

## The Family Courts (Amendment) Bill, 2022

### Why in news?

Recently, Lok Sabha has passed a bill to grant statutory cover to already established family courts in Himachal Pradesh and Nagaland and retrospectively validate actions taken by them.

### What are the features of the Family Courts Act, 1984?

- **Family courts-** The law was passed to allow State governments to establish family courts to promote conciliation and ensure that disputes related to family affairs and marriage are promptly settled.
- **Role of state government-** The setting up of family courts and their functioning comes under the purview of the State governments in consultation with their respective high courts.
- **Appointment of judges-** The Act also lays down provisions for the appointment of judges in family courts.
- **Centre's power-** The Centre has to notify a date for the Act to come into force in a State where such courts have been set up.

### What was the need for an amendment?

*Over 11.4 lakh cases are pending in family courts across the country.*

- Two family courts were established in Nagaland in 2008, and three in Himachal Pradesh in 2019, via notifications issued by the two State governments.
- **No legal authority-** However, these courts were functioning without any legal authority since no central notification was issued as prescribed under Section 1(3) of the Family Courts Act.
- The issue came to light last year after a petition was filed in the Himachal Pradesh High Court (*Omkar Sharma vs. State of Himachal Pradesh*).
- **Orders may become void-** It added that this would render void anything done or any action taken under orders issued by these courts.
- **Need for validation-** The amendment was brought with a view to tide over the legalities and validate all actions taken by the State Government and family courts, including the appointment of judicial officers and court staff.

### What change has been proposed?

- The suggested new Section 3A extends the application of the Act to Himachal Pradesh and Nagaland, with effect from the dates the family courts were set up.

- Under Section 3A, all actions taken, appointments made and notifications issued under the Act in Himachal Pradesh and Nagaland before the commencement of the amendment will be deemed valid.
- The document also says that all orders of appointment of a family court judge, and the posting, promotion or transfer of such a judge under the Act will also be valid in the two States.

## References

1. <https://www.thehindu.com/news/national/explained-the-family-courts-amendment-bill-2022-and-how-it-relates-to-only-two-states/article65661589.ece?homepage=true>
2. <https://prsindia.org/billtrack/the-family-courts-amendment-bill-2022>

