

FAMILY COURTS ACT, 1984

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REASONS FOR ENACTMENT

- Family disputes involve serious and emotional aspects
- Family disputes involve sensitive and delicate issues
- Family disputes involve children and blood relatives issues
- Family disputes involve conjugal and privacy issues
- Family litigation needs special procedure.

- Rigid rules of procedure and evidence not suitable.
- Demand from social organizations and NGOs.
- The law commission 59th report in the year 1974.
- CPC was amended in 1976 to deal with family cases.
- In spite of amendments no progress in family dispute resolution through the special procedure

AIMS & OBJECTIVES OF THE FAMILY COURTS ACT, 1984

- To make obligatory on the state to establish number of family courts.
- To provide jurisdiction to the family courts on nullity of marriage, divorce, judicial separation, restitution of conjugal rights, validity of marriage, property disputes between members of family, legitimacy of the child, guardianship, custody of children and maintenance etc
- To make mandatory of conciliation proceedings on family courts.

- To settle family disputes through conciliation, reconciliation and settlement.
- To provide social and medical assistance to assist the parties to settle their disputes by conciliation.
- To prevent legal practitioners except as *amicus curiae*.
- To simplify the rules of evidence.

APPOINTMENT OF JUDGES

- The state government with the concurrence of the High court may appoint judges of the Family Court
- A person with seven years experience as judicial officer in India
- A person with seven years experience as advocate of High court or courts of succession
- A person who committed to the protection and preservation of family
- Preference shall be given to women
- The retirement age of the judge is 62 years

JURISDICTION OF THE FAMILY COURT

- Jurisdiction exercisable by any district court.
- Jurisdiction exercisable by subordinate civil court.
- Jurisdiction exercisable by a magistrate under section 125 Cr.P.C. ,1973.
- Jurisdiction in respect of pending proceedings.

ESTABLISHMENT OF FAMILY COURTS

- The Family Courts Act, 1984 empowered the state government to establish number of family courts
- Majority of the states in India implemented the Act, 1984.
- In Andhra Pradesh the Act adopted on 15-02-1995 and established Family courts in six places i.e Hyderabad, Vishakhapatnam, Vijayawada, Warangal, Tirupathi and Kurnool
- Now the state established Family Courts in all the districts .



A.P FAMILY COURTS(HIGH COURT RULES),1995

- The high court shall regulate the working hours and place of the family court.
- All proceedings in the family court shall be instituted by a petition in form no 1.
- Petitioner has the choice of language of the petition.
- No court fee shall be collected.
- Notice of the proceedings shall be issued in form no 2.
- The provisions of order1 of C.P.C shall be applicable.
- Generally 3 weeks time is given to the parties to appear before the court

- Legal practitioners shall be allowed as amicus curiae.
- The court shall record the substance of the facts of deposition.
- Evidence shall be recorded on affidavit basis.
- The court shall supply the copy of the judgment for free of cost to the parties.
- Appeal lies to high court with free of cost.
- Division bench of the high court shall sit to hear appeals from family courts

CONCLUSION

Therefore the Family Courts Act, 1984 is fulfilling the aims and objectives of settlement of family disputes through ADR methods

Thank you