region

*22. SHRI G. G. SWELL: Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether there has been occurrence of black snow in our Himalayan region;

(b) if so, the extent of the areas where black snow has been found;

(c.) whether the causes thereof have been identified;

(d) whether our ecosystem and river system have been endangered as a result thereof;

(e) whether steps have been taken by Government to avert or minimise these adverse effects; and

(f) if so, what are the details thereof?

THE MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH): (a) Yes, Sir.

(b) A few isolated lumps of black snow have been observed in Gund Sonamarg areas of Jammu & Kashmir and Manali region of Himachal Pradesh in March, 1991.

(c) Analysis of samples collected from some of the affected areas, could not establish any specific cause for this occurrence.

(d) No, Sir.

(e) and (f) Do not arise.