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



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