



Study of The Family Courts Act, 1984

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Abstract : The concept of Family court implies an integrated broad-based service to families in trouble. Litigation in regard to any matter concerning family, whether divorce, maintenance and alimony, or custody, education and financial support for children etc. should not be viewed in terms of failure or success of legal actions but as a social therapeutic problem needing solution. It should be viewed as litigation in which parties and there counsel are engaged in resolving family conflicts where humane considerations outweigh everything else.

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THE FAMILY COURTS ACT, 1984

The family courts act, 1984 has not yet been brought into force in all the states. Section 3 of the act talks about establishment of family courts:

Section 3 – Establishment of Family Courts

1) For the purpose of exercising the jurisdiction and powers conferred on a family court by this act, the state government after consultation with the high court, and by notification:

a) shall, as soon as may be after the commencement of this act, establish for every area in the state comprising a city or town whose population exceeds one million, a family court.

b) May establish family courts for such other areas in the state as it may deem necessary.

2) The state government shall, after consultation with the high court, specify, by notification, the local limits of the area to which the jurisdiction of a family court shall extend and may, at any time, increase, reduce or alter such limits.

It appears that the family courts act stipulates to confer on the family court a status like that of the income-tax tribunal. It is higher than that of the district judge and lower than that of the High Court, appeals from its decisions lie to the High Courts. The state government in consultation with the High Court may also provide for associations/ welfare agencies (section 5) to enable the Family Courts to exercise its jurisdiction more effectively. It has to be noted that this provision is