

## **SUPREME COURT RULES OUT VIDEO CONFERENCING IN MARITAL DISPUTES EXCEPT IF SETTLEMENT FAILS**

In far-reaching judgment the Hon'ble Supreme Court of India in *Santhini v. Vijaya Venkatesh*<sup>1</sup> held that under Section 11 of the Family Courts Act, 1984 Video Conferencing is impermissible in marital disputes including divorce cases. The judgment was based on the finding that video conferencing may harm the settlement process. This was because in video conferencing it was not possible for parties to communicate details which they could communicate in a private face-to-face conversation. The judgment ruled that it is very doubtful whether the emotional bond can be established in a virtual meeting during videoconferencing. The judgment held that compliance with section 11 of the Family Courts Act, 1984 necessitated that all matrimonial disputes have to be conducted in camera. Videoconferencing may be allowed by the Court for a just cause only if there is a failure to reach a settlement. It was affirmed that it was impermissible to direct parties to videoconferencing in a transfer petition.

Section 11 of the Family Courts Act, 1984 reads as under:

*"In every suit or proceedings to which this Act applies, the proceedings may be held in camera if the Family Court so desires and shall be so held if either party so desires."*

Thus, the aforesaid section grants a valuable right to either of the matrimonial dispute parties to keep submissions of parties in matrimonial proceedings confidential. Arguably this provision could also be contended to be a facet of right to privacy which was recently held by the Hon'ble Supreme Court to form a part of Article 21 of the Constitution of India.

In the light of the above the significant observations of Learned Chief Justice Dipak Misra in his majority opinion wrote as follows:

*"The statutory right of a woman cannot be nullified by taking route to technological advancement and destroying her right under a law, more so, when it relates to family matters."*

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<sup>1</sup> Petition (Civil) No. 1278 of 2016. (Judgement Dated 09.08.2017)