

NATIONAL CONFERENCE OF THE PRESIDING OFFICERS OF FAMILY COURTS

(13th – 15th March, 2015) P- 911

(Dr. Amit Mehrotra----Programme Coordinator)

The National Judicial Academy organized the “National Conference of the Presiding Officers of Family Courts” during 13th to 15th March, 2015. This conference provided a forum to presiding officers of family courts to share views and express their problems with their counterparts. The aim was to reflect on the functioning of these special courts and to discuss problems of pendency & timely disposal of cases, and provide sociological & psychological dimension to disputes on marriage, divorce, maintenance and custody issues. The resource persons in the conference included Hon'ble Justice R. Basant, Hon'ble Justice K. Hema, Ms. Priya Hingorani, Mr. R. Venkatramani, Mr. Binod Kumar Sahu, Ms. Flavia Agnes, Ms. Pritarani Jha and Prof (Dr.) Manju Mehta.

Day 1

Session 1 Dr. Amit Mehrotra gave brief introduction on all the sessions and deliberated on the objective of the conference. He elaborated the importance of this conference and emphasized that 59th report of Law Commission emphatically recommended that the court, in dealing with the disputes concerning family, ought to adopt an approach radically different from that adopted in ordinary civil proceedings. He further delineated that every family court should make reasonable efforts for an amicable settlement, before the commencement of the trial. The same view was reiterated in the 239th report of the Law Commission. Then Ms. Priya Hingorani expressed her views on the **Functioning of the family courts** in India. She stressed that the primary purpose of the family court is to promote conciliation and amicable settlement of the matters rather than to adjudicate on the same particularly when the matters are related to matrimonial and family disputes. Section 9 of the family Court Act which refers to the duty of family court to assist the parties to come to a settlement was discussed.

The **second session** was on the **Negotiating Space for Women** whereby the resource person Flavia Agnes has stressed on the importance of gender justice and expressed her views with respect to the exploitation and injustice that happens in the society and the discrimination with respect to women. Judicial officers expressed that

they have to be always impartial and unbiased while adjudicating such delicate issue. The resource person emphasized that though women empowerment is there still in many parts of the country women are suppressed and are being crumpled in the society. There is a need to have a different vision and revolution to secure the rights of women. She stressed that the rights should not be on paper but should also be in practice. Constitution of India provides rights to both men and women. However laws should not be complicated for the family disputes rather it should be based on gender equality.

In **Session third Domestic Violence Act** was being discussed by the participants and the resource persons deliberated on the importance of the Act in view of disposing the family disputes. The vital issues with respect to the Act were discussed. The deliberation on the section 26 of the Domestic Violence Act was done. It was stressed that it was the duty of judicial officers to protect the victims of domestic violence and a women in this regard should able to live life free form violence. The Act imparts the expeditious relief to women who seek protection under the provisions of this Act. It was deliberated that there should not be unnecessary delay in providing relief to the aggrieved party. It was also stressed that Act provides the wide definition of violence which includes physical, emotional, sexual and economic abuse. The concept of share household was also discussed. It was stated that the Act provides for summary proceedings and expeditious reliefs. Section 12 of the Act was discussed intensively. It was delineated that magistrate shall fix the first date of hearing, which shall not be ordinarily be beyond three days from the date of receipt of application by the court and shall dispose of such application within a period of sixty days from the date of first hearing. The participants have raised their concerns and stressed that sometimes it becomes practically difficult to implement section 12 of the Act in letter and spirit. It was emphasized that the protection of women from Domestic Violence Act, 2005 was enacted to provide speedy remedy to the women who are subjected to domestic violence. It was stated that this Act acknowledges a women's right to reside in a violence free environment, both in parental as well as in maternal home. The remedy that can be claimed under the Act such as injunctions, restraining orders, protection orders, provisions of shelter or alternate accommodation, maintenance, compensation and interim custody of the child was also discussed.

The theme of **session four** was divided into two parts. In the first part **Adoptions Related Issues: Role of Family Courts** was delineated by Mr. Binod Kumar Sahu. It was stressed that adoption is a process and that is life long one. The love and understanding between the adopted child and the adoptive parents strengthen through continuous of nurturing. Adoption not only provides full opportunities to a child to bloom into a complete human being, but also give a chance to the adoptive parents to experience parenthood in its most beautiful form. The bond of love between a parent and a child is a result of nurturing and not just an outcome of biological birth. Adoption is based on the principle that the child should grow up in a family environment in an atmosphere of love and affection. The resource person delineated that the government of India always consider adoption as the best non- institutional support for rehabilitation of orphan, abandoned and surrendered children who become homeless and whose separation from their biological parents cannot be avoided for various reasons. The resource person deliberated on the function of CARA and delineated that CARA (Child Adoption Resource Authority) is an autonomous body works as a nodal body in the matter of adoptions in the country. The key objective of CARA is to promote adoption of orphan, abandoned and surrendered children in the country and regulate inter- country adoptions. The Convention on the rights of the Child adopted by the General Assembly of the United Nations was discussed and it was emphasized that in all actions concerning children, whether undertaken by public or private social welfare institution, court of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary condition. It was stated that In- country adoption procedure is governed by In- country guidelines 2004 while Inter- country adoption by Guidelines of Adoptions from India 2006. It was also emphasized that India is a signatory of the Hague Convention on the “The Protection of Children and International Cooperation in Inter- country adoption with an objective to strengthen international cooperation and protection of Indian Children placed in inter- country adoption. For inter- country adoption it was deliberated in the conference that inter- country adoption is possible with the involvement of authorized agencies/authorities in both the sending and receiving countries. There can be no direct adoption by any foreign/NRI (Non Residential Indian)/PIO (Person of Indian Origin)/OCI (Overseas citizen of India)/ parents. Applications containing the home study of the prospective adoptive parents are forwarded to Indian placement agencies

recognized by CARA. Indian placement agencies send child study reports (CSR) for acceptance to the prospective adoptive parents (PAPs). The PAPs may also come down to India to see children before giving their approval. On receiving the child study report (CSR) approved by the Prospective Adoptive Parents, the recognized placement agency in India sends a copy of the HSR (Home Study Report) and CSR to CARA for NOC. CARA issues NOC after ensuring all the documents complete and in order. On receiving NOC from CARA, the placement authority files petition in the court and after court order the child gets the passport and visa and get ready to travel with his or her adoptive parents.

Following points were deliberated in the conference for in- country adoption:

1. Firstly, prospective adoptive parents should register themselves with the Special Adoption Agency or Adoption Coordinating Agency
2. A home study of the prospective adoptive parents is prepared by the social worker of the agency. To allay the fears and apprehensions of the prospective adoptive parents, pre adoptive counseling sessions are undertaken by the social worker during the process of home study and during this process couple's suitability to care for an unrelated child is also ensured.
3. Subsequently, the prospective adoptive parents submit the documents related to their financial and health status to the agency and a child is then shown to the parents. The agency takes care to match a child with the description, if any, desired by the parents.
4. Once the successful matching has been done, the agency then files a petition in the court for obtaining the necessary orders under HAMA or any other relevant Act.

It was emphasized that children are the Nations asset and court has a very vital role in securing the best interest of the child while dealing with the adoptions related issues. During the discourse various land mark judgments were being cited by the resource persons to delineate the role of courts while dealing with such delicate issues related to adoption. The cases which are deliberated during the session was Lakmi Pandey V/s Union of India (1984) 2 SCC 244 in which the guidelines for governing inter – country adoption and direction for setting up of the Central Adoption Resource Agency was laid down. Again in Laxmi Pandey V/s Union of India 1985 SCC Supp. 701 Supreme Court observed that the District court for appointment of guardian of the child with a view to its eventual adoption must be done at earliest and in any

event not later than two months from the date of the filling of the application. Similarly in *Laxmi Pandey V/s Union of India* (1997) 1 SCC 66 it was deliberated that Supreme Court in this case directed that a foreigner who has been living in India for one year or more, the home study report and other connected documents may be allowed to be prepared by the recognized placement agency which is processing the application of such foreigner for guardianship of a child with a view to its eventual adoption. In such a case the court should not insist on sponsoring of such foreigner by a social or child welfare agency based in the country to which such foreigner belongs nor should a home- study report in respect of such foreigner be required to be obtained from any such foreign social or child welfare agency. The home study report and other connected documents prepared by the recognized placement agency should be regarded as sufficient. It was emphasized that the best interest of the child without a family is served by providing it an opportunity to be placed with a family within its own socio- cultural milieu. Thus, every child has a right to be considered for placement with a family belonging to its own national and cultural background within the country. Inter- country adoption is therefore, to be seen as an option, which is to be considered only when the above is not possible.

Similarly, *Stephanie Joan Becker V/s State & Ors.* (2013) 12 SCC 786 was discussed and it was delineated by the resource person that as per the Para 9 of the judgment the guidelines governing the adoption of children notified on 27.06.2011 in compliance of Section 41 (3) of the Juvenile Justice Act, 2000 and Rule 33 (2) of the Juvenile justice Rules has statutory flavor and sanction.

Section 2 (aa), section 40, section 41 of the Juvenile Justice (Care and Protection) Act, 2000 and Rule 33 (1) and (2) of Juvenile Justice (Care and Protection) Rules, 2007 was also discussed. The participants unanimously is of the view that adoption undoubtedly offers an important avenue for the care and protection of an orphan or abandoned or surrendered child in a family setting and provides an atmosphere of happiness, love and understanding to the child.

The **second part of session four** was on **Couple Therapy in resolving Family Disputes-** Relevance and importance. Prof (Dr.) Manju Mehta stated that couple therapy starts with knowing the exact problem between the spouses. The therapy

addresses at the following problems: Relationship Distress, Intimacy Distress, Financial Distress, Parental Distress and Social Distress. The resource person highlighted following problem of marriage: Lose of faith, Lack of warmth, Lack of respect and Lack of bonding. She said in family disputes, therapist has to see their needs, expectation, tolerance and adjustment style. The above factors vary from couple to couple and may lead to dissatisfaction. A therapist may help couple in changing its perspective; this is called as cognitive restructuring. Dr. Mehta narrated that the marital problems which occurs due to Personality style, Interference of in laws, Extra marital affairs, Expectations, Inferiority and ego issues, Emotional regulation and anger, Suspicion, depression and due to other psychiatric illness. She stressed that while applying couple therapy, a psychologist see Current family background, Goals and expectations and previous treatment. The resource person delineated that the outcome of the couple therapy will result to Resolution of problem, Reduction in problem, increased intimacy, increased flexibility in roles of spouses and Clear communication between spouses. Dr. Mehta said that in 67% of the cases, couple therapy has given positive results while in 7% of the cases, it has failed. She also stated that the most essential thing in this therapy is active listening of both the parties. She suggested that Judges should be active and not passive listeners. They should re-state what has been said by parties and ask questions to them. But at the same time, they should not get emotionally attached to parties.

Day 2

The theme of the **session 5** was on **Role of Family Courts in Maintenance Proceedings**. Justice R. Basant and Ms. Pritarani Jha delineated the following important aspects with reference to the maintenance proceedings. Some of the landmark judgments with respect to the maintenance that should be kept in mind were discussed during the discourse. *Bhuvan Mohan Singh v. Meena* (2014) (8) SCALE 226 was referred wherein it was observed that section 125 of the criminal procedure code is required to record reasons for granting or refusing to grant maintenance to wives, children or parents. Such maintenance can be awarded from the date of order, or, if so ordered from the date of the application for maintenance, as the case may be. For awarding maintenance from the date of application, express order is necessary.

No special reasons, however, are required to be recorded by the court. The resource persons also stated that as a rule in maintenance proceedings, adjournments should not be granted. It was stated and emphatically emphasized that section 125 of the Code is meant to achieve a social purpose. The object to provide maintenance is to prevent vagrancy and destitution and to give a speedy remedy for the supply of food, clothing and shelter to the deserted wife. The primary and dominant object is to impart social justice to a women, child and infirm parents. It was stressed in the session that section 125 of the code is of a summary nature and relief of maintenance has to be given in faster and speedier manner. *Poongodi & Anr v. Thangave* (2013) 10 SCC 618 was also discussed wherein it was stated that a sentence of jail is no substitute for the recovery of the amount of monthly allowance which has fallen in arrears. Sentencing to jail is the means for achieving the end of enforcing the order by recovering the amount of arrears. It is not a mode of discharging liability.

In the open discussion, it was pointed out that the biggest problem that family courts are facing is that some of the husbands are willing to go to jails but are not willing to pay maintenance to teach their wives a lesson and many times husband does not have property and a minimal income to pay off the maintenance amount. But most of the time if husband has means to pay; he pays the arrears after being in custody for 6-8 days.

It was delineated by the resource person that there is no straight jacket formula to ascertain the amount of maintenance; however it depends upon the case to case and as per the social status, living standard and income of the husband. The case *Delhi High Court Puneet Kaur v. Inderjit Singh Sawhney* (2012)ILR IDelhi73 and *Kusum Sharma Vs. Mahinder Kumar Sharma* 217(2015)DLT706 was discussed in which it was emphasized that both the parties were directed to file detailed affidavits of their assets, income and expenditure. It was delineated that a comprehensive affidavit of assets, income and expenditure should be filed by the both the parties at the very threshold in all matrimonial cases to enable the Courts to determine the maintenance on the basis of true income of the parties. The draft of the assets, income and expenditure to be filed by the parties at the very threshold in all matrimonial cases which is attached with the judgment was also being discussed. It was stressed that the

delay in adjudication by the Family Court is not only against human rights but also against the basic embodiment of dignity of an individual. The resource persons concluded by stating that judges need to keep themselves cool and patience and make their best efforts to deliver justice.

Session 6 was on **Role of family courts in divorce proceedings**. Justice R. Basant and Ms. Flavia Agnes jointly took the session. Ms. Favia Agnes delineated that a family court judge would have to draw upon certain guiding principles enshrined in the constitution and international covenants to protect women's right. He must be conscious of the fact that traditionally, women suffer from disadvantage in society as well as in the families. She stressed that Family judge while adjudicating any issue which includes divorce proceedings also should try to be gender justice and as per the circumstances of the case select and follow the pro- women ruling also. Justice R. Basant deliberated that divorce is a very delicate issue and a judge has to be very sensitive and cautious while deciding the same. It was stressed that first of all every efforts should be done to save the marriage but in extreme circumstances or as per the circumstances of the case the judge should also dissolve the marriage if demands. It was delineated that counseling and mediations are very important in such situation and many times come out with the very good solutions in the form of amicable settlement. Justice R. Basant narrated that judge should be humanistic and should have a passion to do justice. Section 13 and section 13 B of the Hindu Marriage Act, 1955 was discussed and the cases like K. Srinivas Rao V/s D.A. Deepa (2013) 5 SCC 226, Darshan Gupta V/s Radhika Gupta (2013) 9 SCC 1 was also been deliberated.

The theme of the **Session 7** was **Counseling, conciliation & Mediation in Resolving Family disputes- Relevance and importance**. Dr. S. K. Jain delineated that little quarrels between young couples assume serious matrimonial disputes and domestic incompatibilities and competition for economic and social resources are also the causes for matrimonial disputes which involve emotions, ego, social compulsions, and personal responsibilities of parties. He expressed that there are various factors that causes the matrimonial dispute which includes ego/pride, behavioral disorders,

perception, self interest of the parties, incompatibility, psychological problems, adjustment expectations, medical reasons, misuse of section 498A. He stressed that the matrimonial disputes get resolved by intervention of elders in earlier days. However, at present time it is not possible due to the nuclear family set-up. He stressed that Family Courts Act, 1984 was enacted for speedy disposal of family disputes and to promote conciliation and settlement. Thus, Family Court Act recognized conciliation for settlement of matrimonial disputes. Dr. Jain deliberated that conciliator plays pro-active role and encourages parties for resolution. He explained the importance of section 89 of CPC and stated that section 89 CPC deals with resolution of disputes by ADR including mediation. Thus, mediation is emerging as an effective and workable mechanism for disputes resolution. He further delineated that mediation is efficient, speedy, convenient and less expensive to resolve a dispute with dignity, mutual respect and civility. He stated that mediation is a voluntarily, flexible, non-adjudicatory, party centered and structured negotiation process in which a neutral third party assists parties in amicable resolution of disputes by using communication and negotiation techniques. Its goal is to find a mutual acceptable solution satisfying needs, and interest of parties.

He remarked that mediator assists parties by facilitating communication. He expressed that mediation is different from judicial process. Judicial process adjudicates in favour of one party whereas mediation settlement arrived at with consent of parties. Moreover, judicial process focuses on past based on legal rights and obligations whereas mediation facilitates mutually acceptable agreement satisfying everyone's interests. Mediation changes disputes from "win-lose" to "win-win" situation.

He remarked that the mediator has to be facilitative and non judgmental. He discussed the case of Afcons Infrastructure Ltd. And Anr. V/s Cherian Varkey Construction Co. (P) Ltd. and Ors. (2010) 8 SCC24 and stated as far as family courts are concerned the ideal stage for mediation will be immediately after service of respondent and before the respondent files objections/written statements. He narrated that mediation process includes introduction, joint

sessions, single sessions and agreement. Effective communication techniques while mediating was discussed. It was stated that mediator should ask right question and should be active listener. He also deliberated that how a settlement agreement should be drafted and emphasized that Supreme Court recognizes mediation as an effective method of resolution and court should refer the cases of 498A IPC to mediation if the element of settlement exists. The case of Gian Singh V. State of Punjab & Anr.,(2012) 10 SCC 303 was discussed and the resource person emphasised that in this case the supreme court expressed that certain offences which overwhelmingly and predominantly bear civil flavour like those arising out of matrimony, particularly relating to dowry, etc. or the family dispute and where the offender and the victim had settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the high court may quash the criminal proceedings if it feels that by not quashing the same, the ends of justice shall be defeated.

Mr. Firdosh K Karachiwala stated that mediation is a form of intervention involving a process in which third Party - Mediator - assist parties to a dispute to negotiate over the issues that divide them. He further deliberated that mediator has no stake in the dispute and is not identified with any of the competing interest involved. He has no power to impose settlement on the parties, who retain the authority for making their own decisions. Mediator is therefore responsible in the conduct of the process - while Parties control the outcome.

He quoted the lines from the Autobiography of the Mahatma Gandhi “....But, both were happy over the result, and both rose in the public estimation. I had learnt the true practice of law. I had learnt to find out the better side of human nature and to enter men’s hearts. I realized true function of lawyer was to unite parties riven as under. The lesson was so indelibly burnt into me that large part of my time during the 20 years of my practice as a lawyer was occupied in bringing about private compromises of hundreds of cases. I lost nothing thereby-not even money; certainly not by soul.”

He deliberated the case of AWA v Daniel's, (1992) 7 ACSR 463 per Rogers CJ (Comm Div) whereby it was stated that "It is of the essence of successful mediation that parties should be able to reveal all relevant matters without an apprehension that the disclosure may subsequently be used against them. As well were the position otherwise, unscrupulous parties could use and abuse the mediation process by treating it as a gigantic, penalty free discovery process". He delineated that the mandate of the mediator are Confidentiality, Impartiality, Speed and without excessive cost. He asserted that mediator must be neutral, non-judgmental, control the process and facilitate communication. He stressed that the mediator must not give advice, determine the solution or be judgmental and also should not allow the mediation process get out of control. He remarked following skills for effective mediator- Active listening, Questioning, Reframing, Option generation, Breaking impasses, Reality testing.

He narrated and explained the following duties and responsibilities of an effective mediator:

1. Mediator should be fair and absolutely impartial.
2. He should have no bias against any Party.
3. He should not disregard principles of natural justice.
4. He should have no interest direct or remote with the subject matter of the dispute or with any of the parties and should not act as an Advocate of any of the Parties to the dispute.
5. He should not misconduct matters or the proceedings.
6. He should not accept any illegal gratification or receive any pecuniary inducement which may affect the fair determination of the matters submitted for mediation.
7. A Mediator must give the Parties Notice of the meeting and submit the opportunity to present their case.
8. Both the Parties must be given equal opportunity to forward their case.
9. He should not give professional or legal advice to any Party.
10. He should not impose an outcome on any Party.
11. He should not make any decisions for any of the Parties.
12. He should before the commencement of the mediation disclose to the Parties any prior Association with any of the Parties as well as his interest, if any, in the Dispute.

13. He should not disclose to any person or in the Court unless agreed to by both the Parties any information or document which has come to him during the course of Mediation.
14. He should not mediate unless he has the necessary competence to do so and to satisfy the reasonable expectation of the Parties.

The resource person has also analyzed and emphasized the following benefits of the mediation and stated:

1. Mediation puts control of the resolution of the dispute into the hands of those best equipped to find the most appropriate solution in view of the parties' individual needs and interests
2. Mediation provides an opportunity for parties to have their say, to tell others exactly how they see the problem in a confidential, non-threatening atmosphere without prejudice to rights;
3. It helps disputing parties understand how the others see and feel about their problem;
4. It enables business and personal relationships to be maintained and even enhanced by encouraging cooperative problem solving;
5. Mediation enables identification and exploration of all issues, including those which may not be revealed in arbitration or litigation because of the application of the rules of evidence;
6. It provides the opportunity for an exploration of a full range of solutions (unlike the limited remedies which can be awarded by an arbitrator or a Judge);
7. Mediation provide procedural and psychological as well as substantive satisfaction;
8. Mediation is as confidential as the law allows, allowing the parties to avoid adverse publicity or the disclosure of commercially (or otherwise) sensitive information;
9. Mediation is usually significantly cheaper and quicker than arbitration or litigation and can be arranged to suit the convenience of the parties.
10. Finally, Mediation focuses on the future rather than on the rights and wrongs of the past.

He concluded the session by asserting that every settlement should meet the following criteria: it satisfies the parties; it should deals with all the issues in dispute, should be

workable and practical and should also minimize the possibility of future dispute. He remarked that this should be the concluding phase of mediation.

The theme of the **session 8** was **Joint custody v/s Shared Custody**. Mr. R. Venkatarami delineated that the preference of shared custody are often balanced with the best interest of the child standard. The best interest of the child standard is increasingly utilized as a tool to evaluate child custody arrangements in many nations particularly those who are the signatories to the convention on the rights of the child. It requires Family Courts to consider the well- being of the child as paramount. It was stated that a study found that children in shared/ joint custody families had lower incidents of misbehavior than children in single maternal custody families. It was deliberated that The Guardians and Wards Act, 1890 is a comprehensive legislation dealing with the appointment of a person as a guardian of a minor both in respect of his/her person or property and it provides for appointment of joint guardians, both in respect of person and property of the minor. The Hindu Minority and Guardians and Wards Act was also discussed in the light of the welfare of the minor as primary consideration. It was delineated that in recent times there has also been instances when the Supreme Court emphasized that it cannot be assumed that always a mother is naturally a better custodian for the child. In this light consultation paper on adopting a shared parentage system in India issued by Law Commission of India was also discussed. Ms. Pritarani Jha delineated that healthy family means both mother and father. Thus courts should prefer joint custody instead of giving custody to single parent. She further mentioned that while giving custody to one, something more than mere visiting rights should be given to the other parent. Visitation rights should be made purposeful and it should be ensure that the non custodial parent spends quality time with the child. Justice R. Basant expressed that supremacy should be given to ‘welfare of child’ which means rights of child and not rights of parents. In fact, parents do not have any rights, they only have parental responsibilities. The resource person stated that guardian must be a fit person for being given the custody of child and courts have duty to see what trauma the child has suffered while being with the custodial parent. Justice R. Basant during the discourse emphasized that in case of child custody child preference is paramount; the courts should never ask the child directly as to with which parent he wants to live as the child may be tutored.

Thus the judge should make his opinion by asking plenty of questions to the child to elicit his true preference and welfare. The participants expressed their view that in custody cases, it is important that when non custodial parent is with the child, the custodial parent does not interfere.

Day 3

Session 9 was on **Creating General Gender Awareness in the Light of Constitutional Guarantees**. Ms. Pritarani Jha delineated that there are gender inequality persists in our country and judge has to be very sensitized particularly dealing with the delicate family related disputes. Justice K. Hema circulated a questionnaire a day before through the programme coordinator Dr. Amit Mehrotra and asked the participants to give their responses without disclosing their name and designation. Following are the questions which were there in the questionnaire: 1. What quality, do you think, is most required in a Judge to take a right decision in a case, whether it be in appreciation of evidence, interpretation of Statute or any other process including settlement, in the course of trial?; 2. Do you ever come across with any situation in which you have noticed that a Judge has any sort of gender bias? If so, cite an example; 3. Can you cite an example of Judgment if any, which in your opinion reflects gender bias, whether in favor or against a woman or man?; 4. Have you ever made a self – assessment to see whether you have any gender bias or generally any bias?; 5. Do you agree that, you are gender biased? If so, have you examined reasons or causes for being so? 6. If you feel, you are not gender biased, why do you say so?; 7. Do you know what is meant by bias? Please explain: 8. Do you think a Family Court Judge should have any special qualities other than what ordinary judge has to possess, if so, what are they? 9. Do you think Family Court judges require any special communication techniques and skills? If so why? If not why? Which training method, have you found to be more useful for learning and more impressive is it lecture form (didactic method) or interactive discussion?

The judicial officers have given their response in which most of them expressed that they are not bias. The main quality according to them is that a judge must possess knowledge of ground realities of the society. Dispensation of justice to them is nothing but a technique to find a solution to day to day problems arising in the society. They expressed that judges should be sensitized towards the common people problems. Justice

K. Hema through the questionnaire sensitized the judicial officers on gender bias asserted that since we are human being and not a computer machine the bias is there in our sub conscious mind and we unintentionally make our notions in the mind.

Session 10 was on **Special Communication Techniques and Skills Required by Family Court Judges**. The resource person of this session was Justice K. Hema. The following suggestions were curled out from the discussion with regard to the conduct of the judicial officers of family court: 1. Communication skills of a judge build his image for litigants. He can use his non verbal skills to create an image that the judge believes in quick disposal of cases. 2. Judges should ordinarily never talk to only one party in chamber. But a family judge may be required to talk to one party in chamber 3. Lawyers are reluctant to club all the matters in proceedings before family courts in order to make more money. They even mislead parties for their benefits. Sometimes poor parties cannot even afford it. It is the duty of the judicial officer to sense the problem and try to give justice to the aggrieved party. 4. Family courts should use their time in reconciliation of those matters which are amenable to settlement. 5. The Principle Judge of the family courts should not be too lenient in transferring cases on receiving complaints of bias. 6. Judges should supervise cross examination very minutely. 6. There is a need for ‘DO IT YOURSELF’ book for litigants so as to avoid their dependence on lawyers for simple things like withdrawing case. 7. A panel of lawyers should be appointed for family courts by the High Courts and only those lawyers in the panel should be allowed to appear before family courts, that too only on an order by the court. 8. Family courts should be empowered to cancel Vakalat Nama of advocates which are unnecessarily hindering proceedings of courts and reconciliation between parties. 9. In order to avoid lengthy pleadings and effective communication a proper format all applications should be prescribed.

Dr. Amit Mehrotra concluded the conference and on behalf of National Judicial Academy extended vote of thanks to all the resource persons and to the participants for giving their insights and input and making the conference, fruitful, successful and meaningful.

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