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Title of the thesis- FAMILY COURTS: PROBLEMS AND PROSPECTS

(A CASE STUDY OF UTTAR PRADESH)

SUMMARY

BACKGROUND OF RESEARCH-This is a true historical fact that all the social institutions that mankind has evolved in the course of centuries, the most delicate is the family. A family prospers and survives, not because of its worldly riches, but, because of its intangible assets. In every society, the institution of family requires stability for orderly community life and for the success and survival of its other major institutions. Thus, a high divorce rate, agony of separation from marriage union, ineffective parental control over children resulting in child neglect-abuses, juvenile delinquency, domestic violence and disputes relating to property rights and maintenance, etc., are seen not as indexes of family disintegration, but also social disharmony too. As a matter of fact, the very institution of marriage seems to be in crisis which has been regarded as one of the basic institutions of the civilized society since the time immemorial.

Family disputes and the problem as to their resolution are as old as the history of family institution in India. It is widely realized that no dispute howsoever grave needs too much of attention and quick resolution as the dispute pertaining to 'a family'. Therefore to keep the institution of family intact as a unit of the society our Indian legal system always provided for family disputes resolution according to the system of law and procedure. The main objectives in demanding the establishment of Family Courts was to take family disputes away from the trail which is overcrowded and dilatory complicated process of usual courts of law and bring these to less cumbersome, prompt without intricacies accessible and speedier justice. Another reason for setting up of family courts was the mounting pressures from several women's associations, welfare organisations and individuals for establishment of special courts for speedy settlement of family-related disputes with emphasis to adopt a non-adversarial, conciliatory method of resolving family disputes. After long debates and discussions, the

enactment of the Family Courts Act, 1984 by the Indian Parliament was a very progressive step towards a unified judicial system for the disputes arising within a 'Family'.

RESEARCH OBJECTIVES AND DESIGN -The purpose of the study was to have holistic view and therefore, an endeavour has been made to examine basic research issues which have an impact on the working of family Courts especially to ascertain the effectiveness in rendering speedier settlement of family disputes and to evolve the amicable recommendations suitable for handling matrimonial disputes in the State of Uttar Pradesh.

The whole study is divided into six chapters. So far, 23 States/Union Territories have established Family Courts at various places totaling to 207 Family Courts functioning throughout the country. The first Family Courts in Uttar Pradesh was set up on 1.9.1986 at Lucknow. Till now in the State of Uttar Pradesh only Fifteen(15)Family Courts have been establishedandareworking.Theyareasunder:Agra(1);Allahabad(2);Azamgarh(1);Bareilly(1); Faizabad(1)Gorakhpur(1)Jhansi(1)Kanpur(2),Lucknow(2);Meerut(1)Moradabad(1)andVara nasi(1).

From the study it is observed that every institution, however lofty and laudable its objectives, will yield desirable results only if it is constantly monitored and is subjected to periodic social audit. Even after 26 years since the Family Court Act came into existence, one notes with dismay that the goals for which the Family Courts were conceptualised have remained partly illusive and out of reach of women and children of the rural areas from its intended benefits. In the State of U.P., the Family Courts are not sufficient in numbers and also not provided with necessary infrastructure and integrated support services. The Judges, Counsellors and other professional experts must be in tune with the Family Law Jurisprudence so that they can use a judicious combination of techniques for the effective resolution of family disputes. The Family Courts should create for themselves an atmosphere of trust and belongingness for the each member of the 'Family'. Family Court, if established in each District with required infrastructure and its support services and implemented with conviction have full potential of shaping itself into a desired unified judicial forum for promoting family unity, preserving the sanctity and bringing peace and prosperity in the human social order.