



HIDAYATULLAH NATIONAL LAW UNIVERSITY, RAIPUR

IN COLLABORATION WITH

NATIONAL COMMISSION FOR WOMEN

IS ORGANIZING

EASTERN REGION LAW REVIEW CONSULTATION

ON

THE 'FAMILY COURTS ACT, 1984'



SEPTEMBER 30, 2022

CONCEPT NOTE

ABOUT THE NATIONAL COMMISSION FOR WOMEN:

The National Commission for Women was set up as a statutory body in January 1992 under the National Commission for Women Act, 1990 with a mandate to advise the government on all policy matters affecting women in addition to review legal and constitutional safeguards for women under section 10 of the National Commission for Women Act, 1990.

ABOUT THE HIDAYATULLAH NATIONAL LAW UNIVERSITY (HNLU):

Hidayatullah National Law University was established in 2003, with the motto of '*Dharma Sansthanartham*' and is named after the great legal luminary Justice Mohammed Hidayatullah. The University was established by the Government of Chhattisgarh under the Hidayatullah National University of Law, Chhattisgarh Adhiniyam of 2003 (No.10 of 2003). HNLU is the sixth in the series of National Law Schools across India. HNLU has been included in the list of the Universities maintained by the University Grants Commission under section 2(f) of the UGC Act, 1956. In such a short span of time, HNLU has carved out a niche in the realm of legal education across India and the legacy is soaring towards newer heights day by day. HNLU has established itself as a trendsetter in organising various conferences and workshops on issues of international and national significance.

ABOUT THE CONSULTATION PROGRAMME:

In line with the objectives of the NCW for which this apex statutory body was established, the Commission has taken up the task to review the Family Courts Act, 1984. In this regard the Commission conducted a Preliminary meeting on 07th May, 2022 in New Delhi and also decided to conduct five regional consultations to review the existing legal framework.

The Commission has conducted 3 regional consultations on '**Review of the Family Courts Act, 1984**' through physical mode on 08-07-2022, 16-07-2022 and 25-07-2022 with the objective to review and analyse the position of law. Now, the Commission has decided to conduct further two regional consultations on the said topic.

OBJECTIVE OF THE PROGRAMME:

The objective of this consultation is to analyse and review the existing legal framework i.e., Family Courts Act, 1984 with a view to find out the shortcomings in the Act and the

challenges in its implementation. The aim is to articulate recommendations for workable amendments keeping in view the objective of making matrimonial disputes less of a strain for the parties and find out pragmatic solutions for resolving the conflicts by bringing together all the stakeholders.

STATEMENT OF THE PROBLEM:

Family would be considered as the basic unit and the foundation block of any society. It is a general perception that as an institution, family provides care, protection and nurturing to its members so as to protect them as well as prepare them for the world. The ties that members of a family hold amongst each other go a long way in either positively or negatively impacting the society. The concept of family and the institution of marriage has undergone an immense transformation over the centuries in India. The dawn of 21st Century saw a shift in mindset of the people in the society due to the changing life-styles and varied patterns of socio-economic-cultural developments. As a result, the significance and meaning attached to the concept of family, gender and other related issues has undergone a sea-change. The decision of the Hon'ble Supreme Court in *Navtej Singh Johar v. UOI*, gave a new dimension to '*constitutional morality*' which is somehow pertinent in the debate of family and marriage. The Family Courts Act, 1984 was enacted for the establishment of Family Courts with an aim to promote conciliation and speedy settlement of disagreement relating to marriage and family affairs and for related matters. The enactment of the Act is the result of the report of the Law Commission, and the hard work of different women's Associations and NGOs. The 59th Law Commission Report in 1974 suggested for the establishment of family courts by the states and emphasised that the selection of judicial officers should be based on experience. Further, different women organisations and NGOs pressurized the Government of India to provide special courts for speedy trials in disputes related to the family. Matters relating to marriage and family affairs are often very sensitive and can have serious implications on the physical and emotional well- being of the parties. After much deliberation on its working and efficiency finally the Government came up with the present Family Courts Act in the year 1984. However, a considerable period of time has gone by since the enactment of this Act, and still there are many difficulties and challenges in its working. Therefore, it is necessary to deliberate upon the utility, working, efficiency and effectiveness of the Act in the background of changing dynamics of the society and its norms.

EXPECTED OUTCOME OF THE CONSULTATION:

The Consultation would offer a platform for discussion and deliberation on the vital issues relating to family, marriages and the working of the Family Courts Act, 1984 in the light of the contemporary changes in the society. Thus, this Consultation would provide an insight into the working of the Family Courts in India; the problems faced by them and their effectiveness in dealing with the matrimonial disputes. The discussions and deliberations by the various stakeholders and legal academicians will provide inputs to formulate policies to improve the quality of working of the Family Courts in India. This Consultation process will benefit the future course of action to make the implementation of the Family Courts Act 1984 more effective and workable.

ADVISORY BOARD

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