



Role Of Family Court To Reduce Matrimonial Cases In India

Kiranben G Solanki^{1*}, Prof. (Dr.) Akil ali Saiyed²

^{1*}Research Scholar, Parul Institute of Law, Parul University, Vadodara-391760, Gujarat, India, Email ID: solanki.kiran7@gmail.com

²Parul Institute of Law, Parul University, Vadodara-391760, Gujarat, India

Citation: Kiranben G Solanki, et al (2024), Role Of Family Court To Reduce Matrimonial Cases In India, *Educational Administration: Theory and Practice*, 30(4), 5881-5884, Doi: 10.53555/kuey.v30i4.2305

ARTICLE INFO

ABSTRACT

The intention of the Family Court Act 1984 was to set up a essentially special methodology for the Family Court than is classically used in ordinary civil procedures. Late Smt. Durgabai Deshmukh was the first lady to emphasize the importance of setting up Family Courts in India. in 1953, her journey to China, where she had observe how family courts operated. Smt. Deshmukh talked with several judges and legal experts about the topic of establishment of family court, before putting Prime Minister Pt. Jawaharlal Nehru's plan to set up Family Courts in India into action. In the Family court not only property disputes but human problems are resolved by the Family Court. As a result, rather than being academic, abstract, or inflexible, its attitude to marriage concerns is far more beneficial, affirming, and fruitful. Matrimonial concerns need to be handled sympathetically and from a human perception. Care must be used while handling delicate matters about marriage, and several legal laws must be distinct and interpreted while keeping in mind the human nature. So, with reference to this, we will discuss about the duties and functions of the family courts, the roles of Family court jury, and case laws with the help of the Family Court Act, of 1984.

KEY WORD: Family Court, Duties, Functions.

INTRODUCTION:

Family Courts Act, 1984 was established on 14 September 1984. The main purpose of to set up of family Courts in India to promote conciliation and secure speedy settlement of disputes relating to marriage and family affairs.¹ Section 3 of the family court act 1984 provide that the courts are to be recognized in the town on the city where is the population exceeds 1 million or in any region where the state government considers establish it. The only law which gives a unique proceeding is called In camera proceeding. This means, in the case if the party does not want to speak in front of the open court. Than He can shoot a video. and the video clip can present before the court as the primary evidence. When we talk regarding the total number of family Courts, in India 438 family courts running today which increasing year to year.

OBJECTIVE OF THE STUDY

1. To discuss how the current scenario of family Court in India.
2. To discuss the role of other institute define in Family court act.
3. To examine the impact of Mediation and Conciliation on Marital disputes.

RESEARCH QUESTIONS

1. How does the Family Court developed?
2. Whether the mediation and conciliation is adequate tools for solving matrimonial disputes outside of court?

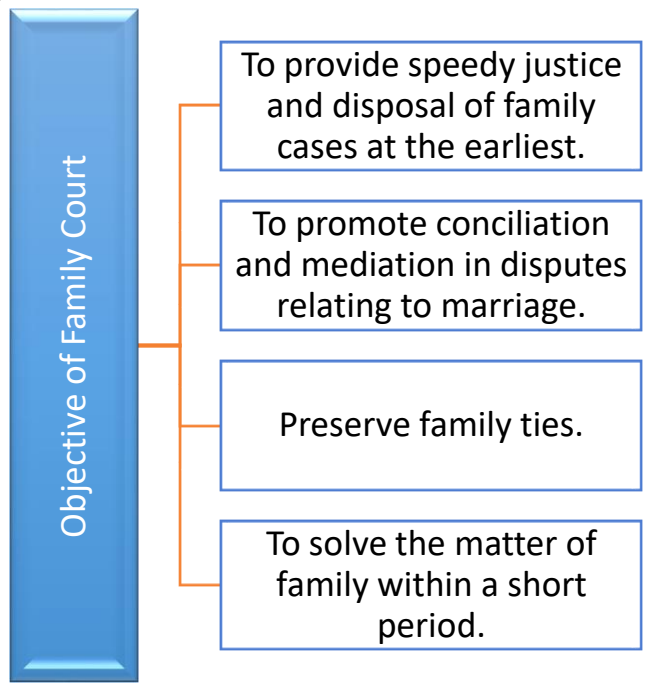
¹ Available at <https://lawdocs.in/blog/functions-and-duties-of-family-courts>

METHODOLOGY

The researcher would be adopted doctrinal research methodology. Researcher has analyze the various court judgments and some research work of scholars, and other resources like books, journals, and web resources have been used to carry out the research.

OBJECTIVE OF THIS ACT

The Objectives of the family court are as below:



JURISDICTION OF FAMILY COURT

The Matters which decide by the family court are as under:



Section 7 of Family Court act grants the family courts the powers and jurisdiction as well as the District Court or Subordinate Civil Courts. Section 7 (2) say that, the family courts is the authority to exercise the same authority as a Magistrate of the First Class under Chapter IX of the Code of Criminal Procedure, 1973, and any other jurisdiction provided by law.²

The Family Court can heard disputes are as under-

² Available at <https://www.drishitjudiciary.com/to-the-point/ttp-hindu-law/concept-of-family-courts>

- Dissolution of marriage
- Custody of child
- Domestic violence
- Maintenance
- Property disputes

DUTIES OF FAMILY COURT

As per Section 9 of this act, the duty of the family court are as below-

- To make reasonable efforts for reconciliation among the parties.
- To make efforts to promote reconciliation between the parties.

As per Section 9(1), in the first instance, the family court, in every suit or proceeding, shall make efforts to encourage the parties to reconcile the dispute with an agreement.

According to Section 9(2), if the family court finds that at any phase of the case proceeding there is a reasonable probability of settlement among the parties, the court has the power to delay the proceedings until the settlement is reached.

SERVICE AVAILABLE AT FAMILY COURT

The following services are provided by family court.

- Court Clerks:

They are helpful to learn more about the court proceedings and how they are maintaining. They can further guide on the daily court calendars and schedules.

- Self-help Centers:

They make available resources to the self-representing persons and assist with education equipment, training on court procedure, and implementation legal forms but they do not provide any legal advice.

- Mediation Services:

They help the parties to arrive on settlement. The various dispute like custody of children, maintenance, divorce, property related issue or any other. They are provided with non-biased mediators to make an agreement that is confidential.

- Court Interpreters:

Family courts process is simple and arranges an interpreter for the non-English speaker as language can be a barrier in the court. Each state has guiding principle on the timeline to apply and receive this aid.

KEY FUNCTIONS OF FAMILY COURTS

The key functions of the family courts are as :

➤ **Child Custody**

One of the most important functions of family courts is to resolve child custody arrangements subsequent the separation or divorce of parents. The court examine the various factors, like child's best interests, the parents' livelihood and their capability to provide for the child's needs, to grant custody to the most appropriate guardian.

This process is intended at ensuring the child's physical, emotional and psychological well-being is must be maintained.

➤ **Divorce Proceedings**

Family courts are the jurisdiction for couples looking for to break up their marriage. the court intervenes to build decisions on behalf of the parties. These decisions include a range of issues, the division of property, financial planning and child custody. The aim is to reach a fair and impartial resolution that respects the rights and interests of all parties involved in the matter.

➤ **Guardianship**

Guardianship involves granting a person the lawful authority to make decisions for a different individual, usually a minor or someone incapable of making decisions for them. Family courts evaluate and endorse guardianship arrangements to ensure they provide the best interest of the person under guardianship. This function is very important for protecting the well-being and rights of those who cannot care for themselves.

➤ **Child Support**

Family courts also manage the establishment and enforcement of child support orders. These orders need a non-custodial parent to make financial contributions to support of their child. Child support expenditure typically cover expenses related to housing, food, clothing, education and healthcare. The court's concern ensures that the financial burden of raising a child is fairly distributed among both parents.

➤ **Counseling Services**

Recognizing the emotional and psychological need that family disputes can have on individuals, family courts frequently provide access to counseling services. These services are intended to support families through the challenges of severance, divorce and custody disputes. Court-appointed counselors are skilled to help families

navigate these difficult times, focusing on the welfare of children and facilitate harmonious resolutions whenever it possible.³

Some other Functions of Family Courts

- Further than the core functions outlined above, family courts have some other responsibilities. These contain issuing decrees for the nullity of marriage, adjudicate claims for the restitution of conjugal rights, granting judicial separation and control the dissolution of marriage.
- Family courts also have the power to declare the matrimonial status of individuals, deal with matters related to spousal property and maintenance. Each of these functions is intended at addressing the multifaceted legal issues that can arise inside family relationships, ensuring that justice is served in a manner that priorities the wellbeing of the family as a whole.

SUCCESS OF FAMILY COURT

Setting up of Family Courts and its performance lies within the area of State Government in consultation with their respective High Courts. The Family Courts Act, 1984 deal with the establishment of Family Courts by the State Governments in consultation with the High Courts to encourage conciliation and secure speedy resolution of disputes relating to marriage and family. As per the Act, it is necessary for the State Government to set up a Family Court for every city or a town whose population exceeds one million. In other areas of the States, the Family Courts may be set up if the State Governments deems it required.⁴ As per recent data, 819 Family Courts are functional across the country (February 2024)⁵

CONCLUSION

Family courts serve as a vital component of the judicial system, addressing a wide range of issues that impact of society—the family. Through their complex functions, from adjudicating divorce proceedings and child guardianship provision to overseeing custody and child support, family courts endeavor to ensure that individual's rights are confined while prioritizing the wellbeing of children. By providing access to counseling services and conduct a variety of other family-related legal matters, family courts play an crucial role in maintaining the constancy and welfare of families undergoing legal disputes.

The work of family courts underscores the significance of a sympathetic, fair and effective legal approach to resolving family issues, ensuring that the principles of justice are upheld inside the most personal and receptive areas of our lives.

References

1. Family Court act 1984
2. Family laws
3. Web Resources
4. <https://lawbhoomi.com/functions-of-family-courts/>
5. <https://lawdocs.in/blog/functions-and-duties-of-family-courts>
6. <https://www.drishtijudiciary.com/to-the-point/ttp-hindu-law/concept-of-family-courts>
7. <https://ijtr.nic.in/family%20matters/10%20FAQ%20Role%20&%20Duties.pdf>
8. <https://newapps.nic.in/pdfreports/Working%20of%20Family%20courts%20in%20India.pdf>

³ Available at <https://lawbhoomi.com/functions-of-family-courts/>

⁴ Available at <https://lawbhoomi.com/functions-of-family-courts/>

⁵ Available at <https://doj.gov.in/family-court/>