

1426 hrs

FAMILY COURTS (AMENDMENT) BILL

[English]

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRIK. VIJAYA BHASKARA REDDY): I beg to move:

" That the Bill to amend the Family Courts Act, 1984, as passed by Rajya Sabha, be taken into consideration "

Mr. Deputy Speaker, Sir, as you are aware, the Family Courts Act, 1984 (66 of 1984) envisages the establishment of Special Courts with a view to promoting conciliation and speedy settlement of disputes relating to marriage and family affairs and matters connected therewith. As per information received so far, the State Governments of Karnataka, Maharashtra, Orissa, Rajasthan, Tamilnadu, Uttar Pradesh and the Union Territory of Pondicherry have already set up a total of 25 Family Courts. Notifications have also been issued in respect of Assam, Goa, Kerala, Madhya Pradesh, Sikkim, West Bengal and Union Territories of Andaman and Nicobar islands and Delhi extending the Family Courts Act to those States/Union Territories.

After the enactment of the Family Courts Act, 1984, a proceeding relating to the maintenance of wife, children and parents under Chapter IX (which includes Section 125) of the Code of Criminal Procedure, 1973 (Cr. P.C.) falls within the jurisdiction of the Family Courts. An anomalous situation has arisen inasmuch as the States where the Family Courts Act has not been extended, there will be no appeal against the maintenance order passed by the Magistrate under Section 125 of the Cr. P.C. and only the general provisions in Cr. P. C. regarding filing of revision petition would apply, while in those States where the Family Courts Act has been extended, an appeal under Section 19 of that Act would lie to a Division Bench of a High

Court against the maintenance order passed by the Family Court under Section 125 of Cr. P.C.

The Conference of Chief Justices held in December, 1989 took note of the above mentioned anomaly and recommended that the provision existing in the Family Courts Act, 1984 regarding appeal against an order made by a Family court under Section 125 of Cr. P.C. may be deleted and, in its place revision may be provided for in the said Act.

With a view to bringing about uniformity in the procedure for maintenance cases, it is proposed to amend Section 19 of the Family Courts Act, 1984. The right to appeal against the orders passed by the Family Courts under Section 125 of the Cr. P.C. is being deleted. At the same time, the Bill seeks to insert a new Clause relating to revision enabling the High Court on its own motion or otherwise, to call for and examine the record of any proceeding, in which a Family Court has passed orders under Chapter IX (which includes Section 125) of the Code of Criminal Procedure, 1973, to satisfy itself about the correctness legality and propriety of the order. It, however, intends to save the pending appeals and also the right to appeal from the orders passed before the commencement of the amending Act.

I hope the Bill will receive the whole-hearted support from all the Members of the House.

I commend the Bill for the consideration of the House.

MR. DEPUTY SPEAKER: Motion moved:

" That the Bill to amend the Family Courts Act, 1984, as passed by Rajya Sabha, be taken into consideration "

The time allotted for this Bill is two and a half hours. Now, I call Shrimati Sheela Gautam to speak.

[Translation]

SHRIMATI SHEELA GAUTAM (ALIGARH): Mr. Deputy Speaker, Sir, I express my thanks to you for providing me an opportunity to speak something. I would like to extend my support to the Family Courts which have been introduced in the country. I also support this Bill.

I support the Family Courts, because these Courts will provide justice to Women in the country. At the same time there will be a proper hearing of the cases of torture and injustice being done to them.

In view of the present condition of women, it becomes imperative to set up such courts in the country. In other countries, such courts are already functioning. They were first introduced in America in 1899. Their function was to fix maintenance allowance and alimony for the wives who were deserted since 1910. Japan and Australia have made such successful experiments. In 1949 Japan gave the Family Courts the status of independent courts. Such courts are also functioning in many other countries. Our country badly needs them, because our society is changing fast. Earlier there were joint families, but now that is not there. Now a days, the joint families are disintegrating. In the changed circumstances, none takes personal interest to remove women's problems. All have developed their own thinking. So there is a need to provide relief to the women by stopping torture on them by setting up these courts and disposing of their cases in short time.

Mr. Deputy Speaker, Sir, the Government has done an excellent job by introducing this Bill. I suggest that the number of such courts should be increased in the country. At present the number of such courts is very meagre in view of the growing number of atrocities on women. I suggest the Government that such family courts should be set up in each district so that the affected women may get justice immediately.

I also suggest that women judges should

be appointed in such courts, so that such courts are made more effective. Once again I support this bill.

[English]

MR. DEPUTY SPEAKER: Shri Ramesh Chennithala.

SHRI RAMESH CHENNITHALA Sir, I will speak on the Unemployment Bill.

MR. DEPUTY SPEAKER: Not on this Bill?

SHRI RAMESH CHENNITHALA: No.

MR. DEPUTY SPEAKER: Right. Now, Shri Sharad Dighe. Then, Shri Pala K.M. Mathew. (Interruptions) They are not interested. Shri Panigrahi...

SHRI SRIBALLAB PANIGRAHI (Deogarh): Sir, I rise to support the Family Courts (Amendment) Bill, 1990. The Family Courts Act was passed in 1984. The Hon. Law Minister has now come before the House with an amendment which has already been cleared by the other House.

There is no denying the fact that the necessity of establishment of family courts is very much there because this court deals with different types of cases, matrimonial cases, family affairs all these things. And judging the nature of the disputes, they need to be dealt with in a different way, not in the usual way together with other cases in the same court. Therefore, there was a need and the legislation is before us. But about the enforcement of this Act, I am sorry to observe that it has been far from satisfactory. That has been tardy inasmuch as in a number of States even in big States like Bihar and Andhra Pradesh and in some north-eastern States the State Governments have not yet cared to notify this Act in their respective States. Only about 25 family courts have so far been established in some States and some States have taken steps only recently to notify these courts. They have not yet established family courts. In that way, the

[Sh. Sriballab Panigrahi]

performance of quite a number of States in this regard is unsatisfactory. And so, this matter should be looked into. The hon. Minister should take interest to prevail upon the State Governments on the urgency and the necessity of implementing this Act.

Sir, this amendment is just procedural in nature. It seeks to bring about uniformity in procedure in regard to appeal, vis-a-vis, revision. The Family Courts Act does have certain provisions which are already there in the CrPC and in the CrPc, there is a provision about revision, against the orders of the court, with regard to maintenance, etc. Some provision does exist in Family Courts Act wherein instead of revision, there is provision for appeal. So, an anomalous situation is created which has been dictated by the presiding officers of the courts, that is, the judges and the Chief Justices. They have recommended in their conference that this anomalous situation should be removed by way of amendment and hence, this amendment has come. It should be revision in place of appeal. So, to fall in line with this to bring uniformity in procedure, this Bill is here before us.

Further, it empowers the High Court also to interfere and to call for records from the Lower Courts and family courts and so on. I wish that such interference of the High Court will be for the better and not for the worse to achieve the purpose underlying this Bill in a more meaningful way. This Bill is for administering social justice to our women who are weaker sections. Women do come under weaker sections and their interest will have to be and should be protected in the right perspective. There is a great deal of harassment to women and dowry deaths, etc. are very much on the increase. Again, physical torture is there of women and that number is also increasing. So, I request and I suggest that more powers would be given to the family courts. In a sense, dowry deaths and physical torture of women by their in-laws and their husbands are criminal in nature. It is just not criminal but something

more than that when compared to other types of criminal cases. Therefore, the cases should be handled suitably to bring these cases also under the purview of family courts. The atmosphere and approach must be different as far as these special courts are concerned. These cases with regard to matrimonial disputes and family affairs should be heard in a different atmosphere. I must also be seen that justice is administered in a speedier way. You know the proverbial saying, 'Justice delayed is justice denied.' Therefore, so far as these cases are concerned, it has to be quicker and cheaper as well.

Earlier, the proceedings under the Hindu Marriages Act were conducted in open courts and it was causing a great deal of embarrassment to the women. Therefore, however harassed, women were reluctant to go to the courts. Of course, now the situation has changed and it is decided to give protection to the spouses, by holding the proceedings in camera.

I would conclude with one or two suggestions. About 10,000 cases are now pending before these 25 and odd number of special courts. There is a restriction, rather a rider that family courts can be established only in those districts where the population exceeds one million. There are so many small districts with less than one million population. Therefore, there should not be any such restriction. The minimum that can be done in this regard is that there should at least be one family court in every district.

I would like to stress again that the approach to these family courts must be different. If the same who are on the panel for appointment as judges to man the civil courts are chosen to man the family courts as well, I am afraid Sir, that the purpose may not be served in its entirety. I say this because it requires a special type of training and a different type of attitude. Therefore, another suggestion that I would like to make is that as many women as possible should be appointed as judges to run the family courts.

the greater the number of women judges, the better it would be. This is my suggestion for your consideration. Today, there are a large number of women barristers, and advocates practising in different law courts. We find women in every field and they are not lacking in any respect. Therefore, preference should be given to women in the matter of appointment of judges so far as these family courts is concerned.

I have one more suggestion. When there is a divorce or when a woman is deserted and when she stays away from her husband, she may not be having her own income. In such a situation, even if she decides to go to the family courts, how will she finance the litigation? Where will she get the funds from? For this purpose, there should be a provision for legal aid and that legal aid too should be made available easily. It should be seen that the woman is not made to run from pillar to post in a helpless situation. The procedure should be such that she could approach the concerned authority easily to enable her to effectively fight the litigation. So more powers should be given.

I do not wish to say much. This is a very simple, a very innocuous Bill. There was some lacuna in the Act which has been rectified by this Bill. Sir, I am very sorry to observe that when a law is passed, the implementing machinery or the States which are entrusted with the task of implementing the law do not realise the urgency, the gravity of the situation and the importance of the legislation, and they go a little slow in its implementation. This is not proper. It does not give a good account of their performance. They should implement it maintain the letter and spirit of the legislation.

With these words, I give my whole-hearted support to this Bill.

SHRIMATI GEETA MUKHERJEE (Panskura): I thank you, Sir, for giving me the priority as I have to attend some meeting.

As far as this Bill is concerned, I fully support it. The question does not arise of

opposing it. My hon. colleague, Shri Panigrahi just now has made a number of points. I fully support the points made by him and also by Shrimati Sheela Gautam about the woman judge, etc. I fully approve of the figures that have been given by Shri Panigrahi. The Business Advisory Committee granted two-and-a-half hours time for the Family Courts (Amendment) Bill, revising its earlier time which was much shorter than this. The idea was that since the 193 on Atrocities on Women could not come this will be the occasion which we shall utilise making points on the subject. On that understanding this time was extended. But, Sir, I am very sorry to say, after having a look around the Chamber, that this is an atrocity really. Unfortunately, very few women or men are now present in the Chamber. I thank those hon. male colleagues who are present because we need them more than we need ourselves. So, from that point of view, I would like to deal with this question.

A few family courts have been formed, though they are in camera, etc. But, really speaking, how many women are able to go there today? Compared to the trouble that every family has, very few are able to go. I will give you two or three examples. From the state of affairs with secede good laws.

I have been a Member of this House from 1980 onwards. There was a new spurt in the Women's movement and from that spurt, outside the legislatures, the legislatures were moved to pass several good Acts.

Now, Let us see what is happening to these legislations? The Family Court will be no exception. This is why I am saying that this is relevant for us. For passing what is popularity known as the Custodial Rape Law in the Criminal Procedure Code, a lot of trouble was taken by the Select Committee. When I was here for the first time, the Indian Evidence Act was amended and the entire area of description of the word 'rape' was also changed. The responsibility of proving that that person has not committed rape was on the accused himself. This is the law

[Shrimati Geeta Mukherjee]

Now, let us see what is happening today? If you go through the newspapers of the last six months, you will find that so many custodial rapes have been reported. The hon. Minister for Law and Company Affairs must have read the newspapers and I need not advise him. It is strange that more custodial rapes are taking place now.

Secondly, let us take the question of dowry deaths. A Bill regarding this was passed. In that Bill, it was clearly mentioned that if a woman dies within seven years of her marriage and dies in suspicious circumstances, then an FIR has to be filed against the easpeats often then the husband and some members of is family. (Shrimati Geeta Mukherjee contd.) And her Fathers Family have to be informed before one goes in for postmortem . What is happening now?

Only the other day, I handed over a memorandum to our DG Police West Bengal saying that nobody had informed regarding the death of a girl. You will be interested to know that another case gave him was case of a Central Government employee. The girl was being pushed to death. This is the situation. That Central Government employee is running about in different States. So any day, that girl may die. Such things are happening in every State. Anyway, I do not want to cite any more illustration. Many Acts are passed by this Legislature unanimously but they are totally infructuous. This is where our hearts really pain.

Let me come to the National Commission on Women. I am raising this point again. I hope, there will be a discussion on this question with the Prime Minister. The other day also, during Zero Hour, I had raised this point. After a struggle for full one decade, a Bill was passed unanimously for forming a National Commission on Women. Then, we came to know that now two Commissions will be set up. The other day I said that too many cooks spoil the broth. You have not set up one Commission and now you are thinking of setting up two Commissions. I do not

know how Shri Manmohan Singh is going to pay the expenses. I find that you are in an unenviable position in the India of today. I am sure that you are noting. But, keeping everything in mind, I would like to know what is the meaning of declaring two Commissions: Will they have the statutory right as was given by the National Commission on women Act 1990 though it could not be put in the Constitution?

That is also not yet clear. So, it seems to me that we are running really in a helpless condition and in a vicious circle. This is where we have to make a break.

The implementation machinery such as the National Commission has to be quickly set up. But, again, I am not one of those who believe just setting up a National Commission will liberate us; it is far from it. Unless we can really change the society and its whole attitude towards women, we cannot do anything. I am absolutely clear about it. Therefore, while speaking on this Bill, the first and the last appeal of mine is let us really rise above all petty partisan considerations, political, social, whatever it may be; let us really take this question up at the grassroot level, let us deal with it at the grassroot level; let us create an atmosphere where women will be able to say that they are equal citizens according to the rights given to them by the contitution and they are supported by their entire family and locality. Only then this Bill will have any effect. Therefore, let all of them pledge whoever is here and whoever is not here that if women they remain in bondage, then no society can go forward whatever that society is if that be so, we have the bounden duty and we have to perform it.

Incidentally, when discussion took place under 193 during the last session, when I spoke, some hon. make Members asked me that "ddi you never said anything about us; we were also harassed sometimes." I agree, yes, you are also harassed some times you should not be harassed; women also should not do that. But the percentage-wise harassment by women that is still very little. Even then i stand for it that we must be ideal; we

must try to be, but then the main responsibility remains with the men-folk still. Another thing, let us remember that women, all of them, are not friends of women either. Unless the mother-in-law, when she is a mother of a son gives up the habit of demanding dowry and when she is a mother of a daughter starts wailing, we shall not go forward very much. So, let women also give up their double standard and take a single standard.

With all these pre-conditions which are very difficult to achieve, really these social laws can be out into effect. I urge all the Members who are sitting here as well as those who are outside though many media persons are not here, even then the media has to play a role in this to help in this matter. Let us all concerned in the society try to together live in peace, live in brightness, live in equality and help the country to go forward in its stride.

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Hon. Deputy Speaker Sir, I also support this Bill. I am supporting this Bill, because it is very essential to set up the family courts. As per provision of section 3, the State Governments would directly set up family courts in cities or metropolitan cities having population of 10 lakh or more. They may also set up such courts in cities having population less than 10 lakh. It has also been made imperative to consult the High Courts in regard to setting up of these courts.

15.00 hrs.

Some people, women organisations and advocates of Delhi however, opposed this Bill, but this opposition was a cause of utter surprise. The Woman Organisations were also of the opinion that it is a concrete step in the field of social Justice, because the setting up of such family courts will save the women from the cumbersome formalities of the existing courts and they will not now depend on the advocates. The objective of these courts is to provide them social justice; and the case will be represented by the

institution or some advisors or the victim herself and not by the lawyers. So they are opposing this Bill on the plea that it is against the section 30, which enables the lawyers to appear in any court. But as per the provision of section 13 of this Bill, the lawyers have no right to conduct the cases in these courts. Therefore, the lawyers are opposing it. For the purpose of representing the victim in the courts, women organisations and institutions, which can help them, will go to these courts. Women Organisations have been demanding for the setting up of these Courts for the last 15 years. The social and family organisations for woman in foreign countries have also demanded during the women year that such courts should be set up as may decide the cases of women's rights in property, custody of children, cases of divorce etc.

Mr. Deputy Speaker, Sir, most of the women do not go to courts because of cost factor in the courts, that is why a demand for setting up such courts in one form or the other, has been put forth and fortunately now much courts have been set up. Now the question arises as to how the judges will be appointed in the family courts. One suggestion is that the rank of the judge of the family court will be higher than the District Magistrate, but lower than the judge of a high court. The second is that the retired officers should be appointed as judges and the third suggestion is that such officers should be appointed as are already trained in resolving the family disputes. I would like to say that we should appreciate Smt. Pormila Dandvate who came forward to solve all these problems and evolved such a system as have no need to take any sort of legal help. In this respect I shall cite an example in this regard. A woman from Punjab used to come to Delhi for justice. Despite paying handsome fee to the lawyers, she could not get the required time of the lawyers for her cause. Then she brought her old father to Delhi. Even then, she did not get justice. In such circumstances women are compelled to make a forced compromise which usually is not in their favour. Similar was the case with this woman and she could not get justice. Setting up of

[Sh. Girdharilal Bhargava]

these courts will prove a boon for them. If there is any sort of problems in this bill, the lawyers from all over India should discuss the same with the women's organisations and resolve these problems. If the lawyers feel some problems due to these family courts, then these courts should be renamed as Family Welfare or Consolation Board.

Mr. Deputy Speaker Sir, I would like to say that this bill should have been introduced long ago. It should be made clear in the section 4, as to how the judge will be appointed Section 5 enables the Welfare Organisations, the women organisations and the professional social workers to provide assistance to the women. Women will get justice through this Bill. Therefore the hon. Minister should express regret for the delayed introduction of this Bill. In fact, these family courts will improve the condition of women in India which is a women dominated country and where women are worshipped. If we shall worship women and have a feeling of regard for them in the house, the condition of women will definitely improve. Women are mothers. They nurture children and teach good habits to them. If women are not properly respected and will remain in a tortured condition, the development of children will not be proper and they can not be a good citizen. Therefore I thank you for introducing this Bill for women and whatever lacunae are in its provisions, should be removed in consultation with legal experts.

[English]

SHRI S.B. SIDNAL (Belgaum): Sir I rise to support this Bill.

In this country, women have been feeling insecure from social points of view to have regular life. However, in the history, as my friend has said, woman had been accorded pooja and many other things. But actually when practical life comes, it is not so. Ladies have a lot of tension specially in divorce matters, maintenance of the children, and other things. When there is a

social tension, family progress cannot be expected. And when there is a social tension, even the country cannot progress.

To bring an orderly society; legislation is a must. And effective legislation should be made through progressive laws. This Bill is one of the progressive Bills brought by the Law Minister and I support this Bill.

Sir, women in this country should not only be protected but they should be directed to be on the progressive line. How best we can do? There are courts. I am also an Advocate. Several matters are pending for the last more than 40 years. Justice delayed is always justice denied. Every one of us know the importance of the law and also the procedural delay. In these matters, when wife applies for divorce or vice-versa, one has to wait for years together. And where will one has time to wait? If timely justice is not given, then no useful purpose will be served.

This Amendment is necessary to expedite this matter. It is a welcome step. The benefit should be given to all the pending cases also.

Sir, women in this country are normally very much backward. Many of the people do not know as to how to approach the court. Though some of the educated people approach the court, they are supposed to be illiterates in the court because they do not know how long it takes. My friend, who is an advocate, alone is not responsible for delaying the matters. They get delayed because of the procedure. The system, which is there now, itself allows the delay. When one files a petition, the other is not present or he may do something to harass or whatever it may be as per the instructions of the other side. So, when the system itself is not good, we cannot blame any judicial officer or legal practitioner. To overcome that we have to legislate a Bill. If the system could be improved through Bills, then we have to bring progressive laws. If the women in any country are not progressive, are not educated, then that country will be taken back to the clock of the progress.

There is a lady poet who said about women:

"The woman is not born from the head of of the man to sit on his head, she is not born from his feet to be stamped by him; she is born from his side to be equal to him, below his arms to be protected by him."

But how do we treat her? As Shrimati Geeta Mukherjee has very painfully narrated so many events and in the criminal and other cases when we see rape and so many types of ill-treatment of women, really sometimes we feel ashamed of reading those things through the press and listening to. Mostly city cases are reported and rural cases are never reported. Sir, you know it very well because you come from a rural area. While there is a law, that law cannot be enforced. When the law cannot be enforced, what is the use of passing so many laws? So whenever a law is made, it should be implemented properly and effectively. The courts should be easily approachable,

there should be speedy disposal of case and justice should appear to be done to the public so that the future cases of victimisation could approach the courts very easily; otherwise; one has to undergo a lot of mental agony waiting at the doors of lawyers and courts for a longest time. That may be one of the reasons for the backwardness of our country.

In western countries women are totally free but in our country there are social taboos. Though the woman does not want a husband and she wants to say something, there is no platform or really effective communication with the society. In other words, she has no remedy to get over those things. It is very difficult aspect. Therefore, if we are not free mentally, we cannot work or produce anything worthwhile. If men and women are free from social tensions, the country is free from social tensions and then you can expect a little progress. Therefore, to remove these things, the judicial system in the country has to be changed because the delay

involved in it is terrible.

We can also suggest so many other things. As you know very well, criminal cases are disposed of earlier than civil litigation. However, the civil litigations are delayed so badly that even century after century the succession certificate has to be produced in a court for heirship because the father died or the grandfather died while litigating. If that is the position, I do not know what justice we can give.

Another interesting aspect is that in this country there are more number of people who do not have any property. They do not know what a court is. A poor person who does not have any priority, does not know how a court functions. There are people who cannot approach the legal process because of social taboos. Even those who approach the courts do not get justice. Then what is the use of the courts? Therefore, in this case, we have to think very seriously in the best interest of the country and the society.

When you want to bring an orderly society, women should be allowed to develop. Therefore, in my opinion, the setting up of the family courts is one of the progressive acts. I welcome this. I support this. It is in the best interest of women. I share the feelings expressed by Shrimati Geeta Mukherjee and am of the definite view that protection of law should be given to women.

DR. RAM CHANDREA DOME (Birbhum): Mr. Deputy Speaker, Sir, I rise to support this Amendment Bill.

At the very outset, I start with a quotation:

"Janani Janma Bhumishch Swargadapi gariyau"

We, the Indian people, regard it in the letter and not in the spirit. Why it is so? We have to find the root cause because the society in which we are living is basically a society which is feudal in nature. The capitalist, set up, our culture, attitude, mentality and everything is feudal in nature. This is the root

[Dr. Ram Chandra Dome]

cause. So, we call for social justice, equality and so on and so forth. There are so many legislations in our country. There are so many Acts in the Statute Book. For that matter, nobody bothers and a very few Acts are implemented in this country. This is the reality.

Torture atrocity, discrimination, exploitation are a part and parcel, an inherent character of the semi-feudal society. As atrocities, exploitations, discriminations against weaker sections are going on—women are the main component of the weaker sections—they are also discriminated and exploited. So, in order to give them social justice or equal right, we must find the root cause. If we find the root cause, then we have a solution. So long the system persists, the system prevails, just legislation will not solve this problem.

This Bill is dealing with the Family Courts. This Bill first came into enactment in the year 1984. The main component of this Bill was to provide for the establishment of the Family Courts with a view to promote conciliation and secure speedy settlement of disputes relating to marriage and family affairs. But, it is surprising enough that after the enactment of this Bill, seven years before, very few States have come forward to implement that Act. If you go through the record, you can find that only a very few States are implementing this Act. Even States like Andhra Pradesh, Bihar and some other North-Eastern States are not coming forward to implement this Act. Moreover, it is too much surprising to all of us that in our Capital city, Delhi, there is no provision of open Family Court. Moreover, problems with regard to family matters are increasing. Atrocities on women are taking place in one form or the other. They are increasing day by day. We are proud of modern civilisation but what has civilisation given to us? Civilisation has not made us truly civilised. If we are truly civilised, then atrocities on weaker sections, particularly on women, should not be taking place.

Many things have been said by the previous speakers, particularly by my colleague, Shri Panigrahi. They have spoken about this Bill in detail. I have only two suggestions to make. One is regarding the appointment of judges of family courts. We have to rethink about the betterment of their service. Usually, judges are taken from the civil courts with civil experience, but my suggestion is that emphasis should be laid on selecting judges having experience in dealing with matrimonial matters and having progressive and soft attitude towards women, towards the weaker sections. Judges having experience in matrimonial or family affairs should be given priority. Particularly, if women judges are available, they should be given priority.

The main purpose of this Bill is to give protection to women but we must admit, and it is historically also true, that the Indian women are basically conservative nature. Majority of them have no education at all. Economically also they are weaker. So, many a time they can't speak openly due to their social prejudice. In this Bill there is no provision for giving legal aid to them. Government should arrange advocates or representatives like *amicus curiae* to plead their cases.

Another aspect is that this type of courts usually function as conciliatory bodies for the settlement of the disputes. Many a time this does not solve the problem at all. So, my suggestion is that we must emphasise on settling the disputes. Criminal offence in many forms are taking place against women. Since the women are weaker—both socially and economically—they cannot get justice. They cannot go to the criminal courts. All these types of criminal cases committed against women should come within the jurisdiction of family courts. This is my suggestion. If we could legislate in this fashion, then it will be more fruitful and more effective.

I want to suggest one thing regarding the composition of the family court. My suggestion is that there should be a provision for women representatives from different women organisations.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRIK. VJAYA BHASKARA REDDY): Sir, preference is given to them.

DR. RAM CHANDRA DOME: Another observation is about the evidence that is taken. Only oral evidence is taken. It is not recorded in detail. Only the summary and substance are recorded. Many a time there are chances of mis-interpretation. Therefore, my suggestion is that oral and written statement in detail should be recorded for future proceedings.

Finally, I have got one more suggestion. Many States have not yet come forward in this regard. I do not know what is the reason for this - whether their attitude is against this Act or they want any provision to be changed or reduced - I do not know. I think that in today's perspective many States have the financial constraints regarding expenditure - infrastructural expenditure, service facilities etc. So the Central Government must come forward to assist them financially in this matter.

In conclusion I want to say that many laws in our country have been legislated. But very few are implemented. I hope that this time the present Amendment Bill will be implemented with ardent sincerity and will be implemented in letter and spirit to make it a reality.

SHRI BOLLA BULLI RAMAIAH (Eluru): Mr. Deputy Speaker, Sir, The family courts were initiated in 1968 with the hope that they will be able to settle the matter out of major courts and eliminate legal problems. But in 1982 there were some amendments and a review was also conducted. It is mainly intended for matrimonial disputes, divorces, guardianships etc. and also to the compensation that has to be provided in this regard.

As mentioned by hon. Members who spoke earlier, these are not widely used all over the country. Unless they serve the purpose in rural areas, specially in so many places as our friends have just now men-

tioned, the purpose will not be served. Atrocities are happening. But, unfortunately, the affected people do not get any protection or they are guided properly. This matter should be taken up as they should be guided where to go for justice.

We see everyday in the press about the number of suicides that occur due to family problems. If the laws in this regard are known widely and are easily accessible in every nook and corner of this country, then probably, these things will be minimised. As mentioned by Shrimati Geeta Mukherjee, in dowry matters not only men but the mothers-in-law are also greatest problem, that is faced in the country. This aspect has to be looked into and the Courts should come forward to rescue the victims. The legal matters are time - consuming and the most important thing is in respect of illiterates. The Government should provide proper assistance - legal assistance or financial assistance - to them to see that they got proper justice in these family courts. The purpose of the family courts is mainly intended, as I said earlier, for quicker justice and it should be easily accessible to all types of families. I hope the Government will take special interest and see that the State Governments implement it also in the rural areas and see that common people are aware of these family courts which will be accessible to them.

MR. DEPUTY-SPEAKER: Mr. Remain, you can continue later.

SHRI BOLLA BULLI RAMAIAH: I will just now finish it, Sir.

With this, I support the Family Courts (Amendment) Bill brought by the Law Minister and I thank the Chair for giving me this opportunity.

MR. DEPUTY-SPEAKER: The House will now take up the Private Members' Business. Introduction of Bills.