

POINTS FOR PRESS NOTE

1. Successful organization of Northern Zone Regional Conference of the Family Courts Committee held on 6th& 7th April, 2024 at Dehradun on the directions of Hon'ble Supreme Court of India.
2. In First Appeal No. 102 of 2022 (Varun Vashisth vs. Soniya @ Soni), the Division Bench of Hon'ble High Court of Uttarakhand, directed the State Government to appoint two Counsellors, one Child Counsellor and one General Counsellor, in the Family Courts of four major districts, i.e. Dehradun, Haridwar, Nainital and Udham Singh Nagar, where the mental needs of children of the litigating parents may be examined, so that the children may not suffer mentally. Directions have also been given for setting up a Children-Room in every Family Court so that a positive environment may be created for children of the litigating parents.
3. On the directions of Hon'ble the Chief Justice/Hon'ble High Court of Uttarakhand/Hon'ble Patron-in-Chief, Uttarakhand State Legal Services Authority, a crèche room has been established in A.D.R. Building of Hon'ble High Court premises. The process for appointment of one General Counsellor for counselling in matters of matrimonial disputes, disputes of senior citizens etc. and one Child Counsellor for counselling of children of broken marriages in Mediation and Conciliation Centre/ADR Centre at Hon'ble High Court premises is underway.
4. The Ministry of Law & Justice, Government of India vide letter dated 11.01.2024 also found merit on the suggestions/recommendations made by Dr. Veena Madhav Tonapi, former Principal of JSS Sakri Law College. The said letter proposes for amendment for effective counselling, appointment of marriage counsellors and qualification for appointment of marriage counsellors. As per Dr. Tonapi, the persons to be appointed as counsellors must have Post Graduate Certificate in Couple and Family Therapy or qualified psychiatrists or psychologists or an MSW from a UGC recognized University to be appointed by Government as Marriage Counsellor. The Report No. 257 of Law Commission of India also speaks about the concept of shared parenting. In Writ Petition (PIL) No. 28 of 2024 (Shruti Joshi vs. State of Uttarakhand & Others), the Hon'ble High Court of Uttarakhand has been

pleased to direct that the proposed amendments, as mentioned in letter dated 11.01.2024, should be mandatorily followed while dealing with the matrimonial disputes, custody cases dealt by the Family Courts and during mediation.

Through the present Conference, a message is being sent that everybody, who is not even facing any litigation in the Family Court, should be made aware that, in future, when their children get married and they have a child, it is mandatory to follow the guidelines of shared parenting laid down by the Shah Commission in its Report dated 22.05.2015. This information has to be passed on to the future generations also.

5. Since the establishment of the first Family Court in Delhi On 9th May, 2009, Delhi has come a long way with now there being 30 Family Courts in 11 districts of Delhi. The percentage of cases settled through Counsellors was a whopping 51% in 2023 of the cases referred which increased to 60.4% in the month of February, 2024. The counsellors are doing tremendous job, specially in settlement of matrimonial disputes through amicable settlement.
6. The State Legal Services Authority, U.T. Chandigarh has also set up a Counselling Centre in ADR Centre, District Courts, Sector-43, Chandigarh, which is the first initiative of its kind in the States of Punjab, Haryana and U.T. Chandigarh and probably the first in India with an objective to provide counselling in pre-litigation matters relating to matrimonial/family disputes pending with Women Cell, Chandigarh; disputes such as Divorce petition, maintenance (u/s 125 Cr.P.C.), custody matters of children, cases under Domestic Violence Act, u/s 498-A of IPC and other matters involving family disputes pending in the District Courts, Chandigarh. If we look at the disposal figure of cases from May, 2022 to March, 2024 in Counselling Centre, DLSA Office, ADR Centre, District Courts Complex, Chandigarh, total 2274 cases were instituted/referred before Women Cell (Matrimonial Cases) and, out of this, 848 cases were settled (**37%**).

On the other hand, if we talk about the State of Uttarakhand, for the period 2022 to March 2024, we find that the percentage of successful counselling is only 13.03%.

7. Because of the initiative taken by Hon'ble the Chief Justice, Hon'ble High Court of Uttarakhand while dealing with the legal matters before the Court, the counselling in Family Court's matters is gearing up.
8. The Hon'ble High Court of Uttarakhand vide Circular Letter No. 04/UHC/Admin.A/2024 dated 07.03.2024 has been pleased to resolve that Judicial Officers will sit one day in a week in post-lunch session in order to make an attempt for out of Court settlement of those cases, in which some evidence has been record. For encouragement of mediation, the units provided to Judicial Officers on successful mediation are now increased from 1 unit to 4 units in each case.
9. Apart from the Family Courts, this Court, in WPPIL No. 136 of 2020 (Santosh Upadhyay vs. State of Uttarakhand), while dealing with the issue of jail reforms, took cognizance on a letter dated 07.11.2023 from the Government of Himachal Pradesh, Directorate of Prisons and Correctional Services, whereby it was informed that, in Himachal Pradesh, prison welfare activities are being run under a registered society and 40% of the earned profit on the sale of the products, manufactured in the jail, is being given to the jail inmates engaged in these activities. The Court also took cognizance of the Prison Counselling Report dated 16.11.2022 submitted by the DLSA Chandigarh. As per the said report, the inmates commit crime only on the ground of peer pressure, anger, frustration and lack of employment.

A direction was, accordingly, issued by the Court that this decision of the Government of Himachal Pradesh be implemented in the State of Uttarakhand also, especially keeping in view that 85% of the jail inmates, in every jail, are from lower strata and, if they are making some products and if they are not getting the profit, their families would suffer and, ultimately, when they go out of the jail, they would again commit crime.

10. In Suo Moto WPPIL No. 38 of 2024, in the matter of considering the Inspection Report and to Reform in District Jail, Nainital, the Court took cognizance on the overcrowding of the Nainital Jail. The Inspector General (Prison) was directed to call a meeting with the District Administration of Nainital to explore the possibility of constructing another jail in Nainital itself. The Court was informed that the convicted

accused, who are staying in Nainital Jail, would be shifted to Sitarganj Jail. The Court was also informed by the Amicus Curiae that there were 40 HIV patients in Nainital Jail. The Inspector General (Prison) was also directed to examine the issue of shifting these 40 HIV patients, who are staying in Nainital jail, which is very congested, to some cottages in the farm land of Sitarganj jail, which is of about 400 to 500 acres.

11. A Drug Awareness Campaign will shortly be launched in collaboration with the Narcotics Control Bureau, associating all the Schools and Institutions so that they should make the children aware of the impact of drug abuse and encourage the parents to create a happy environment for children at home. As per information given by NCB, market of heroin is increasing in India. Aggressive steps have to be taken to make the youth and their parents to take steps that they do not take drugs.
