



## **NATIONAL JUDICIAL ACADEMY**

# **NATIONAL WORKSHOP ON PERSONAL LAWS, FAMILY DISPUTES, PREVENTION OF DOMESTIC VIOLENCE LAW TO RAISE GENDER SENSITIVITY (COURT DEALING WITH MATRIMONIAL ISSUES)**

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### **REPORT**

**PREPARED BY PROGRAMME COORDINATOR**

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## Introduction

The Law Commission of India in its 59th Report (1974) stressed that in dealing with disputes concerning the family, the court ought to adopt radical steps to distinguish judges of the family courts from the existing ordinary judges manning courts of civil proceedings. Also it was suggested that the courts should make reasonable efforts at settlement before the commencement of the trial for disputes concerning families and relationships. The NJA and State Judicial Academies have so far organized more than 100 workshops, seminars and conferences to sensitize judges on procedural issues to help judges in settlement of family disputes.

The NJA has organized four day workshop on Personal Laws, Family Disputes and Prevention of Domestic Violence Law to Raise Gender Sensitivity (Court Dealing with Matrimonial Cases) from 26<sup>th</sup> to 29<sup>th</sup> November, 2015 to provide judges with skills to equip them to reflect better on the nature of disputes before the family and matrimonial courts. The objective of the conference is to sensitize the judges to play an important role in reconciliation of disputes amongst parties/litigants, how judges can take help of counselor, non-government organizations and to understand sociological & psychological dimension to disputes on marriage, divorce, maintenance and custody issues. There were total 35 judges participated in the conference. The resource persons of the conference include Hon'ble Mr. Justice Sharad Arvind Bobde Judge, Supreme Court of India, Hon'ble Ms. Justice Mridula R. Bhatkar Judge, Bombay High Court, Mr. R. Venkataramani Senior Advocate, Supreme Court of India, Dr. Aruna Broota Psychologist, Hypnotherapist and Alchemist, Prof. (Dr.) Vijay Vancheswar Adjunct Professor, International Management Institute, New Delhi, Prof. (Dr.) Jaishri Jethwaney Indian Institute of Mass Communication, JNU Campus, New Delhi, Ms. Deepti Bhatnagar Adjunct Faculty, Indian Institute of Management, Ahmedabad, Mr. Rajiv Kumar Associate Professor, Indian Institute of Management, Kolkata, Mr. Pawan Kumar Singh Faculty, Indian Institute of

Management, Indore, Prof. Swatantra Indian Institute of Management, Indore, Dr. Parul Rishi Associate Professor, Indian Institute of Forest Management, Bhopal.

The theme of the **session one** was **understanding self**. Self-introduction of the participants was done followed by opening remarks of Prof (Dr.) Geeta Oberoi who gave the brief introduction to the conference. She said that being judge of family court is very difficult, stressful and delicate because they deal with the people who are in a relationship. It was said that the institutions may get changed and there are doctor, Judges, engineers and but ultimately we are human beings. She deliberated that National Judicial Academy tried to introduce the concepts of certain other disciplines apart from law which may help them to reflect on the state of things and on the nature of conflicts in their jurisdiction in better way. It may enable them to think differently and have a different perspective. She welcomed the resource persons and the participants of the conference and introduced Dr. Amit Mehrotra as the programme coordinator of this conference.

The first and the second session was then deliberated by Prof Pawan Kumar Singh. He started the session with a small prayer which is from twenty three Upanishads and is secular in nature. The English translation of the prayer which he explained is Oh Cosmic force energize all of us, let us all come together, let us all put our efforts together, after putting that effort whatever fruits are available let us share the fruits together. Let us strengthen one another. Let us all march collectively from darkness to lightness. Let there be no if feeling amongst the all. And let us all be healthy at three different levels at body level and mental level; and at spiritual level and whatever animates and inanimate things are there spread in this vast existence; let everyone be healthy and established in its own nature properly. He explained the four Ashrams which were discussed in Indian psycho philosophy Brahmacharya, Grahastra, Vanprast and Sanyas and stated that Grahastra is also very important and responsible phase of life. He explained that family has been said to be the most complete way of living in Indian philosophy because path to God also emerges from there. The

resource person delineated that nature has a desire to continue and we actually help Nature to continue and for that which platform is Grahastra Ashram.

He deliberated that understanding self and understanding others may be two different topics but they are like two sides of the same coin. He stated that please understand yourself because for that we are preparing to understand others. He further emphasized that we begin with understanding self and understanding self only because by knowing self automatically others are known. He stated that according to Upanishads we all are dealing with Avidhya. Law, management, engineering and medicine are Avidhya and have been described in Upanishad with high dignity. Whereas Vidhya means that knowledge from which we taste the nectar of truth. He stated that knowing real self that is called vidhya. He delineated that we will deal with the understanding self in social interaction. He emphasized that I is a myth and by understand me we are preparing our self to understand all the me whom we call in language as others. He further deliberated that Treating everybody as I is Gyan Yog. Treating everybody as others including me is Bhakti Yog. He stated that there is no law which can compel husband and wife to live with deep love but law gives basic platform on which we can start thinking at least to live together.

The resource person stressed that understanding perception can help us to understand self. He stated that, perception is the process of giving meaning to various input that we are receive. Through the five senses i.e. eyes, ear, nose, tongue and skin whatever we collect, this process is called sensing. He defined that Sensing means collecting data in a scattered way and then we give meaning and the process of giving meaning is called perception. Thus, perception means the mental process through which you give meaning to the scattered data collected to your senses. Then it was further explained that subject to the same circumstances we give different meanings. He stated that the perception is not different, the process through which they are giving meaning is different. Thus, perception can be positive and on the other side can be negative also. He said that family court judge deals with the intense relations of Mother, father, husband

and wife to understand the concept of perception becomes more important and while dealing a case one should be free from all perceptual errors.

Then he explained the concept of attribution. He stated that Attribution means to attach to the cause or the responsibility. It was further stated that there are two types of attribution. One is called external attribution and another this called internal attribution and there are two causation internal and external. It was emphasized that we do mistake when we attach internal causation and for which the cause was external. And we attach external causation for which the cause was internal. It was suggested that perception is a process therefore a judge should never take short cut to the shortcut to the process as it can deviate the real meaning and we can be wrong while judging. Different types of errors that may cause while deciding a matter or giving a judgment like Stereotyping, Projection was discussed by the resource person. It was strongly suggested that a judge should try to be free from all perceptual errors while deciding a case.

The theme of the **session 2** was **understanding others** which has been continued by the Prof Pawan Kumar Singh who first summarized the concept of right perception and attribution and suggested that a judge should never jump into the conclusions and should always take a complete view before arriving into any conclusions. The resource person deliberated and explained the concept of untruth, myth, fact and truth. He stated that untruth is something which is not true and myth is something which appears to be true but actually doesn't exist to be true. It was deliberated that two types of errors judges might commit. One is punishing a person who should not have been punished and not punishing a person who should have been punished. It was also stated that the main reason of the delay in pronouncing the judgment is that the judges wanted to be double sure that correct decision should be given and the judgment should not get influenced by untruth or myth. The meaning of attitude was deliberated that attitude means evaluated statements about a person, about an object or about and occurrence. It was stated that there are two types of personality judgmental and perceptual.. It was said that the perceptual personality is not giving any

evaluation to anything but just watching and observing the things as it is whereas judgmental personality is to compare and evaluate with others. It was emphasized that Perceptual people have more excepting tendencies and are more receptive. It was suggested by the resource person that hon'ble judges primarily should not be judgmental and should be perceptual because by being perceptual you can do better judgment. It was also deliberated that hon'ble judges are not only just interpreter of law but should also a good student of human behavior. It was deliberated that understand the concept of learning is very important of understanding self and others. It was delineated that learning has four stages first is unconscious incompetence, second is conscious incompetence, third is conscious competence and fourth is unconscious competence. It was suggested that a judge should know that on a particular subject or issue he is at which stage. It was further stressed that emotions is strength and is the base of decision-making. The resource person talked about the emotional intelligence and stated that emotional intelligence is ability to detect and manage emotional cues and information of self and others. In the light of emotional intelligence Self-awareness, self-management self-motivation, empathy and social skills was discussed. It was said that self-awareness requires introspection, autosuggestion, medication and it requires feedback. It was stressed that world needs meditated Honorable judges not agitated Honorable judges and meditation means 10 minutes of yourself that is also called self-awareness. It was stated that judges are usually dealing with the persons who are mostly in the world of reaction. It was suggested that judges should never react but should always respond and then take any decision.

The theme of the **session 3** was **understanding conflicts**. It was deliberated that generally, we presume the conflict with negative connotation but as a behavioral scientist, it has entirely different perspective. The concepts of avoiding conflicts and managing the conflicts were explained.

It was deliberated that traditional view is that conflict is caused by troublemakers and it is bad and should be avoided and suppressed. However, it was delineated

that the contemporary view say that it is inevitable between human beings. So, whenever we are in any kind of situation conflict is bound to happen, conflict is inevitable and often beneficial. It pushes all kind of energy within us to do something. It was stated that briefly whenever there is a conflict it is a signal that something is happening otherwise nothing is happening. It is a natural result of change and should be managed. The difference between the actual interest in the people that are hidden and related interest of the people was discussed. It was emphasized that changing our behavior is the easiest things but it is difficult to change our attitude. It was suggested that a judge should always be cool, calm and comfortable and then act while dealing with the difficult people and should also develop the practice of the communication skills that are desirable in that scenario.

Prof. Rajiv Kumar has emphasized on the listening skills and stressed that how listening skills are effective to resolve any disputes. The resource person articulated five different ways of listening that are in the form of evaluator or judging, Interpreter, Supportive, Probing and Understanding.

It was deliberated that when you have start judging a person with little evidence then it might be problematic for the other person. The other person wants to discontinue the conversation as it does not help him much and he does not get much of relief from the style of listening because we are judging.

It was stressed that Interpreting style is to provide your understanding of what is happening in the world to the individual who is suffering from some kind of issues or problem. It is just like to provide some knowledge. It was stated that supportive style was said to be know how I can help you and get over the person problem. It includes counseling and advising the person. This makes the other person feel that he has not only been heard but also got some constructive advice. Probing is to understanding persons problem perspective more deeply as the person who is listening has not lived his or her life. Lastly is was stated that the understanding style is the capturing of the crux and get the essence of what the other person is saying. In this style after proper understanding of the issue it

should be paraphrasing the problem and confirming that whether it was properly understood.

An exercise on different types on Conflict management style was been conducted by the resource persons through which the participants have introspected and came to know that which style and quality is dominating within themselves.

The theme of **session 4** is **Understanding Relationships**. Prof. Deepti Bhatnagar was the resource person of the conference. The resource person emphasized that it include knowing the meaning and approach of our professional and personal life. The approach of transactional analysis is being discussed in the session. It was deliberated by the resource person that according to this approach if we want to understand relationship, all of us have to begin with surely by understand our self. It was stressed that the other person is also somewhat like myself so we need to understand our self and then need to understand the other person so that we can link these in terms of the building relationships. It was delineated that according to this approach if we understand ego states we understand that this is a building block for understanding relationships. To understand relationships three-ego state were discussed, Parent ego state, adult ego state and child ego state. It was emphasized that parent ego state was further bifurcated into the Nurturing parent and critical parent and Child ego state was further bifurcated into Natural Child and adaptive child. It was delineated that critical parent capture the expression like you should never do this, he must always do this, they should have done this etc. and in Nurturing parent we show affection, friendly, maintain, support, provide, appreciate, listen etc. It was deliberated that critical parenting is good. It is also known as controlling, directing and judging parent. Without critical parenting there is no order. No discipline will be there in any Society, institutions, academic place etc, but excess of CP can lead to negative consequences. It was also deliberated that adult ego state relates to logical and rational thinking of the facts. It was also stressed that the characteristics of natural child are that they are

innocent, open, unconditional, creative, love, free, fun loving, spontaneous, energetic, forgiving, and expressive and honest but sometimes they are irritating also. They are sharp in terms of intelligence and sometimes demanding. It was stated that the adaptive child is in the nature of compliance or it may be in the nature of rebel. It happens when other person use its critical parenting. Another child ego state is called little professor has been discussed which was said to be inquisitive. It was emphasized that all the ego states are within ourselves.

An exercise on evaluation of exploring the personality was conducted and through scoring judicial officers came to know their present dominant ego state.

It was suggested that if the ego states are balance then we are more effective in handling our relationships at home, work and at variety of situations. So there should be desired equilibrium in the ego states. It was also stressed that communication is very important aspect in understanding relationships and there should be more respect for the other persons whether he or she is subordinate or someone junior to in the family.

The theme of **session 5** is **Personality for Leadership**. **Prof. Deepti Bhatnagar** was the resource person of the conference. It was deliberated that leadership is not rank, privileges, benefits, popularity or even not is money. Leadership is the ability is to set goals, motivate people, give directions, supervise and most important is a of sense responsibility. Leadership is an ability to talk to people and to persuade them to influence them.

It was deliberated that if a leader is concerned about a task, not so much concerned about the goal, he or she follows a style that we can call autocratic. Thus, the task-oriented style can be called autocratic or directive style and in this leader gives directions and other has to follow.

It was delineated that another style of leadership is People oriented style in which the leader concerned about the team as how they are doing and to motivate them. In this style, the role of the leader is to be removing the blocks for his team member's so that they can flourish or contribute. It is also known as Democratic

style that is people centric and the ultimate objective of the leader is to keep his or her team happy.

The resource person discussed four styles of leaderships. Style one as directive, style two coaching, style three supportive or participative and style four is Delegative. It was deliberated that style one the leader use great deal of concern for the work to be done and the concern for the team is secondary. Thus, it was emphasised the team members who are very immature this style will be helpful to get the work done.

In Style two the leader has a very high concern for the team, how is that the working, what are we doing, tracking everything very closely and who is doing what is also my concern, are you okay, anything I can do for you. Thus, it was emphasised for the members who are not much immature and a little better then to lead style two was appropriate. It was further deliberated that the team members who are still better in maturity a leader should use style 3. And team members who in a leader eyes are totally mature. They know how the work is to be done. They know how to take care if there are interpersonal problems or conflicts and they don't need any help; the style four is appropriate which is called as delegation.

It was suggested to look at appropriate style in terms of relating it to who we are leading. For team members who are low in maturity directing style should be adopted. Thus, it was recommended to keep our team members in mind while choosing the leadership style. Different people need to be treated differently and if in our behaviour we are consistent then there cannot be any acquisition of favouritism. Thus, it was stressed that the responsibility of the leader is to establish this relationships over time and the responsibility of a leader is to keep on ensuring that his or her treatment, the way, this style he or she uses should be in consonance with the style he or she deserve. Thus, Leadership in that way should have flexibility to move from one style to and another style depending upon how the other person is shaping up.

It was also emphasised that as a part of leadership responsibility a leader has to ensure the growth of team members from wherever they are placed and to wherever they can move. It is the responsibility of the leader to create avenues for peoples and develop and grow them in terms of maturity. It was deliberated that the people with high maturity are problems solvers and with low maturity are problem finders so accordingly they have to be dealt by using the leadership styles.

A should always have high in integrity and high in emotional intelligence and if he or she meets this criteria in terms of maturity, may need to delegate more and more work to them. An exercise on leadership was conducted by the resource person where judicial officers have made their self-assessment of their dominating style of leadership.

The theme of **Session 6** was **Time Management**. **Prof. Swatantra** was the resource person of the session. It was deliberated that time is a limited commodity and we all have got that particular hours in our life. It was stated that we live a robotic and dry life. Resource person asked the participants to spent 5 minutes time in jotting down their schedule right from the moment you they get up to the moment they go back to the bed. It was emphasized that one has to analyze his or her time. It was stressed that if we spend time in our own manner it would reduce our stress and performance will be improved. It was suggested that proper planning and prioritization of work is required to manage time better.

It was also deliberated that spontaneous things to be done and unavoidable circumstances are the major problems in proper time Management and therefore it become difficult to adhere the schedule. It was stressed that the less clear we are on our objectives the more time we keep spending in working on that. It was suggested that it is better to have definite goals and clarity at different levels. It was also emphasized that that most of our assistant can help us if we put certain tags and make the things organize so that we can save a lot of time. It was also deliberated that we should have the tactic to say no to others so as to save our time.

It was stated technology is a great help but on the other hand the social medias that are available takes most of our time and energy and it has to be managed. It was said that we, meeting people, building relationships, socializing is important but many a time it deviate us from our major schedule as well. It was stated that meetings a take lot of time and energy particularly when agenda is not so clear and if the discussions takes the U turn and then coming back to the point also takes the lot of time and energy.

It was emphasized that sometimes we waste our time by doing nothing but thinking that we have to do something and we just sit and think to do. In such a case we have neither used our time on the leisure side nor on the work side and this is to be avoided. It was also emphasized that multitasking as for the recent research is creating a lot of problem at the productivity level as well as with the health problems and it has ti be effectively managed.

It was suggested that the very first thing is to identify what are the obstacles in our works style. 80: 20 rule was explained by the resource person. As per this rule it was emphasized that that 20% of the staff of a particular organization is responsible for the 80% success of that organization and on the other side 20% of the people create 80 % problem in a particular Institute. This is also known as to trivial many and vital few principle. It was stressed that 80% of results are achieved with only 20% of efforts.

It was suggested that we need to focus on high impact task and need to identify which task is more important and in which energy should be focus towards what particular direction. Then an exercise has been conducted whereby the judicial officers have tried to apply the principle of 80:20 rule and reschedule their routine work in order to make use of effective time management.

It was suggested that goal should be specific, measureable as well as time bound. It should be converted into manageable tasks and should not be abstract or generic. It was stressed that appropriate planning and execution can lead to achieve the specific goal. It was deliberated that don't prioritize the schedule and

rather we should schedule our prioritization i.e. only prioritize things should be there in my schedule.

The session was concluded with the quote that take caring our minutes and hours will take care of ourselves.

The theme of **Session 7** was on **Communication Techniques Prof. Swatantra** was the resource person of the session. The resource person started session with the quote of Anthony Robins who said, "The way we communicate with others and with ourselves ultimately determines the quality of our life." It was emphasized that it is not so important how we talk to others but it is also important how we talk to our own self.

It was deliberated that people who are highly attentive when the idea is close to the heart. It was suggested that the idea should be presented with regard to the perspective of the other person.

It was deliberated that the way of communication should be different depending upon the situation. It was emphasized that the manner and mode of communication changes with regard to information, motivation and persuasion.

It was stressed that if a speaker unable to attain the attention of the audience in the very beginning, building it later becomes more difficult task. Thus it was delineated that the most prominent positioning in a discussion is the very beginning and second most prominent position in the presentation is the end.

Something ground realities which are to be remembered for communication are deliberated by the resource person. It was emphasized that we knowingly or unknowingly communicate through our gestures also and a sensitive communicator can always read that.

It was stated that communication operates on two levels content and relationships. It was said that many a time people are very conscious and give so much of attention to the content that the relationship aspect is neglected.

It was further stressed that communication is not a solution to everything, if we keep saying good things and don't act upon it then that would not be able to build the relationships and will also not go to serve any purpose. Thus it was said that action must be in line with our words.

To be a better communicator one has to understand the perspective and experience of other person to whom he or she is communicating. It was emphasized that the moment we become little more sensitive towards the fields of experiences of other person, half the dispute gets resolved and it may be the superior subordinate relationships or personal relationships.

Major road blocks to communication were being deliberated and discussed. Some of the blocks in efficient communications are when communication is not expressed properly, Block of mindset, poor listening, different in perspective, Stereotyping and jumping to conclusion.

Difference in knowledge level and lack of common language is also one of the barriers in effective communication which generally happens in the new relationships or in superior subordinated relationships.

It was suggested that while communicating temper counts and one has to be cool minded while making a conversation. It was also deliberated that we all are self-centered, but when it goes beyond a particular level it becomes a barrier in communication. It was stressed that that the attention of the people remain at its best either in the very beginning or towards the far end.

It was suggested that while giving a feedback one should start with positive note and then give the negative feedback and thereafter close again on a positive note only. It is also suggested that feedback should be given in an appropriate time whenever the work is done.

It was also stressed that choosing the right medium and right channel is also important for good communication. It is also important to know when to call for oral and when to go written communication. Quality of verbal communication so as to make the message clear was also discussed during the discourse. It was

said that clarity of thoughts leads to clarity of expression. In order to keep and maintain the attention of the people it was suggested that message should be concise. It was also delineated that while communicating there should be only relevant data and information in the message and there should not be any verbosity and minimal repetition. It was said that some repetition is important to make the idea prominent.

It was suggested that presenting the ideas for positive information we should use U approach whereas in inclusive culture we should use we approach. Sensitivity towards non-verbal communication is been deliberated during the discourse.

It was deliberated that verbal and non-verbal Co- exist. Whenever we try to take meaning of non-verbal we cannot ignore verbal communication but non-verbal is more reliable than verbal. The importance of para language is being deliberated during the discourse. It was deliberated that the tone and the mannerism actually comes through para language. It was said that these are also the independent branches of communication that includes punctuality, silence, postures, facial expression, body movements, Eye contact and gestures. It was deliberated that communication has four major intentions which includes get the task done, get the task right, get along with the people or get appreciation from the people.

The theme of the **Session 8** was on **Personality Disorders**. **Dr. Aruna Broota** is the Resource person of the session. The judicial officers were sensitized with different types of personality disorders so that they may make a better decision while resolving the family disputes. It was deliberated that usually the family members don't accept any aberration or any abnormality in the body but accept any abnormality of the mind as long as either the school teacher, or the neighbor or a physiologist points out. The various concepts which includes mature personality, immature personality, imbalanced personality abnormal personality, normal personality, hysterical personality, neurotic personality and paranoid personality has been deliberated and discussed by the resource person.

It was deliberated that Neurotic personality does not harm the Society but harm himself or herself. They suffer with the problems of anxiety, fear, worry and depression. He suffers from anxiety, fear, worry, depression. It was delineated that imbalanced personality create ruckus in the house because there is displacement of anger and temper. It was also stressed that key symptom of the depressed personality is the sense of hopelessness, sense of helplessness. The concept of EQ and IQ was also been deliberated by the resource person. The resource person also talked and sensitizes the participants on Obsessive-compulsive disorder which is a disease. The resource person gave different illustrations to depict the true picture of personality disorders so that it can help the judicial officers while giving a decision.

The theme of **session 9** was **Interpersonal Communication Skills**. Prof. Jaishri Jethwaney and Prof. Vijay Vancheswar were the resource persons of the session. The session was chaired by Hon'ble Justice Sharad Arvind Bobde. It was deliberated that Communication is basic to human existence. Communication often is the root cause of why we feel happy and also dismayed. It was delineated that a family court judge has a special responsibility. He not only has to deliver justice; he also has to instill confidence among those who come to the court to seek justice. It was stressed that the perspectives of contending parties more often differ. Communication process and five elements of effective communication was explained. What is being expected by the communicator is explained by Prof. Jaishri Jethwaney. It was delineated that interpersonal communication plays an important part in the process. This comprises not only the verbal but also non-verbal communication which includes gesture, posture, facial expression, etc. It was expressed that body language can communicate Happiness, Surprise, Fear, Anger, Sadness, Disgust, Contempt, interest, Bewilderment/Surprise and determination. It was expressed that no form of communication is simple as there are number of variables involved and it was stressed that even simple interactions are

also extremely complex. It was delineated that theorists note that whenever we communicate there are really at least six "people" involved: 1) who you think you are; 2) who you think the other person is; 3) who you think the other person thinks you are; 4) who the other person thinks /she is; 5) who the other person thinks you are; and 6) who the other person thinks you think s/he is. It was further emphasized that **Communication** does not happen in isolation there is Psychological context, Relational context, Situational context, Environmental context, Cultural context. It was stressed that when things go so wrong in a marriage that the couple seek legal remedy to annul the bond family courts work as a catalyst to resolve the issue. Six Thinking Hats given by Edward Debono towards Effective Communication was explained by Prof. Vijay Vancheswar. A difference between argument and line of reasoning was explained. Prof. Vijay Vancheswar concluded the session by suggesting that one should not react but respond, secondly one should not be aggressive but assertive and thirdly one should not be serious but sincere.

The theme of the **Session 10** was on **Couple Therapy in Resolving Family Disputes**. **Dr. Aruna Broota** is the Resource person of the session. It was deliberated that there should always be a relationship of understanding, trust and good communication between the couples and that bond makes them together. If there is a misunderstanding and trust then there is a need for counselling. It was stressed that family disputes lead to couples' dispute. It was further delineated that psychotherapy for marriage counseling requires to understand if anyone in the couple or in the family has a histrionic personality, paranoid personality. The case study with regard to the couple therapy and concept of emotional divorce were deliberated and discussed during the discourse by the resource person. It was suggested that judicial officers should send the couple for counselling.

The theme of **session 11** was **Shared Custody V/s Joint Custody. Hon'ble Justice Mridula R. Bhatkar and Mr. R Venkatramani** was the resource person of the session. The recommendation of the law commission with regard to shared custody and joint custody was discussed by Mr. R Venkatramani in detail. It was delineated that the custody is a very delicate issue and the judicial officers have to be very careful while deciding such issue and after taking all the facts and circumstances of the case. It was stressed that the welfare of the child is of paramount importance to decide the such cases and joint as well as shared custody is one of the best alternative that can be explore by the judicial officers. It was stated that the personal interaction with the child is also very important to decide the best interest of the child. It was also discussed that the child issue cannot be looked into isolation and other factors need to be looked into while deciding a custody issue.

The theme of **session 12** was **Judicious Approach by Family Court Judges in Maintenance and Divorce Proceedings. Hon'ble Justice Mridula R. Bhatkar and Mr. R Venkatramani** was the resource person of the session. It was delineated that child has a right to have father and mother and it is not the right of father and mother to have the child. It was stressed that in many cases visiting rights was denied by the courts and in many cases practically it is not possible for the Court to monitor physically whether the visiting rights are properly given or not. It was emphasized that joint custody is actual physical custody and share custody is a kind of de jure custody. It was also emphasized that the welfare of the child is not defined and it depends upon the circumstances of the case and a judge has to put its own experience while deciding the custody and welfare of the child. It was stressed that some of the very important criteria for determining the custody of the child are prevailing environments and the behavioral pattern of the child, mother, father, their financial conditions, child's education, his age and the time factor. It was further delineated that as soon as the custody matter comes it is expected that it should be

decided as speedily as possible but sometime it is not possible because of unavoidable circumstances. It was suggested that while deciding the custody issue the interview of the child is very important to ascertain the welfare of the child. It was discussed that the bad wife or bad husband may not be a bad parent. Various challenges and importance of shared custody was discussed while deciding the custody issues during the discourse.

It was deliberated that a judicious approach need to be acquired to decide the cases of maintenance and divorce and judicious approach means law plus something. It was stated that the law can be acquired from the Supreme Court Judgments but something which encompass equity come from judge's experience and wisdom. It was stated that is reason why judges of senior cadre are deputed for deciding family disputes. It was stressed that the cases of family matters preserve the structure of the Society. It was emphasized that the marriage institution or the family institution are the backbone of Indian Society. It was also deliberate that the divorce ratio was less in India but now it has comparatively increased. The reasons for the increase in the divorce was discussed during the discourse.

It was suggested that family court judges should always try to understand and solve the social issues and problems that is persisting in the family and because of which the dispute arose. Section 9 of Family Court Act, Section 9, section 5, section 11 ,section 10, section 13 A which is alternate decree, section 13 B, section 14 of Hindu Marriage Act, Order 32 A of civil procedure Code we discussed during the discourse to sensitize the judicial officers. The concept of lateral thing was explained by the resource person with the help of an illustration.

It was stated that marriage is a private affair but divorce is social issue because it really shatters the system, institution, structure of the country. It was emphasized that approach towards the situation is very important for

a judge to resolve the problem. It was stressed that judge while deciding a case judge should be free from all types of stereotypes, sympathy and bias.

The theme of the **Session 13** was on **Women Negotiating Spaces for Gender Justice. Hon'ble Justice Mridula R. Bhatkar** was the resource person of the session. The resource person discussed the issues on gender discrimination and sensitized the judicial officers on tangible as well as intangible spaces that women require. It was suggested that a judicial officer has to see that the equality should not be on paper but should be done in real sense. Problems faced by the women dwelling in the rural area and in the urban area was deliberated and discussed by the resource person.

The theme of **session 14** was on **Stakeholders in Family Dispute Resolution and Domestic Violence. Hon'ble Justice Mridula R. Bhatkar** was the resource person of the session. Section 10 of the Hindu Marriage Act was discussed in the session. The resource person gave various illustrations and shared its own experience and tried to sensitize the judicial officers on gender justice. The Hon'ble justice has also conducted a small exercise where quality of husband and wife was discussed and compared by the participating judges whereby they got the sensitization of gender justice. It was emphasized that to give the true justice judicial officer should not be gender bias and for that should understand the concept of gender bias because sometimes unknowingly the mistakes happen which should be avoided. It was delineated that husbands wanted their wife to be obedient as stated by the participants but it was explained that we want either student or servant to be obedient. It is a matter of surveillance and this is gender bias. This is what we have to take out from our perceptions. It was emphasized that husband should be considerate against the quality of obedient and both the parties should be tolerant. The Indian, UK and US culture of marriages was also

discussed during the discourse. It was suggested that perception matters while delivering the justice. It was said that judge should listen both the parties patiently then should give decision without getting prejudice in such a way that both parties should get satisfied.

The conference was concluded by the vote of thanks by Director in charge Prof (Dr) Geeta Oberoi. The participating judicial officers have highly appreciated the conference requested to increase the duration of the programme. Dr. Amit Mehrotra showed the gratitude and expressed his thanks to the Prof (Dr) Geeta Oberoi Director- in charge to provide the opportunity to coordinate this programme.

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