



Genesis, Growth, And Contemporary Status Of Family Courts In India: A Comprehensive Study

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Abstract - The Indian Family Courts evolution is one of the essential steps in the direction of the Indian country having a welfare-oriented justice system and aware of the peculiarities of matrimonial and family conflicts. Based on the experience of other countries of the world, the legislative and judicial discourse in India changed in the second half of the twentieth century in favor of a conciliation focus, child welfare, and the non-adversarial council (Edwards 1992; Dewar 1998; Parker and Parkinson 2016). This policy thought inspired the Family Courts Act, 1984 which was influenced by the recommendations of the Committee on the Status of Women in India (GOI 1974), the goodwill of the Law Commission (Law Commission of India 1974; 1989) and judicial advocacy of specialised forums (Supreme Court of India 1978). The paper is a critical analysis of the historical origins, intellectual underpinnings, and legislation of the formation and growth of Family Courts in India. It follows the international influences that conditioned the Indian embrace of conciliatory processes, the constitutional provisions that were accentuated to underline social justice, and the main characteristics brought forth by the Family Courts Act. The implementation patterns on a state level are also analysed in the paper, with the emphasis on uneven growth and difficulties experienced by courts to achievements of the goals of the Act. This research synthesises doctrinal, policy and empirical research, thus, providing information to further understand the philosophical and structural foundations of the family justice system in India. The paper employs the secondary data, statutory analysis, scholarly literature, and official reports to draw up a holistic story. References are written in accordance with Harvard style of referencing in order to uphold academic rigour and clarity. The research finds that although the Family Courts have greatly revamped the manner in which the Indians approach matrimonial disputes, the institutional reinforcement, increased funding in counselling services, and national homogeneity must also be reinforced to enable the welfare mandate as intended by the legislature.

Keywords- Family Courts; Family Courts Act 1984; Conciliation; Matrimonial Disputes; Child Welfare.

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1 Introduction

The process of adjudication in family law has experienced great change across the globe, particularly when societies realised that the litigation system used in the past in legal conflicts was not suited to deal with the emotional, psychological, and relational nature of these issues of matrimonial and child-related matters. Specialised Family Courts with their focus on counselling, mediation, and welfare-based decision-making were first introduced in such countries as the United States, United Kingdom, and Australia (Mnookin 1972¹; Dewar 1998²; Parker and Parkinson 2016³). These trends gave intellectual encouragement to India, where law reformers, scholars and women groups lobbied on the basis of the same institutional innovations.

The constitutional obligation of equality, dignity, and children protection under Articles 14⁴, 15(3)⁵, 21⁶ and 39(f)⁷ formed the basis of the movement towards specialised Family Courts in India. Systemic issues that affect women in traditional courts were noted by the Committee on the Status of Women in India (GOI 1974)⁸ which indicated delays, adversarial hostility and lack of privacy. The 59th (1974)⁹ and 133rd Reports of the Law Commission (1989)¹⁰ further indicated the necessity of conciliatory mechanisms, adaptable procedure and multidisciplinary assistance by counsellors and social workers. In *Smt. Lila Gupta v.*, judicial observations, (as also). Similar concerns were voiced by Laxmi Narain (1978)¹¹, who also criticized the need to have a welfare-based model of matrimonial adjudication.

The implementation of the Family Courts Act, 1984 was also a significant change to the legal scenario in India. The Act granted exclusive jurisdiction with respect to family issues, conciliation, relaxed procedure rules and considered the role of the expert in guaranteeing fair and humane conclusions (Choudhary 1990)¹². The paper is a critical analysis of the background, origin, law governing body, and the national growth of Family Courts in India. The paper places the Family Courts system in the context of wider socio-legal context in India through the use of doctrinal research, policy documents, and secondary data. The introduction establishes the context of the analysis of the way these courts reflect the transformational approach to family justice based on the social welfare principles.

2 Review of literature

Family Courts literature in India is based on constitutional theory, feminist critique, sociological analysis, and institutional evaluation. Mnookin (1972)¹³ developed the early scholarship on the United States model of justice in the family, which offered the foundation on the interpretation of family justice as the field where the intervention should be multidisciplinary with the elements of psychology and welfare. Dewar (1998) also discussed the inadequacy of the adversarial system of family law in the United Kingdom and the need to use child-centered, therapeutic jurisprudence. These foreign studies created the theoretical basis that was to be used in the changes in India.

Parallels can be found in the Indian scholarship. One of the first documents to point out systemic biasness in matrimonial litigation was the Committee on the Status of Women in India (GOI, 1974),

¹ Mnookin, R.H., 1972. *Child, Family, and State*. Boston: Little, Brown & Co.

² Dewar, J., 1998. *Family Law and Its Discontents*. London: Routledge.

³ Parker, S. and Parkinson, P., 2016. *Family Law in Australia*. Sydney: LexisNexis Butterworths.

⁴ Article 14 guarantees equality before the law and equal protection of the laws (Government of India 1950).

⁵ Article 15(3) empowers the State to make special provisions for women and children, forming the basis for specialised courts (Austin 2000).

⁶ Article 21 ensures dignity and privacy, reinforcing the need for humane forums for family disputes (Government of India 1950).

⁷ Article 39(f) directs the State to protect the welfare and development of children (Government of India 1950).

⁸ Government of India (1974). *Towards Equality: Report of the Committee on the Status of Women in India*. New Delhi: Ministry of Education.

⁹ Law Commission of India (1974). *59th Report on the Hindu Marriage Act*. New Delhi: Government of India.

¹⁰ Law Commission of India (1989). *133rd Report on the Family Courts Act*. New Delhi: Government of India.

¹¹ Supreme Court of India (1978). *Smt. Lila Gupta v. Laxmi Narain*, AIR 1978 SC 1351.

¹² Choudhary, P. (1990) 'Procedural Flexibility and the Family Courts Act', *Journal of Indian Law Institute*, pp. 1–15.

¹³ *Id.*

which recommended specialised forums to meet the needs of the vulnerable women. Agnes (1992) observed the critique of the legislative changes of the 1980s by noting that compulsory conciliation should not compromise the safety of women and in particular where the issue of domestic violence is involved. Her analysis has been central to reconciliation and protection of rights and this perspective of view has remained central in the discussions of the tension between promotion of reconciliation and protection of rights.

Choudhary (1990)¹⁴ reviewed the procedural novelties of the Family Courts Act and found out that the flexibility of evidence and procedure is increasing the accessibility of the litigants who are not well versed with formal legal procedures. Basu (1982)¹⁵ and Austin (2000)¹⁶ put family law reforms into the context of the constitutional vision of social justice in India, elucidating the effects of Articles 14, 15(3), and 21 on the role played by the State in establishing humane adjudicatory systems.

Kumar (2005) and Menon (2011)¹⁷ conducted institutional reviews of how Family Courts operated in different states, revealing some of the barriers to their effective work, including the lack of a consistent implementation process, the lack of counsellor training, and negative attitudes toward adversarial courts among practitioners. These researches highlighted the importance of better infrastructure and greater capacity-building in order to achieve the objectives of the Act.

The 59th Report (1974) and the 133rd Report (1989) of the Law Commission are considered to offer the policy guidelines which support the idea of dispute resolution through conciliation and multidisciplinary involvement. The development of the steady increase in the number of Family Courts is officially documented by the Ministry of Law & Justice (2022)¹⁸ and NJDG (2022)¹⁹, although the pendency rates remain high, especially in urban centres.

The literature, as a whole, presents the Family Courts system as a model of progressive but flawed innovation that has brought in the therapeutic jurisprudence in the Indian family law but is still beset by structural and operational issues that need systemic reform.

3 Research methods

The research methodology used in this study is the qualitative, doctrinal, and analytical approach to research to study the historical, legal, and the policy aspects of the Family Courts system in India. The primary sources of law are provisions in the constitution, family courts act of 1984, parliamentary debates and the decisions of the courts like *Smt. Lila Gupta v. Laxmi Narain* (1978). Such secondary sources include scholarly books, peer-reviewed journal articles and government reports and Law Commission recommendations. These resources will enable the thorough study of intellectual and legislative background of Family Courts and their practical operation in different states.

One of the methodological aspects of this paper is that it uses Harvard-style referencing, which allows attributing it clearly and being academically rigorous. Statutory materials refer to the title and year of publication, whereas cases refer to the name and reporter. To include empirical support, government publishes, official statistic, and institutional reports are included. As it is non-empirical, and a theoretical type of research, data is collected only through documented sources, but not through interviews and fieldwork. With this methodological approach, development of doctrines, influences of history and implication of policy will be systematically evaluated.

¹⁴ *Id.*

¹⁵ Basu, D.D., 1982. *Family Law in India*. Lucknow: Eastern Book Company

¹⁶ Austin, G., 2000. *Working a Democratic Constitution: The Indian Experience*. New Delhi: Oxford University Press.

¹⁷ Menon, N.R.M., 2011. *Justice Delivery in India: A Multidisciplinary Approach*. Gurgaon: LexisNexis.

¹⁸ Ministry of Law and Justice (2022). *Annual Report*. New Delhi: Government of India.

¹⁹ National Judicial Data Grid (2022). *Court Statistics*. New Delhi: NJDG.

4 Discussion and results

4.1 Historical Development and World Emergence

4.1.1 Global History of Family Courts

History of Family Courts as a separate legal institution could be dated to the early part of the twentieth century when the reform movement emphasized the lack of effectiveness of adversarial processes in resolving domestic and personal conflict. This was first developed in the United States where Juvenile and Domestic Relations Courts were introduced to some states such as Ohio and Colorado in the 1910s (Edwards 1992)²⁰. These courts propounded the concept that family cases needed specialised treatment by welfare-based instead of punitive adjudication. By the 1950s and 1960s, some of the states in the US had streamlined these forums into full-fledged Family Courts with the assistance of psychologists, counsellors and social workers (Mnookin 1972).

The Matrimonial Causes Act 1973 and previous Children Act, 1948 in the United Kingdom established the groundwork of specialised family justice mechanisms. The creation of Family Proceedings Courts by the Family Law Act 1984 gave way to the concept of non-adversarial approach to solving matrimonial disputes (Dewar 1998). The same course was pursued in Australia where the Family Law Act 1975 established the Australian Family Court that became internationally known as the amalgamation of mediation, counselling and child-focused adjudication (Parker and Parkinson 2016)²¹.

All these trends depicted that family litigation needed a multi-disciplinary approach characterized by psychological testing, social welfare support and reconciliatory of the needs, which could not be fulfilled well in the traditional civil courts.

Table 1 - Historical Background and Global Origins

Aspect	Key Points	Examples / Sources
Early Global Emergence of Family Courts	Recognition that adversarial systems were inadequate for resolving domestic disputes; need for welfare-oriented forums	U.S. Juvenile & Domestic Relations Courts (1910s); UK Children Act 1948; Australia Family Law Act 1975
Development in the United States	Gradual consolidation of separate courts into comprehensive Family Courts; involvement of psychologists & counsellors	Systems in Ohio, Colorado; expansion during 1950s–60s (Edwards 1992; Mnookin 1972)
Development in the United Kingdom	Shift towards specialised family justice mechanisms; move to non-adversarial dispute resolution	Family Proceedings Courts under Family Law Act 1984 (Dewar 1998)
Development in Australia	Emphasis on mediation, counselling, child-focused approach	Australian Family Court under Family Law Act 1975 (Parker & Parkinson 2016)
Influence on India	Indian committees observed global best practices; emphasis on mediation and welfare experts	CSWI Report 1974; comparative legal studies (Sarkar 1981)
Early Indian Debates	Support for conciliatory model vs concerns on forced mediation; need to protect women's rights	Feminist critiques; High Court observations; pre-1984 discussions

²⁰ Edwards, L. (1992) 'The Role of the Juvenile Court', *The Future of Children*, 2(3), pp. 1–10.

²¹ *Id.*

Table 1 gives a summary account of the development of Family Courts in key jurisdictions across the globe and the impact it has on the Indian policymaking. It points out that the earliest models were found in the United States during the first half of the twentieth century, when reformers realised the problem of using adversarial litigation in solving emotionally loaded domestic conflicts. Similarly specialised systems would be developed in the United Kingdom and Australia and incorporated welfare services, mediation, and psychological expertise into family adjudication. Indian legal thought was greatly influenced by these developments in the world, particularly in the 1970s and 1980s when a greater emphasis was placed on a conciliatory, child-centred approach to justice as a result of the plea of women rights lobby and law reform commissions and courts. The table also includes Indian arguments at the initial stages which were equally concerned about mediation and safety and autonomy of women, which was the foundation of a future legislative change in India.

4.1.2 Influence of Global Models on Indian Policy Thinking

The 1970s and 1980s were the years when global family justice trends had a significant impact on the Indian policy-makers. When the human rights of women and child welfare were finding increased attention in the international community, the Indian law reform bodies monitored the ways in which the Western systems were shifting to conciliation based dispute settlement (Sarkar 1981)²². Feminist scholars and organisations had claimed that the specialised family courts would help to shorten the time taken, eliminate emotional trauma and enhance accessibility of welfare services by the women and children.

The Indian legal thought was greatly influenced by two principles:

- The focus on counselling and mediation prior to adjudication (Government of India 1974).
- Presence of counsellors, psychologists and social workers in the court proceedings just like in Australia and the United States (Law Commission of India 1974).

These comparative understandings were conceptual underpinning of the Family Courts Act, 1984.

4.1.3 Early Debates on Adopting a Conciliatory Model in India

Prior to the passing of the Family Courts Act, the policy makers and academics had argued on whether the adversarial system was appropriate to matrimonial litigation in India. Critics said that the strict procedural and evidentiary structure usually enlarged the conflict and extended emotional torture on litigants (Basu 1982). The necessity of the therapeutic, welfare-oriented forums instead of adjudicatory civil courts also was noticed in several High Courts.

Yet, other scholars of women rights were warned against mandatory conciliation, arguing that such a policy would deprive women or the disadvantaged ones, especially those who are victims of cruelty or violence (Agnes, 1992)²³. The difficulty was in reconciling and protect rights. Finally, India took a boomerang approach: conciliation as the preferential model and with full judicial authority to adjudicate in case of no settlement being possible.

4.2 Family Courts in India Genesis

Principles of Vision and Directives of the Constitution.

The Family Courts in India have a constitutional foundation on the principles of social justice, gender equality and child welfare.

- Article 14 guarantees equality under the law meaning that family litigation should be not discrimination concerning litigation.

²² Sarkar, L. (1981) 'Matrimonial Law Reform and the Need for Family Courts', *Indian Bar Review*, pp. 45–60.

²³ Agnes, F., 1992. *Protecting Women Against Violence? Review of a Decade of Legislation, 1980–1989*. Mumbai: Economic and Political Weekly.

- Article 15(3) gives the State the authority to make special provisions to women and children- a ground of creation of specialised courts (Austin 2000).
- Article 21 provides privacy and dignity, which also supports the necessity of confidential, humane forums of intimate disagreements.
- The protection of the welfare of children is required by article 39(f).

Taken together with Articles 38 and 39, the provisions constitute the constitutional requirement of family-based adjudicatory mechanisms in India.

4.2.1 Committee on the Status of Women in India (1974)

The Family Courts were mainly advocated by the Committee on the Status of Women in India (CSWI). The Committee noted that current courts were ill-adapted to the emotional, social and economic intricacies of the matrimonial conflicts and suggested a conciliatory welfare-based model (GOI 1974).

4.2.2 India Law Commission Reports.

The institutional design was influenced by two major reports of the Law Commission:

59th Report (1974): Insisted on the necessity of elastic procedure and professional counsellors on matrimonial issues (Law Commission of India 1974).

133rd Report (1989): The recommendation that came out of the Family Courts Act was the suggestion of professionalised counselling services, universal establishment of courts, and improved infrastructure (Law Commission of India 1989).

Such reports provided the intellectual justification of legislative reform.

4.2.3 Judicial Observations Advocating Specialised Courts

Even prior to 1984, Indian courts were unhappy with the fully adversarial method of handling matrimonial cases. In *Smt. Lila Gupta v. Supreme Court Laxmi Narain* (1978) observed that there was a need of social engineering in matrimonial adjudication, which meant that specialised and welfare-oriented courts were judicially favoured (Supreme Court of India 1978). It was also emphasized in several High Courts that family conflicts needed a supportive and conciliatory institutional set-up.

This judicial approval provided an opportune environment to the passage of the Family Courts Act.

Table 2 – Genesis of Family Courts in India

Theme	Key Elements	Sources / Remarks
Constitutional Foundations	Articles 14, 15(3), 21, 39(f), and DPSPs emphasising welfare, equality & dignity	Austin (2000); Constitutional text
Directive Principles Influence	Articles 38 & 39 promote social justice & protection for women and children	GOI Constitutional Commentary
CSWI (1974) Recommendations	Need for specialised courts; existing system inadequate; emphasis on counselling and welfare	GOI: <i>Towards Equality</i> Report
Law Commission 59th Report (1974)	Advocated flexible procedures, trained counsellors, informal atmosphere	Law Commission (1974)
Law Commission 133rd Report (1989)	Called for universal establishment, infrastructure, specialised training	Law Commission (1989)
Judicial Advocacy	Courts suggested welfare-oriented adjudication; adversarial model unsuitable	<i>Lila Gupta v. Laxmi Narain</i> (1978); other HC judgments
Socio-Legal Context	Rising matrimonial disputes and gender concerns required reform	Basu (1982); feminist scholarship

Table 2 outlines the constitutional, policy based and judicial bases that resulted in establishment of Family Courts in India. The four articles of the constitution (14, 15(3), 21 and 39(f)) that highlight equality, dignity and welfare of a child offer normative support to the specialised family adjudication. The Committee on the Status of Women in India of 1974 and later Law Commission reports found that traditional courts had a systemic deficiency and suggested flexible and welfare-oriented procedures, backed by trained counsellors. The need to non-adversarial forums, focusing on the emotional and social aspects of the disputes in the family, was supported by judicial observations, especially the Supreme Court and other High Courts. Together, these themes in this table show how the constitutional requirements, policy suggestions, and judicial wisdom came together to create the intellectual basis of the Family Courts Act, 1984.

4.3 The Family Courts Act, 1984

4.3.1 Legislative Intent and Socio-Legal Context

The beginning of the 1980s was characterized by the increase of matrimonial controversies, awareness of women rights and growing interest in the welfare of children. The conventional civil courts at the time were recognized to be overwhelmed, slow and did not have the privacy and support systems to deal with family issues (Parliamentary Debates 1984). The Family Courts Act, 1984 therefore sought to establish a compassionate, fast and welfare oriented process.

4.3.2 Key Features of the Act

1. Exclusive Jurisdiction

The Matrimonial and family related issues like divorce, judicial separation, custody, maintenance and guardianship became the sole jurisdiction of the Family Courts (Family Courts Act 1984).

2. Conciliation and Counselling.

The Act requires that courts should promote settlement and use counsellors to help make amicable solutions to cases prior to embarking on formal adjudication.

3. Looseening of Procedural and Evidentiary Rules.

The situation is that the courts are allowed to use informal, non-formal procedures without necessarily referring to the Code of Civil Procedure or the Evidence Act which makes the forum more approachable (Choudhary 1990).

4. In-Camera Proceedings

The Act allows hearing in closed chambers to maintain privacy and dignity, which is important in a case that includes sensitive allegation or child welfare issues.

5. Association of Social Workers and Experts.

The Act requires the appointment of counsellors and the involvement of social welfare organisations, child psychologists and other experts.

Table 3 - Enactment of the Family Courts Act, 1984

Component	Description	Statutory Location / Notes
Legislative Intent	Provide speedy, compassionate, non-adversarial resolution of family disputes	Parliamentary Debates (1984)
Exclusive Jurisdiction	Family Courts to hear matrimonial causes, custody, maintenance, guardianship, property disputes	Sections 7–8, FCA 1984
Conciliation & Counselling	Courts mandated to make efforts for settlement with support of counsellors	Sections 9 & 6, FCA 1984
Relaxed Procedure & Evidence	Courts not bound by CPC or Evidence Act; adopt flexible process	Section 10, FCA 1984
In-Camera Proceedings	Private hearings to protect dignity & privacy	Section 11, FCA 1984
Association of Social Workers	Inclusion of counsellors, psychologists, welfare organisations	Sections 5 & 6, FCA 1984
Criticisms Raised in Parliament	Overemphasis on reconciliation; lack of counsellor training; infrastructure limitations	Parliamentary Debates (1984)

The essence and some of the statutory innovations of the Family Courts Act, 1984 are captured in Table 3. The Act came into existence after parliamentary awareness that the traditional civil courts did not have the sensitivity, privacy, and specialised assistance needed in the resolution of family disputes. Its most important proposals, including exclusive jurisdiction over those cases that are matrimonial and child related, the focus on conciliation, the laxity of rules, the use of in-camera, and the presence of welfare experts, all indicate a conscious change towards a more therapeutic, non-adversarial form of justice. The table also recognises the parliamentary issues regarding the risk of over-dependence on reconciliation, lack of adequate infrastructure and under training of counsellors. All in all, the table shows that the Act marked a major legislative undertaking to revisit family justice as a supportive and welfare-oriented process as opposed to confrontational one.

4.3.3 Parliamentary Debates and Criticisms

In the debates in parliament, there were concerns that were raised about:

- Excessive focus on reconciliation in domestic violence cases.
- Absence of transparency in the qualification of counsellors.
- The lack of the proper infrastructure to implement it (Parliamentary Debates 1984).

Although these were the fears that Parliament had, the Act was viewed as a progressive move to reform family justice.

4.4 Establishment and Expansion of Family Courts in India

Table 4- Establishment and Expansion of Family Courts in India

Category	Details / Trends	Key Data / Sources
Initial Implementation	Slow adoption after enactment; first Family Court set up in Bengaluru in 1985	Kumar (2005); State notifications
Spread Across States	Maharashtra, Tamil Nadu, Kerala, Uttar Pradesh & Delhi among early adopters	MoJ Annual Reports
Uneven Implementation	Shortage of counsellors; infrastructure challenges; slower spread in central and northern India	Menon (2011)
Current Statistical Status	700+ Family Courts functioning nationwide; rising matrimonial caseloads	MoJ (2022); NJDG (2022)
Pendency Trends	Urban courts often handling 5,000–10,000+ cases annually	NJDG Data
Karnataka's Role	First in India to establish Family Court; among leading states with strong mediation facilities	Kumar (2005)
Key Observations	Expansion significant yet insufficient; need for more courts, staff & training	Law Commission Recommendations

Table 4 gives an organized perspective of the implementation of Family Courts in India after enacting the 1984 legislation. It reveals that in as much as Karnataka was the first state to initiate the institution of the first Family Court in 1985, its adoption by the other states was uneven because of the infrastructural, administrative, and resource reasons. Both statistical evidence by the Ministry of Law & Justice and National Judicial Data Grid demonstrates the addition of Family Courts which now exceeds 700 and the growing work load due to the increasing amount of matrimonial disputes. The difference between those states with good network of family courts and those with inadequate facilities is also pointed out in the table. Notably, the example of Karnataka and its leadership and strong mediation structure is one of the examples of effective implementation. This table thus highlights the gains made with a call to increase further expansion, personnel and capacity building in the country.

4.4.1 Publicity and Progressive Interstate Consummation

Despite the act being passed in 1984, the introduction of Family Courts in states was a slow process. In 1985, Karnataka was the first state to establish Family Court in Bengaluru (Kumar 2005). The other states followed slowly such as Maharashtra, Tamil Nadu, Uttar Pradesh, Kerala and Delhi.

4.4.2 Inequalities in the Spread and Implementation on a State-Wise Basis

Whereas in metropolitan states the model was easily embraced, many regions lagged behind especially in central and northern India because of lack of infrastructure, lack of counsellors and administrative reluctances. This led to access disparity in specialised family justice (Menon 2011)

Comparatively very strong networks of Family Courts were developed in states like Karnataka, Kerala and Maharashtra, but in several states the number still is insufficient in comparison with the caseloads.

4.4.3 Statistical Profile of Growth.

As per the Ministry of law and Justice (MoJ), and National Judicial data grid (NJDG):

- In India, more than 700 Family Courts are already operating (MoJ 2022).
- The growth in caseloads is attributed to the growing matrimonial litigation.
- The level of pendency is quite high, as some urban courts handle over 5,000-10,000 cases each year (NJDG 2022).

These numbers indicate the success and the necessity of the further growth.

4.4.4 The State of Karnataka in the National picture

Karnataka has been on the forefront in regards to establishment, operation and innovativeness of Family Courts. Bengaluru is among the largest entities with mediation and counselling centres in India (Kumar, 2005). The example of the successful integration of the welfare services into the family justice system can also be seen in the district of Mysuru, Dharwad and Shivamogga.

Karnataka is a pure example of how other states should imitate due to its innovative position and continuous investment.

5 Conclusion

The establishment of the Family Courts in India constitutes a drastic change in Indian attitude to matrimonial and child adjudication, the shift of the adversarial practice to that of welfare justice. The reforms in India were historically inspired by those in the world and were heavily informed by the international experience on the effectiveness of conciliatory and multidisciplinary models in settling family disputes. Equality, dignity and child welfare as specified in the constitution offered normative continuity to introducing a specialised court system, which was augmented by the suggestions of the Committee on the Status of Women as well as the Law Commission.

Attempted by the Family Courts Act, 1984, the Act brought on some transformative features such as exclusive jurisdiction, mandatory conciliation, flexible procedures, in-camera hearings, and incorporating of counsellors and welfare experts. The innovations are indicative of a comprehensive interpretation of family conflicts as something that needs emotional, psychological, and social assistance along with judicial interventions. Nonetheless, even with the high gains, the Family Courts across India are not uniformly distributed where there is high disparity in the infrastructure, staffing levels and handling caseloads. Heavy pendency may be experienced at the urban courts and some districts may not have comprehensive counselling services or trained personnel.

On the whole, this paper has found that the Family Courts have contributed significantly to the transformation of the family justice system in India, although the implementation of their potential will still need investment in both infrastructure and professional training as well as standardisation of national implementation. Another way to enhance these courts is to make them stronger so that they can achieve their legislative promise of providing compassionate, effective and child-centred justice.

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