

**JAMMU & KASHMIR STATE JUDICIAL ACADEMY
HIGH COURT OF JAMMU AND KASHMIR AT JAMMU

**Two Day Training Programme
On
“Sensitizing Judges on Family Court Matters”**



PRESS RELEASE

Jammu, February, 09, 2019: Jammu & Kashmir State Judicial Academy organised Two Day Training Programme on “Sensitizing Judges on Family Court Matters” on 09th of February, 2019 in the J&K State Judicial Academy, at High Court Complex, Jammu.

The training programme commenced with introductory address by Hon’ble Mr. Justice Tashi Rabstan, Chairman, High Court Committee on Family Matters and opening address by Hon’ble the Chief Justice, Ms. Justice Gita Mittal. The District Judges and the Senior Sub-Judges of the State participated in the programme.

Hon’ble Ms. Justice Gita Mittal, Chief Justice, High Court of J&K, (Chief-Patron, J&K State Judicial Academy) in her inaugural address said that sensitisation of all the stakeholders on Family Court matters is the Call of the Hour and that holding of such training programmes will help in creating an atmosphere where

family disputes may be dealt with utmost sensitivity. Further elaborating on the subject of the training programme, Ms. Justice Gita Mittal emphasised that family harmony provides a sense of belonging and a feeling of security unlike many other types of relationships. When conflict arises, it threatens that security. Whether the disharmony emanates from within the family unit or from external sources, individual family member and the family as a whole can experience a range of negative emotions and consequences. Unresolved conflict may irreparably damage a marriage and even the entire family. She wished that the Family Courts which would become operational shortly would deal with the Family Court Matters with much more sensitivity, giving appropriate priority to resolving the disputes in a humane manner.

Hon'ble Mr. Justice Rajesh Bindal interacted with the participants during the training sessions and told the Judges that it is imperative to be innovative in approach while dealing with sensitive matters of family and incidental matters like child custody. Justice Bindal advised the participants to take cue from the life experiences and try to resolve the family dispute coming to the Courts on negotiated settlement, and in this process to inspire the parties to choose alternative modes of dispute resolution rather than involving themselves in procedural wrangling in the regular trial proceeding.

Hon'ble Mr. Justice Tashi Rabstan earlier in his introductory address highlighted that it is the first training programme of Judges after enactment of Family Courts Act, 2018. State of J&K has travelled a long journey to put in place the legislation exclusively dealing with the family matters and creation of special courts for the purpose, as the Family Courts Act came into operation in rest of India in the year 1984. Justice Tashi Rabstan spoke about the need for having specialised courts and sensitive atmosphere for resolving the disputes pertaining to the marriage and the incidental matters. Mr Justice, Tashi Rabstan, also gave an overview of the training programme and said that a Family Court Judge has multiple roles of a mediator, a conciliator and a settler in handling the sensitive matters.

Resource Person Hon'ble Ms. Justice Manju Goel, Judge (Retd.) and Hon'ble Ms. Justice Roshan Dalvi, Judge (Retd.) deliberated upon the Gender Sensitization, Gender Perspectives and Matrimonial Mediation. Ms. Justice Roshan Dalvi highlighted the need of sensitisation among the Judges, Conciliators and other persons who are essential to constitute a Family Court. She presented gender perspective which a presiding Judge has to be aware about while discharging the functions of the Court. She said that in our common behaviour we have developed in our minds some stereotypes about the role, status and the responsibilities of a woman, and it is commonly believed that a woman has the role of home maker only which is not a fact in the present scenario. It is requisite to shun such rigid ideas and to accept the reality that a woman is also an equal partner in the family and she has right of equality granted under the Constitution.

Ms Justice Manju Goel in her discourse talked about mediation and conciliation as best suited mode for arriving at resolution of family disputes. She said that mainly the disputes in a family arise out of petty matters and ego, and such matters if come to Court have to be handled with utmost sensitivity. The presiding Judges are required under the law to make all efforts for mutually satisfactory disposition of the case, taking into confidence the parties concerned and understanding the real nature of dispute. She shared her personal experiences in resolving the family disputes while heading the Family Court Benches.

The programme shall continue on the second day with discourses of Ms. Aruna Farswani and Ms. Swati Chauhan, Principal Judges of the Family Courts in Maharashtra, on Working of Family Courts and the issues related to child custody, access and visitation rights.