



# WCD Ministry holds national consultation to discuss issues related to India's accession to Hague Convention on Civil Aspects of International Child Abduction

Posted On: 03 FEB 2017 7:43PM by PIB Delhi

The Ministry of Women and Child Development held a National Consultation to discuss issues related to India's accession to Hague Convention on the Civil Aspects of International Child Abduction, in New Delhi today. The consultation was chaired by the Minister of Women and Child Development, Smt. Maneka Sanjay Gandhi.

The consultation was attended by Hon'ble Justice Mukta Gupta and Hon'ble Justice Sanjeev Sachdeva of Delhi High Court, Hon'ble Justice Inderjit Singh and Hon'ble Justice Anita Chaudhury of Punjab and Haryana High Court, Hon'ble Justice (Retd) Rakesh Kumar Garg, Chairman of Punjab NRI Commission; Hon'ble Justice Ravi R. Tripathi, Member of Law Commission, Smt. Pinki Anand, Additional Solicitor General of India, Smt. Stuti Kacker, Chairperson, NCPCR, members of legal fraternity as well as parents who have been affected. Representatives of MEA, MHA, NHRC and NCW were also present.

Addressing the participants, Smt Maneka Sanjay Gandhi said that a large number of women married to Indians abroad are compelled to return to India with their children when they undergo violence in their marriages. She expressed concern at the difficulties being faced by the affected parent, whether men or women and their children as a result of breakdown of marriages abroad. However, the women who have suffered from violence in marriages abroad far exceed men, she added. After listening to the viewpoints expressed by all the stakeholders, the WCD Minister opined that the problems being faced by the parents must be addressed and an effective mechanism for the same must be created. A model legislation to safeguard not only the interests of the child but also of the parents, especially women must also be developed, Smt Maneka Gandhi concluded.

Accordingly, based on the discussions and guidance given by the Hon'ble Judges, it was decided that the Chandigarh Judicial Academy Chandigarh along with NRI Commission of Punjab to examine in detail the legal issues involved by taking all viewpoints into account including those of suffering women. They will give recommendations as to how the problems of parents and children involved in such situations can be addressed. They will also study the draft Protection of Children (Inter-Country Removal and Retention) Bill, 2016. It was also decided that if a model legislation is required to safeguard the interests of parents and children, the same will be drafted. It was decided that this exercise will be completed in four months.

Hague Convention is a multilateral treaty which came into existence on 1st December, 1983. The convention seeks to protect children from the harmful effects of abduction and retention across international boundaries by providing a procedure to bring about their prompt return. The convention is intended to enhance the international recognition of rights of custody and access arising in place of habitual residence, and to ensure prompt return of the child who is wrongfully removed or retained from the place of habitual residence. It seeks to return children abducted or retained overseas by a parent to their country of habitual residence for the courts of that country to decide on matters of residence and contact. The convention shall apply to any child, up to the age of 16 years who is a habitual resident of any of the contacting states.

Currently, there is no specific Indian legislation addressing issues related to abduction of children from and into India. However Law Commission of India had submitted the 218th Report titled "Need to accede to the Hague Convention on the Civil Aspects of International Child Abduction 1980" on 30th March, 2009. In view of this report, before acceding to the Convention, the Ministry of Women and Child Development prepared a draft Bill titled "The Civil Aspects of International Child Abduction Bill, 2016". The draft Bill was placed on the Ministry's website for comments and suggestions from various stakeholders.

The Law Commission of India has recently suggested some modifications in the above mentioned Bill and re-named it as the "The Protection of Children (Inter-country Removal and Retention) Bill, 2016".

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