

FAMILY COURTS

Family Courts Act 1984

- ▶ The Family Courts Act 1984 was enacted on 14 September 1984 to provide for establishment of the family courts with a view to promoting conciliation in and secure speedy settlement of disputes relating to marriage and family affairs.

Matters dealt in the Family Court in India

The matters which are dealt in the Family Court in India are matrimonial reliefs which includes :

- ▶ nullity of marriage,
- ▶ judicial separation,
- ▶ divorce,
- ▶ restitution of conjugal rights,
- ▶ declaration as to the validity of marriage and matrimonial status of the person,
- ▶ property of the spouses or any of them ,
- ▶ declaration as to the legitimacy of any person, guardianship of a person or custody of any minor, maintenance including the proceeding under the Cr. P.C.

Jurisdiction of the family court

The family courts exercise the entire jurisdiction which is exercised by any District Court or any subordinate civil court in the following matters-

- ▶ Matrimonial cases
- ▶ Maintenance and alimony of spouses
- ▶ Custody and guardianship of children
- ▶ Settlement of spousal property

Procedure to be followed by the Family Court

1. The family court has the power to make their own procedure.
2. They are not required to record the oral statement of the witness at length.
3. The Family Court can receive any document or statement even if it is not admissible under Indian Evidence Act 1872.

Role and responsibility of the family court

- ▶ It is the duty of the family court to resolve the matter through conciliation and settlement.
- ▶ Provisions of the Code of Civil Procedure, 1908 are applied for the enforcement of the order of the Family Court.
- ▶ The Court can take assistance of medical and welfare experts as well as the Counsellors.

In camera proceedings

- ▶ In camera proceedings can be ordered if the parties desire. (In camera proceedings means that the public is not allowed to see the proceedings)

Appeal from judgment or order of the family court

- ▶ The appeal from family courts lies directly to the High Court within 30 days of passing the order or the judgement. Such The appeal can be on both question of law and question of fact. No appeal lies against an order which is passed with the consent of the parties

Counseling and conciliation are the two pillars on which the whole structure of family courts is built.