

**GOVERNMENT OF INDIA  
LAW , JUSTICE AND COMPANY AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:2752  
ANSWERED ON:01.08.2002  
LAWYERS APPEARING IN FAMILY COURTS IN ROUTINE MANNER  
SURESH RAMRAO JADHAV (PATIL)

**Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:**

- (a) whether the Government are aware that lawyers are appearing in the family courts in a routine manner against the spirit of the Family Courts Act, 1984;
- (b) if so, the reasons therefor; and
- (c) the fresh steps taken by the Government to give para-legal training to counsellors serving the Family Courts in order to enable them to assist the judges and guide the parties in reconciliation so that the appearance of lawyers in family courts is eliminated ?

**Answer**

MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHI)

(a) to (c) Section 13 of the Family Courts Act, 1984 provides that no party to suit or proceedings before a Family Court shall be entitled, as of right, to be represented by a lawyer or a legal practitioner. However, the Court may in the interest of justice, provide the assistance of a legal expert as amicus curiae.

During its visit to Mumbai in 2001, the Parliamentary Committee on Empowerment of Women noticed that lawyers were appearing in Family Courts in a routine manner. This was pointed out by the Committee on Empowerment of Women in its Fifth Report. Keeping in view the observations of the Committee the matter was clarified to the Government of Maharashtra vide Department of Justice letters dated 28.5.2001 and 27.9.2001.

Clarifications have also been issued to all the State Governments vide Department of Justice letter dated 28.9.2001 forwarding therewith a copy of Supreme Court judgment delivered in W.P. No. 1128/87 - Kanpur Bar Association Vs. Union of India and others.

Model Family Courts Rules framed by the Department of Justice, in consultation with the States, have been circulated to all the State Governments, UT Administrations and High Courts vide Department of Justice letter dated 16.1.2002 to ensure uniformity in the Family Court Rules framed by various State Governments.

As regards giving para-legal training to counsellors serving the Family Courts, it is for the State Governments to make such arrangements.