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ROLE OF FAMILY COURT IN RESOLVING WOMEN'S LEGAL ISSUES

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ABSTRACT

The family court serves an essential function in tackling and resolving legal challenges encountered by women, especially concerning marriage, divorce, child custody, domestic violence, and property rights. By offering a dedicated judicial environment, family courts guarantee prompt and considerate resolution of conflicts while taking into account the distinct socio-legal difficulties faced by women. Additionally, these courts promote alternative dispute resolution methods, including mediation and counselling, to encourage peaceful settlements. This paper examines the importance of family courts in protecting women's rights, the obstacles they confront, and the reforms necessary to improve their efficacy in administering justice.

Keywords – Family court, women's legal rights, divorce, child custody, domestic violence, property rights, mediation, legal justice, gender equality, alternative dispute resolution.

Introduction

Family courts⁹⁵ play a crucial role in resolving various legal issues faced by women. These courts are specifically designed to handle matters related to family disputes, ensuring a fair and just resolution while considering the welfare of women and children.⁹⁶ They provide a supportive legal framework⁹⁷ to address issues such as divorce, domestic violence, maintenance, child custody, and property rights.⁹⁸

Divorce and Separation

One of the primary roles of family courts is to handle divorce and separation cases. Women

who seek legal separation from their spouses due to irreconcilable differences or marital abuse can approach the family court. The court ensures a fair settlement regarding alimony, maintenance, and the division of assets, protecting women from financial instability post-divorce.⁹⁹

Domestic Violence and Protection Orders

Family courts provide legal recourse for women facing domestic violence. Under the Protection of Women from Domestic Violence Act, 2005, women can file complaints against abusive spouses or family members. The court can issue protection orders, restraining the abuser from contacting the victim and ensuring her safety.¹⁰⁰

⁹⁵ <https://doj.gov.in/family-court/>

⁹⁶ <https://blog.ipleaders.in/types-cases-addressed-family-courts/>

⁹⁷

<https://ijtr.nic.in/family%20matters/10%20FAQ%20Role%20%20Duties.pdf>

⁹⁸ <https://lawbhoomi.com/functions-of-family-courts/>

⁹⁹ <https://gsbagga.com/blog/the-role-of-family-courts-in-india-a-guide-for-divorce-and-custody-cases/>

¹⁰⁰

https://ujala.uk.gov.in/files/Applicability_of_DV_Act_2005_in_Family_Court.pdf

Maintenance and Alimony

Women who are financially dependent on their spouses can seek maintenance and alimony through the family court. The court determines a fair amount based on the husband's income and financial status, ensuring the woman's well-being and financial security.¹⁰¹

Child Custody and Guardianship

Family courts decide on child custody in cases of divorce or separation, prioritizing the best interests of the child. Women who seek custody of their children can present their case in family court, which ensures a balanced decision regarding guardianship, visitation rights, and child support.¹⁰²

Mediation and Reconciliation

Family courts emphasize alternative dispute resolution methods such as mediation and counseling. They attempt to resolve conflicts amicably without prolonged legal battles, which can be emotionally and financially draining for women.¹⁰³

Protection of Women's Rights

Family courts uphold women's rights by enforcing laws that safeguard their dignity and security. They ensure legal provisions are effectively implemented, preventing discrimination and injustice against women in family matters.¹⁰⁴

Conclusion

Family courts serve as a crucial institution in addressing women's legal issues, offering them justice, protection, and financial security. By providing a supportive legal environment, these courts empower women to fight for their rights and lead independent lives. Strengthening the

family court system further can contribute to greater gender equality and social justice¹⁰⁵

¹⁰¹ <https://lawcrust.com/family-courts-in-india-functions/>

¹⁰² <https://aishwaryasandeep.in/role-of-family-courts-in-guardianship-matters/>

¹⁰³ <https://jgu.edu.in/mappingADR/mediation-in-family-law-disputes-in-india/>

¹⁰⁴ <https://ijlmh.com/paper/role-and-functioning-of-family-courts-for-the-protection-of-womens-rights-in-india/>

¹⁰⁵ <https://www.legalserviceindia.com/legal/article-4716-administration-of-gender-justice-through-family-courts-act-1984-and-pwdva.html>