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ABOUT US



WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

THE ROLE OF JUDICIAL DECISIONS IN FAMILY DISPUTES IN INDIA

AUTHORED BY - MOHITA SINGHAL¹ & SHUBHAM GUPTA²

INTRODUCTION

Family relationships are the basis of our social structure involving emotional well-being and help in shaping our identities, but this structure gets disturbed when different issues have come up, particularly in terms of divorce disputes, child custody rights, rights over properties and inheritance. The courts have been influential in resolving these disputes since the court interprets law and therefore, creates precedents that have an impact on subsequent cases. This article analyse the judicial decisions affecting family conflicts in India, with legal aspects, landmark judgments, and their effects on families and society.

In fact, India's family law is pluralistic because it represents its pluralistic society and the framework of laws is mainly religion based personal laws, which are as follows:

- a. Hindu Marriage Act, 1955 and Hindu Adoptions and Maintenance Act, 1956
- b. Muslim Personal Law (Shariat) Application Act, 1937, Dissolution of Muslim Marriages Act, 1939 and Muslim Women (Protection of Rights on Marriage) Act, 2019
- c. Indian Divorce Act, 1869 and Indian Christian Marriage Act, 1872
- d. Special Marriage Act, 1954

The aspects related to marriages, divorces, maintenance for Hindus, Muslims and Christians, inheritance, succession, charities and inter-religious marriages are governed under these laws. While adjudication, the judiciary ensures that the honour of these personal laws are maintained without compromising the procedural integrity of the legal system. The Indian judiciary interprets these laws, filling gaps and addressing ambiguities through judicial decisions, which often set significant precedents in family law.

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IMPLICATIONS OF JUDICIAL RULINGS

1. Interpretation of Laws

Judicial decisions are vital in interpreting complex family laws. The courts often clarify legislative ambiguities, ensuring that laws are applied consistently. For instance, the Supreme Court's interpretation of "cruelty" in the context of divorce has evolved through various judgments, providing clarity on what constitutes grounds for dissolution of marriage. For instance, there were overlapping jurisdiction under various legislations that are dealing with the issue of maintenance in matrimonial cases. To curb this issue, the Supreme Court of India, in the case of *"Rajnish v. Neha"*³, has framed certain guidelines which would cover all the aspects of the contending parties such as their status, reasonable needs, qualifications, financial capacity, disclosure of assets and liabilities, previous or pending litigations etc., while determining the quantum of maintenance to be provided to the party. Such comprehensive guidelines leads to clarify the issue of overlapping jurisdictions under different enactments.

2. Establishing Precedents

Judicial decisions establish legal precedents that influence future cases. The doctrine of stare decisis ensures that lower courts adhere to principles established by higher courts. For example, the landmark case of *"Vishakha v. State of Rajasthan"*⁴, although primarily focused on workplace harassment, underscored the judiciary's proactive role in safeguarding women's rights, influencing decisions in family law cases related to domestic violence.

3. Protecting Fundamental Rights

Family disputes usually invites intervention of judiciary to protect the fundamental rights, especially related to women and child rights. In *"Mohini Jain v. State of Karnataka"*⁵, the Supreme Court held that education is a fundamental right which impacts custody related matters by prioritizing children educational needs. Such kind of rulings reflect the commitment of judiciary towards constitutional rights amidst family disputes.

³ AIR 2020 SC 915

⁴ AIR 1997 SC 3011

⁵ AIR 1992 SC 1858

4. Promoting Gender Justice

Judicial pronouncements have been integral to gender justice in family law. A landmark judgment "*Rajesh Sharma v. State of Uttar Pradesh*"⁶ dealt with the gross misuse of Section 498 A- Cruelty by husband and relatives of the Indian Penal Code (now Section 85 of Bharatiya Nyaya Sanhita, 2023). In this case, the Supreme Court issued guidelines to prevent the abuse of law and to safeguard the interest of genuine victims, which is crucial in redressing gender inequalities in family disputes.

5. Addressing Child Custody Issues

Matters of child custody disputes involve complex emotional and legal issues. The judicial approach are heavily based on the best interest principle of the child, which has now become well settled in "*Githa Hariharan v. Reserve Bank of India*"⁷. Here, the court ruled that both parents have equal rights over their children highlighting balanced parenting practice.

LANDMARK JUDGMENTS IMPACTING FAMILY DISPUTES

Several landmark judgments which have intensely influenced the law related to family disputes in India. One such judgment is by the Hon'ble Apex Court of India delivered in the year 2017 titled as "*Shayara Bano v. Union of India*"⁸. The Hon'ble Court has declared the *triple talaq* as unconstitutional by emphasizing on gender justice and equality under Muslim Personal Law. This judgment had embarked upon the discriminatory practices under religious laws and had shifted the focus of the society towards rights of the women's even under their personal laws. In the case titled as "*Navtej Singh Johar v. Union of India*"⁹, the Hon'ble Apex Court in the year 2018 has decriminalized the consensual same-sex relationships thereby transforming the prevalent laws. The Hon'ble Court through this judgment has acknowledged the rights of the LGBTQ+ community and by deviating from the ancestral approach has set a precedent for recognizing diverse family structures and relationships.

Coming to the judgment in the year 2008 in the case titled as "*Anuj Garg v Hotel Association of India*"¹⁰, the Hon'ble Supreme Court had recognized the hardships of women owing to the

⁶ AIR 2017 SC 3869

⁷ AIR 1999 SC 1149

⁸ AIR 2017 SC 4609

⁹ AIR 2018 SC 4321

¹⁰ AIR 2008 SC 663

discrimination faced by them. Therefore, the discriminatory provisions against women in employment were struck down and the idea that gender discrimination affects family dynamics was reinforced. This judgment has cosmic implications regarding the right for maintenance and support in family disputes and has also underlined how the Indian Judiciary views women's economic rights.

Further regarding the right of the women in marital property, The Hon'ble High Court of Andhra Pradesh in the case titled as "*T. Sareetha v. T. Venkat Subhaiah*"¹¹ has declared the husband's refusal to provide maintenance to his wife, without any tenable grounds, as unreasonable. This observation of the Hon'ble Court was seen as a turning point for recognizing gender equity in family relationships through the process known as judicial activism.

The Hon'ble Supreme Court of India also decriminalized the offence of adultery defined under section 497 of the Indian Penal Code, 1860 "*Joseph Shine v. Union of India*"¹² thereby challenging the patriarchal beliefs established by the laws prevalent in India. The Hon'ble Court has very clearly observed that the women are not chattels to be owned by their husbands.

These judicial decisions have a wide range of implications in the society. These decisions have brought social impact, legal certainty and stability and have encouraged resorting to alternative dispute resolution techniques besides evolving the jurisprudence. The societal impact is evident from the fact that these decisions have shaped public perception of gender roles, marital rights, and family structures. The societal shifts towards more equitable family dynamics has been encouraged by the judiciary's proactive stance on issues like domestic violence and child rights. Further this role of judicial activism by the Courts has laid down clear legal precedents which provide a sense of certainty and stability for individuals entrapped in family disputes. Proper and clear guidelines on common issues like maintenance, custody and divorce settlements help the parties to navigate through complex legal terrains thereby reducing the lingering litigations. The judges has also emphasised and encouraged resorting to the alternative dispute resolution (ADR) mechanisms, like mediation and arbitration, more particularly in family disputes. The

¹¹ AIR 1983 AP 356
¹² (2019) 3 SCC 39

Courts have actively been advocating for resolving the issues amicably and promoting a gregarious approach which can preserve familial relationships post-dispute. Besides all this, the Indian Judiciary has played a role of guardian of social justice by constantly evolving the jurisprudence especially in the field of family laws by adopting the dynamic approach towards changing societal norms and values. The judicial decisions reflect their approach of adapting these changes and promoting more inclusive understanding of family, marriage, and individual rights.

CHALLENGES FACED BY THE JUDICIARY

However, the challenges which still persist cannot be ignored despite the significant role of judicial decisions in resolving family disputes. Challenges such as:

1. Judicial Delays

The prolonged litigations owing to huge pendency of cases before the Courts has led to worsening of family disputes rather than resolving them which in turn has led to immense emotional and financial strain on the parties involved in the litigation. Reformation of the judicial process in order to expedite delivery of justice in family disputes still remains a critical challenge.

2. Inconsistent Application of Laws

There are numerous District Courts in various states of India and there exist great inconsistencies when it comes to the application of laws which lead to different outcomes in similar circumstances. There is an urgent need of uniformity in the interpretation of laws across all Courts in India to uphold justice for all.

3. Misuse of women-centric Laws

The biggest challenge faced by the judiciary is the misuse of the women-centric laws. There have been numerous incidents wherein the Hon'ble Apex Court as well as various Hon'ble High Courts has observed that the laws which were initially made for the protection of the women are now more often misused by the women to coerce and pressurize the opposite party which ultimately results in creating mockery of the court.

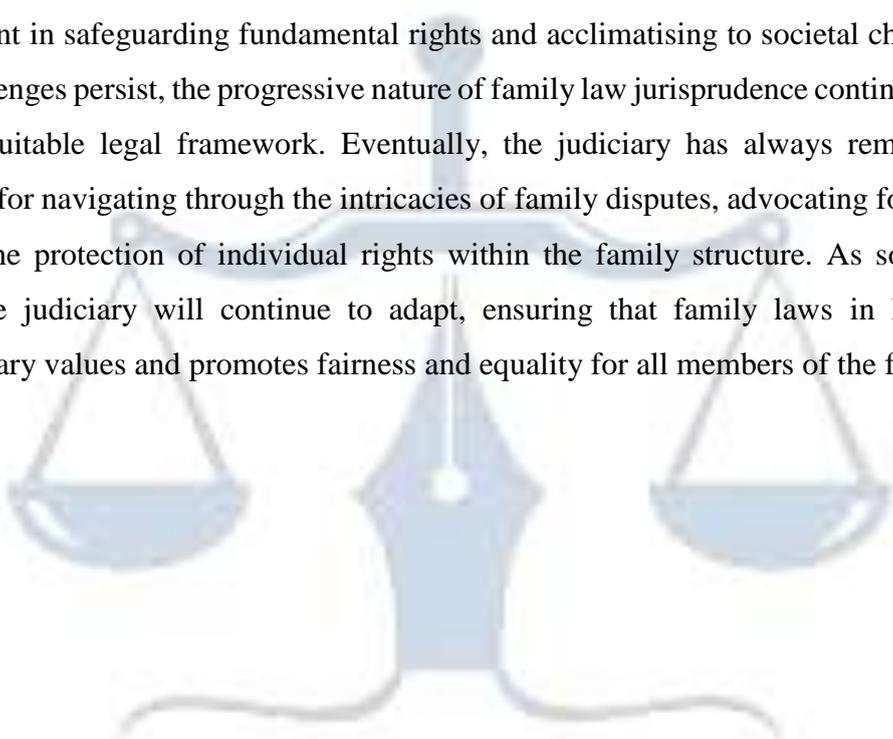
4. Resistance to Change

Another challenge faced today is the resistance to changes. In many spheres, cultural

norms and traditional beliefs are still prevalent to a great extent which is often seen as hindering the judiciary's efforts in implementing the progressive reforms in family law.

CONCLUSION

Before concluding, it would be apt to say that Judicial decisions have been playing a fundamental role in adapting and shaping family laws and thereby resolving family disputes in India, influencing legal interpretations, establishing precedents, and promoting gender justice. Various landmark judgments, some of which has been discussed above, reflect the judiciary's commitment in safeguarding fundamental rights and acclimatising to societal changes. While some challenges persist, the progressive nature of family law jurisprudence continues to nurture a more equitable legal framework. Eventually, the judiciary has always remained a vital institution for navigating through the intricacies of family disputes, advocating for justice, and ensuring the protection of individual rights within the family structure. As societal norms evolve, the judiciary will continue to adapt, ensuring that family laws in India reflects contemporary values and promotes fairness and equality for all members of the family.



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