



Family Courts (Amendment) Bill, 2022

Why in News?

Recently, the [Lok Sabha](#) passed the **Family Courts (Amendment) Bill, 2022** that seeks to amend the **Family Courts Act, 1984** to establish **family courts in Himachal Pradesh and Nagaland**.

What is the Family Courts Act 1984?

- **Establishment of Family Courts:**
 - **The Family Courts Act, 1984** was enacted for the establishment of **Family Courts** with a view to **promote conciliation, and secure speedy settlement** of disputes relating to [marriage](#) and family affairs and for related matters.
- **Appointment of Judges:**
 - **The State Government** may, with the concurrence of the [High Court](#), appoint one or more persons to be the **Judge or Judges of a Family Court**.
- **Association of Social Welfare Agencies:**
 - **The State Government** may provide with a Family Court of:
 - **Institutions or organisations** engaged in [social welfare](#).
 - **Persons** professionally engaged in **promoting the welfare of the family**.
 - **Persons** working in the field of **social welfare**.
 - **Any other person** whose association with a Family Court would enable it to **exercise its jurisdiction more effectively** in accordance with the purposes of this Act.

What is the Family Courts (Amendment) Bill?

- It seeks to provide for the **establishment of Family Courts in the State of Himachal Pradesh** with effect from the 15th February, 2019 and in the **State of Nagaland** with effect from the 12th September, 2008
- It also seeks to insert a new **Section 3A** to **retrospectively validate** all actions under the said Act taken by the State Government of Himachal Pradesh and Nagaland and the Family Courts of those states prior to the commencement of the **Family Courts (Amendment) Act, 2022**.
- According to the bill, 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.

What was the Need for the Amendment?

- There are **715 Family Courts** which are **established and functioning in 26 States and Union territories**, including **three Family Courts in the State of Himachal Pradesh and two Family Courts in the State of Nagaland**.
 - However, for Himachal and Nagaland, the Central Government notification was **not issued for bringing the said Act into force in these states**.
- The issue of **lack of jurisdiction of Family Courts** in the State of Himachal Pradesh has been challenged before the High Court of Himachal Pradesh.
 - It was stated that as the **Central Government has not issued any notification** to extend the jurisdiction of Family Courts in the State of Himachal Pradesh, such Courts are functioning **without jurisdiction and anything done or any action taken** under the

said Act appears to be **void ab initio** (Having no legal effect from inception).

- The family courts in **Nagaland too were operating without any legal authority since 2008.**

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