

## THE ROLE OF FAMILY COURTS IN INDIA: A PILLAR OF JUSTICE IN FAMILY DISPUTES

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### ABSTRACT

Family is the foundation of Indian society, and maintaining harmony within families is crucial for social stability. The Family Courts Act, 1984, was enacted to establish family courts across India to handle family-related disputes efficiently and amicably. The role of family courts is not just to enforce laws but also to promote reconciliation, counselling, and mediation, ensuring that disputes are resolved in a less adversarial manner. Family courts have exclusive jurisdiction over various matters related to marriage, family, and child welfare. These courts function under the Family Courts Act, 1984, which empowers them to handle. Family courts have the power to summon parties, examine witnesses, appoint counsellors, and enforce judgments in family disputes. They function with less rigid procedural rules to provide an environment conducive to reconciliation and justice. By addressing family disputes with empathy, efficiency, and fairness, family courts uphold the principles of justice, equality, and social welfare in India's legal system.

**Key Words:** Family Court, Family, The Family Courts Act, 1984, reconciliation, counselling, mediation

### Introduction

Family is the foundation of Indian society, and maintaining harmony within families is crucial for social stability. However, conflicts within families are inevitable, and when disputes arise, they require an effective legal mechanism for resolution. The **Family Courts Act, 1984**, was enacted to establish **family courts** across India to handle family-related disputes efficiently and amicably. These courts aim to **resolve marital, parental, and financial disputes** while

prioritizing the well-being of the individuals involved, particularly women and children.<sup>162</sup>

The role of family courts is not just to enforce laws but also to promote **reconciliation, counseling, and mediation**, ensuring that disputes are resolved in a less adversarial manner. This article explores the structure, jurisdiction, functions, significance, and challenges of family courts in India.<sup>163</sup>

### Objectives of Family Courts in India

The primary objectives of family courts include:

<sup>162</sup>

[https://www.indiacode.nic.in/bitstream/123456789/1844/1/A1984\\_\\_66.pdf](https://www.indiacode.nic.in/bitstream/123456789/1844/1/A1984__66.pdf)

<sup>163</sup> <https://lawbhoomi.com/functions-of-family-courts/>

1. **Speedy Resolution of Family Disputes** – Traditional courts often take years to resolve cases. Family courts aim to provide **quick, efficient, and less formal** proceedings.
2. **Encouraging Reconciliation** – Family courts encourage settlements through **counseling and mediation** rather than legal battles.
3. **Ensuring Welfare of Children** – In disputes involving child custody, the courts prioritize the **best interests of the child** rather than just legal technicalities.
4. **Protecting Women's Rights** – Family courts play a crucial role in securing **maintenance, alimony, and protection from domestic violence** for women.
5. **Reducing Burden on Civil Courts** – By handling personal and matrimonial cases separately, family courts reduce the workload on civil courts.<sup>164</sup>

### Jurisdiction and Powers of Family Courts

Family courts have exclusive jurisdiction over various matters related to marriage, family, and child welfare. These courts function under the **Family Courts Act, 1984**, which empowers them to handle:

#### 1. Marriage-Related Cases

- Divorce under different personal laws (Hindu Marriage Act, Muslim Personal Law, Christian Marriage Act, Special Marriage Act, etc.).
- Judicial separation, restitution of conjugal rights, annulment of marriage.

#### 2. Maintenance and Alimony

- Granting maintenance to wives, children, and parents under **Section 125 of the CrPC**.
- Deciding alimony (permanent and interim) during or after divorce proceedings.

### 3. Child Custody and Guardianship

- Deciding custody arrangements based on the **Guardians and Wards Act, 1890** and personal laws.
- Determining visitation rights for non-custodial parents.

### 4. Property and Inheritance Disputes

- Division of matrimonial property after divorce.
- Succession rights, particularly when family members contest wills or inheritance claims.

### 5. Protection from Domestic Violence

- Handling cases under the **Protection of Women from Domestic Violence Act, 2005**.
- Issuing protection orders and residence orders for victims.

### 6. Adoption and Surrogacy-Related Disputes

- Granting legal status to adoptive parents.
- Resolving disputes over child adoption and guardianship.

Family courts have the power to **summon parties, examine witnesses, appoint counselors, and enforce judgments** in family disputes. They function with **less rigid procedural rules** to provide an environment conducive to reconciliation and justice.<sup>165</sup>

### Key Features of Family Courts

Family courts differ from regular civil courts in several ways:

#### 1. Simplified Procedures

- Less formal than traditional courts, making the legal process more approachable.
- Encourages out-of-court settlements to reduce adversarial litigation.

#### 2. Mediation and Counseling Services

<sup>164</sup> <https://lawcrust.com/family-courts-in-india-functions/>

<sup>165</sup> <https://blog.ipleaders.in/types-cases-addressed-family-courts/>

- Family courts **prioritize mediation** before proceeding with litigation.
- Court-appointed counselors help couples resolve disputes amicably.

### 3. Confidentiality and Sensitivity

- Unlike regular courts, family courts conduct in-camera proceedings (closed to the public) to protect privacy and dignity.
- This ensures that sensitive matters, especially in divorce or custody cases, are not publicly disclosed.

### 4. Gender-Sensitive Approach

- Family courts consider the unique social and financial disadvantages faced by women, especially in maintenance and custody cases.

### 5. Specially Trained Judges and Counselors

- Judges presiding over family courts often undergo special training in handling psychological, social, and legal aspects of family disputes.

### Significance of Family Courts in India

Family courts serve as a crucial institution in the Indian judiciary for **maintaining social harmony** and addressing family conflicts effectively. Their role is vital in:

#### 1. Speedy Disposal of Cases

- The traditional judicial system is burdened with a huge backlog of cases, and family disputes often take years to resolve.
- Family courts work on a **fast-track** basis to ensure quicker resolutions.

#### 2. Ensuring Justice for Women and Children

- Women and children are often the most affected in family disputes.
- Family courts protect their rights to financial support, shelter, and security.

### 3. Promoting Alternative Dispute Resolution (ADR)

- Family courts encourage **mediation and conciliation** instead of long, exhausting legal battles.
- This reduces hostility between family members and ensures peaceful settlements.

### 4. Strengthening the Institution of Marriage

- In some cases, family courts help **prevent unnecessary divorces** by promoting counseling.
- Couples are encouraged to reconcile and resolve differences amicably.<sup>166</sup>

### Challenges Faced by Family Courts in India

Despite their importance, family courts face **numerous challenges** in fulfilling their objectives effectively:

#### 1. Overburdened with Cases

- High pendency of cases leads to delays, contradicting the purpose of family courts.

#### 2. Lack of Awareness

- Many people, especially in rural areas, are unaware of the **existence and benefits** of family courts.

#### 3. Social Stigma

- Divorce, child custody battles, and maintenance cases still carry **social stigma**, preventing many people from seeking justice.

#### 4. Inconsistent Implementation Across States

- Some states have well-established family courts, while others lack the required resources and facilities.

### Conclusion

Family courts play an essential role in preserving family harmony and ensuring justice in matrimonial and child-related disputes. Their approach focuses not just on legal solutions but

<sup>166</sup> <https://gsbagga.com/blog/the-role-of-family-courts-in-india-a-guide-for-divorce-and-custody-cases/#:~:text=Family%20courts%20play%20a%20pivotal,seek%20the%20expertise%20of%20professionals>.

also on reconciliation and well-being. Despite challenges, strengthening family courts through better infrastructure, awareness, and alternative dispute resolution mechanisms will enhance their effectiveness in delivering justice.

By addressing family disputes with empathy, efficiency, and fairness, family courts uphold the principles of justice, equality, and social welfare in India's legal system.

