



Anil Malhotra

DETAILS OF BOOKS AUTHORED/ CHAPTERS, BOOKLETS, PUBLICATIONS, ARTICLES PUBLISHED/ TEACHING ASSIGNMENTS/ APPOINTMENTS IN JUDICIAL ACADEMIES AND EDUCATIONAL & ACADEMIC INSTITUTIONS, GUEST LECTURES DELIVERED IN JUDICIAL ACADEMY, LAW SCHOOLS/PROFESSIONAL INSTITUTIONS CONNECTED WITH LAW

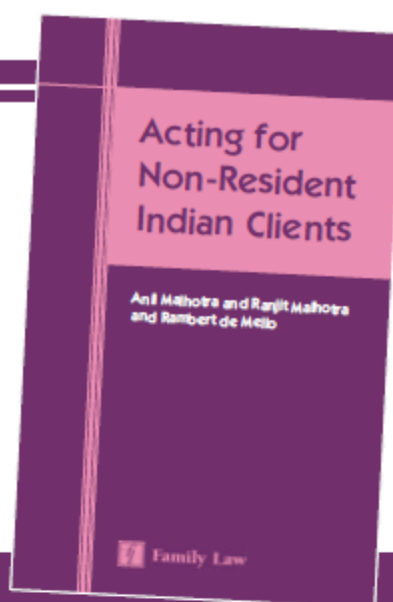
- I. DETAILS OF BOOKS AUTHORED AND PUBLISHED (FLYERS ENCLOSED):**
- 1. Co-authored book titled “Acting for Non-resident Indian Clients” (London 2005) {ISBN-085308-662-1} published by Jordan Publishing Limited, Bristol, UK.**

2. Co-authored **book** titled **“India, NRIs and the Law”** {ISBN-978-81-7534-796-0} published by Universal Law Publishing Company Private Limited, New Delhi (2009).
3. Co-authored **book** titled **“Indians, NRIs and the Law”** {ISBN-978-93-5035-124-6} published by Universal Law Publishing Company Private Limited, New Delhi (2011).
4. Co-authored **book** titled **“Surrogacy in India – A Law in the making”** {ISBN-978-93-5035-325-7} published by Universal Law Publishing Company Private Limited, New Delhi (2013).
5. Co-authored **book** titled **“Surrogacy in India – A Law in the making, – Revisited”**, {ISBN-978-93-5035-124-6} published by Universal Law Publishing Company Private Limited, New Delhi (2015).
6. Co-authored **book** titled, **“International Indians and the Law”** {ISBN-978-93-5035-511-4} published by Universal Law Publishing Company Private Limited, New Delhi (2014).
7. Co-authored **book** titled **“India, Inter Country Parental Child Removal and the law”** {ISBN-978-93-5035-789-7} published by Universal Law Publishing Company Private Limited, New Delhi as an imprint of Lexis Nexis(2016)
8. Co-authored **book** titled **“The Removed Child and The Law in India”**, {ISBN-978-93-5321-776-1} Published by Malhotra & Malhotra Associates, Chd. (2018).
9. Co-authored **book** titled **“The Global Indians and The Law”**, {ISBN-978-93-89176-54-4} published by Oak Bridge Publishing Pvt Ltd, Gurugram (2020).

FLYERS OF ALL 9 BOOKS AND 4 BOOKLETS ARE AS HEREUNDER:

Acting for Non-Resident Indian Clients

Anil Malhotra and Ranjit Malhotra, Malhotra & Malhotra Associates
and **Rambert de Mello**, Barrister, 6 King's Bench Walk, London



Indian communities have settled and thrived in the United Kingdom and many other commonwealth countries. The retention of ties with families remaining in India has meant that where family law issues arise they frequently have a cross-border dimension, for example, as to the validity of an Indian marriage. Domestic practitioners can be ill-equipped to deal effectively with such problems.

This unique handbook has been written specifically to assist the family lawyer acting for Indian clients. It sets out relevant Indian law and religious custom, ranging from marriage to divorce, covering adoption and abduction as well as property and succession issues. In addition, it explains the English law applicable to such matters, for instance in relation to the recognition of Indian orders or the immigration status of the individual concerned.

The book cites a wealth of Indian case law that is otherwise not readily available to the non-Indian lawyer.

AUTHOR INFORMATION

Anil Malhotra and Ranjit Malhotra are Indian nationals and advocates practising in partnerships at the Punjab and Haryana High Court, Chandigarh and at the Supreme Court of India. They specialise in family and immigration law and frequently act for British Asians and as expert witnesses on Indian law issues in proceedings overseas.

Rambert de Mello is a barrister at 6 King's Bench Walk, London. He specialises in cases involving a human rights dimension. He is the general editor of *Human Rights Act 1998: A Practitioner's Guide* (Jordans).

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PART I


Hindu Law of Marriage
The Special Marriage Act 1954
Divorce Under The Hindu Marriage Act 1955
Maintenance, Disposal of Property and Custody of Children, under Hindu Law
The Divorce Act 1869
Child Abduction and Guardianship
Inter-Country Adoption in India
The Law of Wills and Succession

PART II

Dissolution of Marriage in England and Wales

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 **Family Law**

As Indian business becomes increasingly international and the role of NRIs grows incrementally, this book is the sort of work which will help ensure the success of India's global integration.

Sir Richard Stagg KCMG
British High Commissioner to India

India, NRIs and the Law is a compendium of Indian family law running into the realm of private international law. It embraces published short articles, papers, and presentations made at numerous national and international conferences, seminars and symposia by Anil Malhotra. The beauty is that each one of the pieces are complete in itself. Sheer continuity of creation at periodic intervals makes the whole exercise congenitally coherent and inherently thematic. This indeed is the hallmark of Anil Malhotra's distinct contribution to the legal literature.

Dr. Virendra Kumar
*UGC Emeritus Fellow in Law,
Former Professor & Chairman, Department
of Laws, Panjab University, Chandigarh*

India NRIs and the Law has filled in a long gap and a dire need of an authentic work on NRI issues. The present book is a very precise and a clear presentation of very complex issues. The comprehensive coverage of the themes and sub-themes makes this book a very handy reference work which can be of immense help to the policy framers, law makers, practising lawyers and NRIs who have to grapple with a number of complicated legal problems. The author has made a very complex area of Law simple and understandable.

Prof. (Dr.) Veer Singh *Vice-Chancellor,
NALSAR University of Law, Hyderabad*

Among the 1.2 billion resident citizens of India none is better qualified to write for the 30 million Non Resident Indians than Anil Malhotra. Indeed he and his brother Ranjit are almost non-residential themselves given the extent of their tireless and enthusiastic travels to every gathering of the community of international family law practitioners and judges, well reflected in this collection of articles and papers. Without their efforts India would be unheard in the debates that surround the evolution of International Family Justice.

The Rt. Hon. Lord Justice Thorpe *Deputy Head of the Family Division, Senior Court of Appeal, Judge and Head of International Family Justice for England and Wales.*

Anil Malhotra's book *India NRIs and the Law* is an extremely valuable and timely book. I believe this book will give a contribution of knowledge of existing norms and of future legal policy which will be invaluable for the Indian legal system. People are too often addressing migrations as a problem, but if we want to transform problems into assets, as it would be both right and rational, we need lawyers/scholars like Anil Malhotra.

Roberto Toscano *Ambassador of Italy to India*

Anil Malhotra's book contains fascinating insights into an area of the law which, in view of the extent of the Indian diaspora, will be of value in many countries.

Professor William Duncan *Deputy Secretary General, Hague Conference on Private International Law, Permanent Bureau, The Hague, The Netherlands*

India, NRIs and the Law is a much needed piece of work in today's context for the Indian diaspora. It skillfully offers crucial information using a practical and user friendly approach, with essential inputs for daily use. I believe that the book fills in a void for NRIs and congratulate Anil Malhotra on this important contribution to international understanding.

The Rt. Hon. Lord Rana MBE *Honorary Consul of India to Northern Ireland*

India, NRIs and the Law has been penned with great lucidity and clarity, and will usefully plug a gap in the knowledge of practitioners and lay people alike. Anil Malhotra's book is a sure guide to avoid the legal pitfalls which beset the unwary non-resident Indian, and should be on the shelf of every lawyer who advises 'NRIs'. Indeed, the book is so simple and clear that it will be equally serviceable to the educated layman. It should attain a wide readership.

Senior Immigration Judge McKee *Asylum and Immigration Tribunal, London*

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About 30 million non-resident Indians (NRIs) have settled and thrived in almost 130 countries on the globe. The link and retention of their ties with their extended families in India has found expression in issues relating to immigration, nationality, marriage, divorce, inter-parental child removal, spousal maintenance, division of matrimonial property, inter-country adoptions, succession and inheritance, tenancy of Indian property and last but not the least surrogacy arrangements. Foreign law practitioners are at sea attempting to resolve these problems for lack of any authentic source of information on these subjects. Applicability of foreign laws, validity of judgments pronounced overseas and verdicts of Indian Courts which need expounding are consequential issues requiring interpretation and expert opinion. Till date, no reported commentary of private international law in the exclusive Indian context provides comprehensive answers to these human problems of the Indian diaspora and the global Indian. The proposed publication is thus sought to be a universal answer for the aggrieved spouse, foreign litigant, overseas practitioner, or any lay person who simply wants to know where he stands.

This unique reader friendly concise and crisp presentation in short individual articles and some detailed expositions pose the problems and attempts to provide the answers. The author with his 25 years expertise has attempted to project these human problems as he has experienced them professionally and resolved them to the best of his abilities. References to case law wherever necessary have been provided for the professional reader who wants an accurate and expeditious run down on Indian law on the subject of marriage, divorce, domestic violence issues, adoption, child abduction, surrogacy, immigration, property, probate and wills, nationality and citizenship issues. Additionally, some anecdotes dot the legal skyline of the book and a few reminiscences of international law conferences indicate exchange of thoughts.

"This book is wide-ranging, covering a plethora of fascinating topics and dealing with them with insight and sensitivity. The authors are to be congratulated on an excellent contribution to the jurisprudence in this sphere."

Justice B J van Heerden
Supreme Court of Appeal, South Africa

"This is the third compilation produced by the brothers Malhotra. Like the first two, it will become an invaluable reference tool for individuals, legal practitioners and officials who deal with the myriad of NRI issues that arise in India."

Scot Slessor
Consul General of Canada, Consulate General of Canada, Chandigarh (India)

"The Malhotras know their material very well - and make sure that it is very accessible"

Paul Webbley
Director, School of Oriental and African Studies, University of London

"International family law has become of particular significance to non - resident Indians with the large and growing Indian diaspora. Those who encounter difficulties in this area would find this book indispensable"

Dato Dr. Cyrus Das
Life President Commonwealth Lawyers Association

As India's footprint expands across the globe, it is ever more important to understand the impact of this change in terms of the law and judicial systems. The Malhotras' book is, therefore, particularly well timed to meet a growing need.

Sir Richard Stagg KCMG
British High Commissioner to India

"An articulate book, perspicuously opening up new vistas on the intricacies of Indian law."

Thomas Matussek
Ambassador of the Federal Republic of Germany to India

"In this work the authors clearly articulate the need for law reform, particularly to provide remedies for adults and children who, directly or indirectly, are entangled in breakdown of relationships that are not bounded by one village, one city or one nation. I commend this publication and trust that it will contribute to the enlargement of the law of India to cover areas that globalisation has challenged."

The Rt. Hon. Mathew Thorpe
Head of International Family Justice for England & Wales

"This publication is an interesting and informative collection of essays providing an Indian perspective on some very topical areas of international family law."

Hans van Loon
Secretary General, Hague Conference on Private International Law Permanent Bureau, The Hague, The Netherlands.

"I congratulate Anil and Ranjit Malhotra for this comprehensive and insightful publication on aspects of family law and issues that it gives rise to in India, as well as the international arena.

Family law is increasingly an international discipline and this text will educate and inform not only within India but beyond"

Peter Boshier
Chief Family Court Judge, New Zealand

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ANIL MALHOTRA • RANJIT MALHOTRA

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PROBLEMS AND POSSIBLE SOLUTIONS ON

- Marriage • Divorce • ADR in Family Law
- Cross Border Child Removal and Custody
- Inter-Country Adoptions • Wills
- Surrogacy • Visas • Indian Corporate Immigration
- International Family Migration • Property
- Right to Family Life under Article 8 of the ECHR
- and much more....

ANIL MALHOTRA
RANJIT MALHOTRA

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About 30 million non-resident Indians (NRIs) have settled and thrived in almost 180 countries on the globe. The link and retention of their ties with their extended families in India has found expression in issues relating to immigration, nationality, marriage, divorce, forced marriages, inter-parental child removal, spousal maintenance, division of matrimonial property, inter-country adoptions, succession and inheritance, tenancy of Indian property and last but not the least surrogacy arrangements. Foreign law practitioners are at sea attempting to resolve these problems for lack of any authentic source of information on these subjects. Applicability of foreign laws, validity of judgments pronounced overseas and verdicts of Indian Courts which need expounding are consequential issues requiring interpretation and expert opinion. Till date, no reported commentary of private international law in the exclusive Indian context provides comprehensive answers to these human problems of the Indian diaspora and the global Indian. The proposed publication is thus sought to be a universal answer for the aggrieved spouse, foreign litigant, overseas practitioner, or any lay person who simply wants to know where he stands.

The range of reading is widespread. Marriage, divorce, child custody, inter-parental child removal, adoptions, surrogacy, forced marriages, pre-nuptial agreements, Mediation, Conciliation and ADR in family law, besides the need for revamping family law for non-resident Indians dots the family law scenario in the book. Human smuggling, illegal immigration, business immigration, nationality and citizenship issues are also looked into with some other write-ups on human rights, criminal justice system and the law of arrest with special reference to issues of concern to the NRI community. Arbitration issues and commercial arbitration proposition have also been added. Independent short pieces on stray thoughts provide general reading.

This unique reader friendly concise and crisp presentation in 35 short individual articles and 9 detailed expositions pose the problems and attempts to provide the answers. The authors with their years of expertise have attempted to project these human problems as they have experienced them professionally and resolved them to the best of their abilities. References to case law wherever necessary have been provided for the professional reader who wants an accurate and expeditious run down on Indian law on the subject of marriage, divorce, domestic violence issues, domestic and inter-country adoptions, child abduction, surrogacy, inbound and outbound immigration, business and corporate immigration issues pertaining to India, property, probate, wills and succession, nationality and citizenship issues.

Continued from front flap

would legalise commercial surrogacy. Under the Bill's provisions, the parties would enter into an enforceable surrogacy agreement and the surrogate would receive monetary compensation as well as health care treatment expenses during pregnancy. A surrogate mother is to be aged between 21 and 35 years old and should have no more than five children, including her own. The child would be regarded (in India, at least) the legitimate child of the commissioning married couple. Once the agreed payment has been made, the surrogate would relinquish all parental rights and these would vest in the commissioning party or couple whose names(s) would appear on the child's birth certificate. The child would not be an Indian citizen and foreigners seeking fertility treatment in India would be required to demonstrate that they had registered with their own Embassy and that they would be able to take the child to their country of origin or residence. Foreigners would also be required to appoint a local guardian to take care of the surrogate during the pregnancy and of the child, should the commissioning party or couple be unable or unwilling to receive the child. Whilst the Bill has still not become a law, the Indian Council for Medical Research Guidelines, 2005 provide the only non-statutory provisions which are neither justiciable nor enforceable in a Court of law.

This book provides a welcome insight into a rapidly developing area of the law in a country which has become one of the global focal points for international surrogacy arrangements. It will be extremely useful to all those who are seeking more information about the approach to surrogacy in India.

Hans van Loon
*Secretary General, The Hague Conference on Private International Law,
The Hague, Netherlands*

An incisive text lucidly explaining the new vistas and the intricacies of Surrogacy laws. The book is welcome and should find a place in the libraries of all concerned with this important subject.

Soli J. Sorabjee
Former Attorney General for India

Anil and Ranjit Malhotra present a pioneer work based upon their original research of at least five years, which is a house full of stimulating ideas along with plethora of other raw material in the shape of seven Appendices. Such an admirable attempt can legitimately be termed as the starting point of the evolving law and practice on surrogacy.

Dr. Virendra Kumar
*LL.M.,S.J.D. (Toronto, Canada) Former Director (Academics), Chandigarh Judicial Academy
Dean, Faculty of Law; Fellow, Panjab University; & UGC Emeritus Fellow*

Virtually a virgin field of surrogacy has been portrayed so well. It has covered a wide spectrum of issues. They have been knitted minutely and in detail. A store house of relevant material. The weaving of national and international aspects of surrogacy has been done intelligently and wisely. Welcome addition to legal literature. Deserves a big applause.

Dr. Balram K. Gupta
Director, National Judicial Academy, Bhopal, India

It is a great piece of work which is the need of the present times to bring to the fore the important issues of surrogacy in India. It is a subject which needs to be brought to the attention of the decision makers in India so that it is properly controlled and regulated. The Malhotras have done a great service in bringing out this book.

The Rt.Hon.Lord Diljit Rana
MBE, Member British Parliament, U.K

The book is a very well researched document, that draws its credibility from the various cases reported in the country and ignites the passion and challenges thrown in with the changes in the social fabric in the contemporary times.

Vinod Kumar Tikoo
Member, National Commission for Protection of Child Rights, New Delhi

Once again, Malhotra Brothers have pulled together a series of useful, timely information on a complex, emerging topic that is growing in concern to foreign governments.

Scot Slessor
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In international family law surrogacy presents the greatest present challenge. The world desperately needs a uniform international law. The Hague Conference is working urgently to fill this void. It needs the knowledge and experience of practitioners worldwide as well as the insight of scholars and academics.

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Ranjit Malhotra

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Surrogacy in India

Surrogacy in India

A Law in the Making

A Law in the Making



Despite the legal, moral and social complexities that shroud surrogacy, there is nothing stopping people from exploring the possibility of becoming a parent. Women who may choose to 'rent' their womb for a surrogate pregnancy are slowly shaking off their inhibition and fear of social ostracism to bring joy to childless couples. However, India's Assisted Reproductive Technology (Regulation) Bill & Rules, 2010, have legal lacunae, lacks the creation of a specialist legal authority for adjudication and determination of legal rights of parties by a judicial verdict, and falls into conflict with existing laws. These pitfalls may be the graveyard of this proposed new law. New Indian Medical Visa Regulations, 2012 have restricted commissioning of surrogacy arrangements in India to foreign men and women only whose marriage should have sustained for at least two years. Single parents, gay couples or unmarried partners can no longer commission surrogacy on tourist visas to India.

Recognising the advances in assisted reproductive technology (ART) and the fact that surrogacy was already taking place in the country, draft legislation, the Assisted Reproductive Technology (Regulation) Bill & Rules 2010, is awaiting debate in the Indian Parliament. The draft Bill would provide for the regulation and supervision of ART and

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persons including single persons and foreign couples. The draft ART Bill 2013, an exhaustive document containing 100 sections addressing various issues relating to ART was stated to be "Top Secret" being a part of the Cabinet note as per the requirement and procedure of the handbook of the Cabinet Secretariat on Cabinet Notes. The exercise of drafting the 2008, 2010 and 2013 Bills was entrusted to a 12 Member Specialist drafting Committee besides constituting a National Advisory Committee on ART under the Chairmanship of the Director General, ICMR. The draft Bills and Rules of 2008 and 2010 were extensively circulated for public opinion besides being sent to State Governments, institutions, statutory bodies, NGOs and other stake holders besides medical professionals. The 2013 Draft Bill was however not circulated or put in the public domain for discussion, comment or opinion. Whilst the Bill never became a law, the Indian Council for Medical Research Guidelines, 2005 provide the only non-statutory provisions which are neither justiciable nor enforceable in a Court of law. The medical visa guidelines further qualify the ICMR guidelines with restrictions.

On September 30, 2015, A draft Bill titled "The Assisted Reproductive Technology (Regulation) Bill, 2014" has been circulated in public domain for general public/ stakeholders inviting suggestions/ comments within 45 days. This 2014 Bill, circulated by the Ministry of Health and Family Welfare, Government of India is enclosed as Appendix XI with this book. It contemplates that surrogacy shall be available to all married infertile couples thereby, debaring single persons from surrogacy. It proposes to disallow surrogacy for foreigners but makes it permissible for Overseas Citizens of India (OCIs), People of Indian Origin (PIOs), Non-Resident Indian (NRIs) and foreigners married to Indian citizens with two years of marriage who will have to obtain a Medical Visa for surrogacy in India. The Bill further proposes foreign nationality for such surrogate children of above foreign commissioning parents with limited entitlement of Overseas Citizen of India (OCI) status under the Citizenship Act, 1955. The Bill disentitles Indian Citizenship to such surrogate children. The future of surrogacy thus remains uncertain with vast different policy changes on the subject.

An incisive text lucidly explaining the new vistas and the intricacies of Surrogacy laws. The book is welcome and should find a place in the libraries of all concerned with this important subject.

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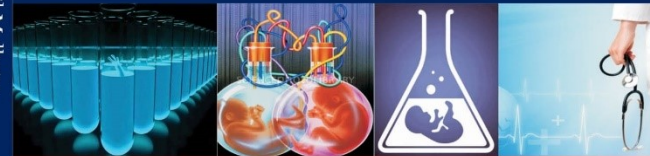
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The Indian Council of Medical Research (ICMR) working under the auspices of the Ministry of Health and Family Welfare finalised the National Guidelines for Accreditation, Supervision and Regulation of ART Clinics in India in 2005 after extensive public debate all over the country from all stake holders. Under these 2005 guidelines, there was no legal bar to the use of Artificial Reproductive Technology (ART) by a single or an unmarried woman and the child born would have legal rights on the woman or man concerned. Thereafter, the draft Assisted Reproductive Technology (Regulation) Bill, 2008 (ART Bill 2008), the draft Assisted Reproductive Technology (Regulation) Bill, 2010 (ART Bill 2010) and the draft ART Bill 2013, stated to be revised based on the recommendations of the Ministry of Law and Justice, have consistently proposed that ART in India would be available to all

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"During the past few decades, there has been accelerated mobility of Indians across the world. This has given rise to numerous problems of conflict of laws, including particularly in the realm of familial relations. Most of these are identified in conventional terms, such as marriage, divorce, alimony and maintenance, custody and support of children, inheritance and succession, probate and wills; whereas some other problems that are relatively new ones revolve around surrogacy, child abduction, and dual citizenship. All such issues emerging in the arena of private international law have been dealt with succinctly by the authors Anil and Ranjit Malhotra in their work, *International Indians and the Law*. This work represents a compendium of articles, both long and short, along with such miscellaneous pieces entitled as, "The Triumph of the Human Spirit," and "Law, Films and the Sound." The overwhelming and intrinsic merit of their work is that each one of the 49-unit articles is a complete legal-phenomenon in itself, often suggesting a way out to move forward. Looked from this perspective, this miscellany is extremely useful for all 'International Indians' a cogent expression seemingly coined by the authors for including within its ambit 'Non Resident Indians,' 'Overseas Citizens of India,' 'Persons of Indian Origin' and all other cognate expressions that relate Indians to foreign jurisdiction."

Professor Virendra Kumar

Formerly: Founding Director (Academics), Chandigarh Judicial Academy; Chairman, Department of Law; Dean, Faculty of Law; Fellow, Panjab University, & UGC Emeritus Fellow

"This book was written by eminent lawyers who combine wide legal knowledge with a passionate belief that the law can and should be adapted to the needs of men, women and children in modern society. As well as a clear statement of the law, there are recommendations for reform, for which the authors are to be congratulated."

Philip Marcus

Judge (Retired), Jerusalem Family Court, Israel

"International Indians and the Law has been penned with great lucidity and clarity, and will usefully plug a gap in the knowledge of practitioners and lay people alike. Anil and Ranjit Malhotra's book is a sure guide to avoid the legal pitfalls which beset the unwary non-resident Indians, and should be one the shelf of every lawyer who advises 'NRIs'. Indeed, the book is so simple and clear that it will be equally serviceable to the educated layman. It should attain a wide readership."

Judge Richard McKee

Senior Immigration Judge (Retired), Asylum and Immigration Tribunal, London

"This book is a far reaching, up to date and comprehensive examination of various aspects of Indian law as it relates (especially) to Non Resident Indians. Proceeding well beyond marriage and divorce law, it covers topics such as adoption, surrogacy, juvenile justice (soon to be termed child justice according to the Juvenile Justice (Care and Protection) Bill of 2014), victim compensation and even human smuggling and emigration. It provides a fascinating account of the interaction between Judge-made Law and Legislative reforms. Several very recent legal developments are profiled, and up to the minute cases discussed. For this reason, the book will be of interest to a broad pool of lawyers, scholars, and human rights activists."

Professor Julia Sloth-Nielsen

University of the Western Cape, South Africa

"The Malhotra Brothers have again made a signal contribution to the Indian diaspora. It is significant that the book is not titled '*International Law and the Indians*' but '*International Indians and the Law*'. It is all about India's law as it affects the NRTs.

The continued connection the Indian diaspora has with India through kith and kin, familial and business arrangements and property inheritance is well known. This book deals with all possible angles of that connection.

It is a useful book for all Indian expatriates and Indian businesses operating abroad to have at hand as a companion for quick reference."

Dato' Dr Cyrus Das

Honorary Life President, Commonwealth Lawyers Association, Former President, Bar Council Malaysia

"Another very informative and welcomed collection of articles from Anil and Ranjit Malhotra on the international protection of children and family law from an Indian perspective which should help India move forward with the implementation of additional Hague Conventions."

Philippe Lortie

First Secretary, Hague Conference on Private International Law

"The Malhotras know their material very well and make sure that it is very accessible."

Paul Webley

Director, School of Oriental and African Studies, University of London

"Your latest book '*International Indians and the Law*' is a very important and a very comprehensive piece of work covering all aspects of law that may concern any NRI/PIO in different situations. You have indeed produced a great reference book of law of great value to individuals as well to organisations. It would be of great help to NRIs & PIOs in understanding the laws effecting them in various situation. My whole hearted appreciation for this unique & much needed book of law which answers most questions in any legal argument concerning the Indian immigrant communities across the world."

Lord Rana

MBE, Baron of Malone, Member British Parliament, U.K

"Some of the most critical family law problems in modern times have an international element. These include child abduction, surrogacy, adoption, and immigration. It is wonderful therefore and very timely that a book on these questions has been written from an Indian perspective. The authors have an international reputation and are ideally placed to explore the issues in depth. They are to be congratulated on its publication."

Bill Atkin

Professor of Law, Victoria University of Wellington, New Zealand

"The field of International Law as it effects family and human relationship becomes ever more extensive. This development is vital to provide remedies and justice for the millions who travel from their country of origin to fulfil aspirations and personal goals. Were it not for the Malhotra brothers the voice of India would not be heard in the congresses essential for International debate amongst judges and lawyers to guide politicians and legislators on reform and development of domestic and international Family Law. Our authors have a strong back list and this their latest labour deserves a warm and appreciative welcome."

Sir Mathew Thorpe

Former Head of International Family Justice for England and Wales

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As per Ministry of Overseas Indian Affairs statistics, an estimated over 21,90,9875 non-resident Indians (NRIs) have inhabited, settled and thrived in almost 200 countries on the globe. Their actual numbers may be roughly close to 30 million. Undoubtedly, international Indians are a nationality by themselves. Thus, the dire need arises for a global law to govern their conflicts. The link and retention of their ties with their extended families in India and abroad has found expression in issues relating to immigration, nationality, marriage, divorce, forced marriages, inter-parental child removal, spousal maintenance, division of matrimonial property, inter-country adoptions, succession and inheritance, tenancy of Indian property and last but not the least in surrogacy arrangements. Foreign Courts and overseas law practitioners are at sea attempting to resolve these problems for lack of any updated and amended Indian laws and reasoned interpretation of law on these new age subjects. Applicability of foreign laws, validity of judgments pronounced overseas and verdicts of Indian Courts which need expounding are consequential issues requiring interpretation and expert opinion. This commentary on private international law in the exclusive Indian context attempts to provide comprehensive answers to these human problems of the Indian diaspora and the global transnational Indian which defy conventional statutory laws. Tailored reliefs designed and fitted for cut piece litigations are cited in support. The proposed publication is thus sought to be a universal answer for the Courts abroad, an aggrieved spouse, a foreign litigant, an overseas practitioner, or any lay person who simply wants to know where he stands. A compilation of case law, enunciated by the vibrant Indian judiciary rendering a yeoman service, has been quoted for reliance. Unique case references fill in the statutory void in this ocean of ails.

The spectrum of reading is widespread. It ranges to customs, family and marital settlements, surrogacy agreements, child custody conflicts, secular adoptions, limping marriages, pre-nuptial agreements, mediation, conciliation and ADR in family law, besides the need for revamping family law for non-resident Indians dots the family law scenario in the book. Law of spousal maintenance in India from a worldwide perception has been delved into. child laws and global adoptions in an international jurisdiction as a fast emerging jurisprudence in Indian law, has been examined at length in different perspectives. Issues relating to human smuggling, illegal immigration, business immigration, dual nationality and citizenship perspectives are also looked into with some other write-ups on human rights and criminal justice system. Emerging predicaments and practices arising out of surrogacy with the law in quandary have been focused in the book in detail. A dedicated chapter looks at property problems and their possible solutions.

This unique reader friendly concise and crisp presentation in 35 short individual articles and 14 detailed expositions pose the problems and attempts to provide the answers. The authors with their years of expertise have attempted to project these human problems as they have experienced them professionally and resolved them to the best of their abilities. References to case law wherever necessary have been provided for the professional reader who wants an accurate and expeditious run down on Indian law on the subject of custom, marriage, divorce, spousal maintenance, domestic and inter-country adoptions, child abduction, surrogacy, child rights, matrimonial settlements, besides issues of nationality and citizenship.

Continued from front flap

for ensuring return of removed children as also seeking return of children wrongfully removed to and from India. The proposed Bill to be renamed as "The International Child Removal and Retention Bill, 2016" had been placed on the website of the Ministry for suggestions until July 13, 2016, in the fond cherished hope that it will become law at some stage.

Till the above process is completed, the much needed practice directions have emerged in the celebrated decision of the Supreme Court in *Surya Vadanam v. State of Tamil Nadu* (JT 2015 (3) SC 85). This watershed verdict rendered on February 27, 2015 by Hon'ble Justices Madan B. Lokur and U. U. Lalit laid down salutary principles as follows:

- The Principle of Comity of Courts and Nations must be respected and the best interest/welfare of the child should apply in such cases.
- The Principle of "first strike", i.e., whichever court is seized of the matter first.
- The Rule of Comity of Courts should not be jettisoned except for compelling special reasons to be recorded in writing by a domestic court.
- Interlocutory orders of foreign courts of competent jurisdiction regarding child custody must be respected by domestic courts.
- An elaborate or summary enquiry by local courts when there is a pre-existing order of a competent foreign court must be based on reasons and not ordered as routine when a local court is seized of a child custody litigation.
- The nature and effect of a foreign court order, reasons for repatriation, moral, physical, social, cultural or psychological harm to the child, harm to the parent in the foreign country and alacrity in moving a concerned foreign court must be considered before ordering return of a child to a foreign court.

The above decision has as of now, set at rest in the absence of any codified law on the subject, a five decade string of precedents laid down by courts in India from time to time to evolve a consistent approach in multi-jurisdictional child custody disputes.

India's accession to the Hague Convention would resolve the issue of inter-country parental child removal, in the country of the habitual residence of the removed child.

This book covering various aspects of the problem has 8 chapters. The first chapter is a bird's eye view with ten small sub chapters containing short pieces giving a brief perspective of the issue and different dimensions of the problem. The remaining two chapters contain detailed descriptions with case law cited. Various issues relating to implementation of foreign court judgments and possible safeguards to ensure return of children to their foreign homes are eloquently highlighted in these detailed chapters. The book has 16 appendices, including relevant Indian statutes, the Hague Convention, extradition treaty between India and UK and important judgments, which are important reference documents relating to the issue of international parental child abduction. The book also includes 16 Supreme Court of India judgments which are the relevant case law on the subject. Four judgments laying down essential principles governing the principle of the welfare of the child being the paramount consideration are also part of this sterling work.

The book is a first of its kind analytical compilation on the subject. It is a handy ready reckoner, which puts together all the material on the subject without any further reference to other sources, for all stakeholders both in India and abroad. Recent decisions of the Hon'ble Supreme Court of India on the subject, literally serve the role of a lighthouse in the absence of prolonged legislative intervention.

This publication is extremely timely as India is working towards the implementation of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction. It will provide essential information from an Indian perspective to parents, lawyers and judges involved in child abduction cases.

Philippe Lortie, *First Secretary, Hague Conference on Private International Law, The Hague, The Netherlands*

As "a one-stop shop" for all issues concerning parental child abduction to and from India, this book will provide extremely valuable information and guidance to all those interested in or affected by the international wrongful removal and retention of children. Written by Anil and Ranjit Malhotra, tireless pioneers in combating international child abduction to India, it provides a full picture of the current legal situation in this country with its huge diaspora.

Hans van Loon, *Member of the Institut de Droit International, Former Secretary General of the Hague Conference on Private International Law (1996-2013)*

"As Head of International Family Justice for England, I worked with other international experts to promote India's accession to the 1980 Hague Convention. Within India, chief among experts are, the Malhotra brothers. Without them the 2016 Bill would not have had its genesis. They are supremely qualified to guide others in the related fields of child abduction and relocation and this title will become the leading authority in a complex area of Indian and International family justice."

The Rt. Hon. Lord Justice Thorpe, *Former Head of International Family Justice for England & Wales*

Embassies in India face cases of inter-country child removal frequently and in increasing numbers. The timely publication of the new book by Anil and Ranjit Malhotra, two senior internationally acclaimed experts, will find a wide readership.

Georg Zehetner, *Chargé d'Affaires a.i., Austrian Embassy New Delhi*

This is another great reference book that Malhotra Brothers have produced dealing with NRI parental child custody issues. This unique effort by the authors has to be recognized and complimented. The authors have done extremely well in preparing this compilation which is very useful and handy for all information required to deal with the subject. Malhotra Brothers are legal practitioners and academicians of repute in the field of private international law.

The Rt. Hon. Lord Diljit Rana, *MBE, Member British Parliament, UK*

The authors have used their wealth of knowledge and expertise in international and domestic law to produce this essential tool for judges, academics and practitioners. It will become the leading authority in this complex and difficult area of law.

Anne-Marie Hutchinson, *OBE, QC(Hon), London*

Lawful solutions to Inter-parental child removal issues is an evolving jurisprudence. In this realm of private international law, the authors expound the conflict situation with succinct clarity, in depth study and viable remedies. A welcome addition to legal literature. The book fills a void and a vacuum by a ready handbook which says it all.

Prof (Dr) Faizan Mustafa, *Vice-Chancellor, NALSAR University of Law, Hyderabad.*

The scholarly brothers Anil and Ranjit Malhotra with an established reputation for specialisation in the problems of family law and property disputes of NRI spouses have now come out with another welcome addition to the existing literature titled, "India, Inter-Country Parental Child Removal and the Law." This is an authentic study of a poignant problem of removal of tender children from lawful and loving custody.

P P Rao, *Senior Advocate, Supreme Court of India*

The Book very vividly details the different dimensions of the issues related to the international child wrongful removal, case laws, relevant Indian statutes and the practical issues faced in implementing the overseas court judgements without ignoring the safeguards in returning the children so wrongfully removed.

V K Tikoo, *Former Member, National Commission for Protection of Child Rights*

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Anil Malhotra
Ranjit Malhotra

INDIA, INTER COUNTRY PARENTAL CHILD REMOVAL AND THE LAW

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INDIA, INTER-COUNTRY PARENTAL CHILD REMOVAL AND THE LAW

Of 1.2 billion Indians, about 30 million live in 180 countries abroad. This migration harbours cross-border matrimonial relationships whose offspring live in foreign abodes but connect with Indian soil through their parent(s). Their broken multi-jurisdictional matrimonial relationships lead to removal of children to India or foreign jurisdictions in violation of court custody orders or infringement of the parental rights of the aggrieved parent. Sadly, India does not define or recognise inter-parental child removal as an offence under any statutory law in India. Legal remedies are hard to secure.

As of now, multi-jurisdictional child disputes often end up in a stalemate. An aggrieved parent lands on Indian soil armed with a foreign court order to face a protracted, cumbersome, tedious and expensive course of successive multiple appeal litigation to achieve an enforcement of a foreign court order. Time, money and patience run out. A deadlock ensues. The child is split and isolated by one parent. Consequently, most foreign courts now do not allow children to visit India, apprehending that they may not return.

The Hague Convention on the Civil Aspects of International Child Abduction, 1980, enables nations to become signatories and become part of a global hub to enable return of wrongfully removed or retained children by entertaining requests through the office machinery of a Central Authority established by every nation for such purpose. As of 2016, 94 countries are contracting States to this Convention. Sadly, India is not amongst them. The Convention aims to secure the prompt return of children wrongfully removed or retained in any contracting State and ensures that the rights of custody and access under the law of a party nation are effectively respected in other contracting nations. The Convention considers removal of children wrongful if it is in breach of actually exercised rights of custody of a parent, arising by operation of law or by a judicial or administrative decision or an agreement, having legal effect by the law of that State. It creates an international law implemented through a domestic machinery.

As of date, India does not have any exhaustive, uniform and consistent law to deal with issues arising out of inter-parental cross-border child removal. Indian Courts adjudicate matters with the welfare of the child as the paramount consideration when there is an inter-jurisdictional conflict. The removed child, caught in cross-fire, suffers in silence.

Happily, by a communication of June 22, 2016, the Ministry of Women and Child Development has uploaded on its website, a proposal to enact a draft of The Civil Aspects of International Child Abduction Bill, 2016, before accession to the Hague Convention. The draft Bill provides to designate a Central Authority and lays down a procedure

Continued on back flap

Continued from front flap

international child abduction and inter-country adoptions, reports of the Law Commission of India and important judgments are part of the twenty four appendices. The book contains synopsis of important Supreme Court and High Court judgments besides complete prints of salient Supreme Court of India judgments which are the relevant case law governing principles of issues arising out of intra and inter country, parental child removal problems. Important judgments laying down essential principles governing the principle of the welfare of the child being the paramount consideration are also part of the book.

Since there is no compilation or publication on the subject containing all the material referred to above, the book proposes to be a one stop shop for all issues arising in India out of inter-country, inter-parental child removal issues. It is meant to be a handy reference book for Indian and foreign Courts, overseas practitioners, academics, Indian lawyers, lay readers and aggrieved parents looking for a solution. The book attempts to be a wholesome and self contained compilation which puts together all the material on the subject without any further reference to other sources. This jurisprudence in the realm of private international law is yet evolving and all supporting material rests in precedents of the Indian Courts which have rendered a yeoman service in evolving sound principles to serve as practice directions until a statutory codified law is in the saddle. Till then, the book will serve as a ready hand book and repository which proposes to be a one point guide and single source of information for all the material on this mesmerizing subject which baffles one and all.

The evolving mirror order jurisprudence in child custody matters, wherein the foreign courts may pass mirror order directions to comply with the judgments of High Courts, can be a possible way forward to establish a precedent for return of children to their homes of foreign jurisdictions. This mirror order formula evolved by judicial mechanisms through the far sighted wisdom of the Courts to ensure the best interest and welfare of the children, as also to provide them a family life with love, care and affection of both parents, can be cited as a possible method for return of children to foreign jurisdictions, till a law on the subject is enacted and some adjudicatory legal resolution process is evolved by any prospective law. Hopefully, if such an evolving mirror order jurisprudence finds judicial approval, children removed to India can benefit by being possibly reunited with both parents in their foreign abode. If such a practice is endorsed, it may also encourage Foreign Courts to permit children residing abroad to visit extended families in India, if an assurance is found for their return by a mirror order jurisprudence. This may perhaps be the best stop gap arrangement which can be evolved through the mechanisms of the Courts till a legislative solution is found to inter-parental child removal.

Despite 30 million non-resident Indians in 180 countries, of a total population of 1.2 billion, Indians constitute the largest diaspora in the world with immense potential of cross border family disputes. If India is not to be a signatory to the Convention on the Civil Aspects of the International Child Abduction, ratified by 98 countries, it ought to at least follow principles of UNCRC endorsed and approved by it. A favourable interpretation of child rights based on laws of the countries of their family home with emphasis on right to family life ought to be the decisive factor. Preferences of parents choosing Courts in countries of their convenience for child custody battle grounds ought to be ignored. A balanced judicial precedent by the Supreme Court in this regard is now extremely necessary for consolidating the much needed settled law and providing a clear path for other subordinate Indian Courts to follow. A harmonious blend of all relevant factors is necessary to be consolidated in a wholesome conclusive decision. The focus on the best interest of the child as per law of the country where the child is habitually resident must find preference over choices of parents for such litigation.

'Anil and Ranjit Malhotra have provided another timely and thoroughly researched reference book on a subject which the Malhotra brothers have made their own. There is nobody better qualified to cover all the complexities which accompany this area of the law. This publication provides a very welcome analytical approach which gathers together information relevant to all of us in a way which is thorough, engaging and scholarly.'

William Longrigg, *Recent Past LAFL, President and Partner, Charles Russell Speechlys LLP, London.*

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The authors provide a refreshing analysis of the law in India on the removal of children and the relocation of families across international borders. They provide the crucial source materials necessary to allow the reader to critically review the law in this rapidly developing area. This book should be on the shelf of every family lawyer accepting retainers in cases with international issues.

The Hon. Justice Victoria Bennett AO, *International Hague Network Judge, Family Court of Australia.*

There are few things more traumatic in family life than a bitter custody battle over children in a failed marriage. Anil and Ranjit Malhotra have dealt with the jurisprudence of this complex, yet delicate, subject in an admirable way making this book quite indispensable for practitioners in this area of law and for those who may unfortunately encounter this problem.

Dr. Cyrus Das, *Chairman, LAWASLA Constitutional & Rule of Law Committee; Honorary Life President Commonwealth Lawyers Association.*

The authors of this valuable book are well known for the major contribution to the field of international child abduction which they have both made. The revised version of their book continues their work on this topic, and is an important and timely event.

Professor Marilyn Freeman, PhD, *Principal Research Fellow, Westminster Law School, London, and Co-Director, The International Centre for Family Law, Policy and Practice.*

The Partnership of Malhotra Brothers has brought out a comprehensive revised addition. Based upon the cases argued. New human jurisprudence. The role of Indian Judiciary. A unique work. A recipe for Child Removal problems in India and beyond.

Dr. Balram K. Gupta, *Sr. Advocate, Formerly, Director, National Judicial Academy, India.*

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Prof.(Dr) Faizan Mustafa, *Vice-Chancellor, NALSAR University Of Law, Hyderabad.*

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THE REMOVED CHILD AND THE LAW IN INDIA

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THE REMOVED CHILD AND THE LAW IN INDIA

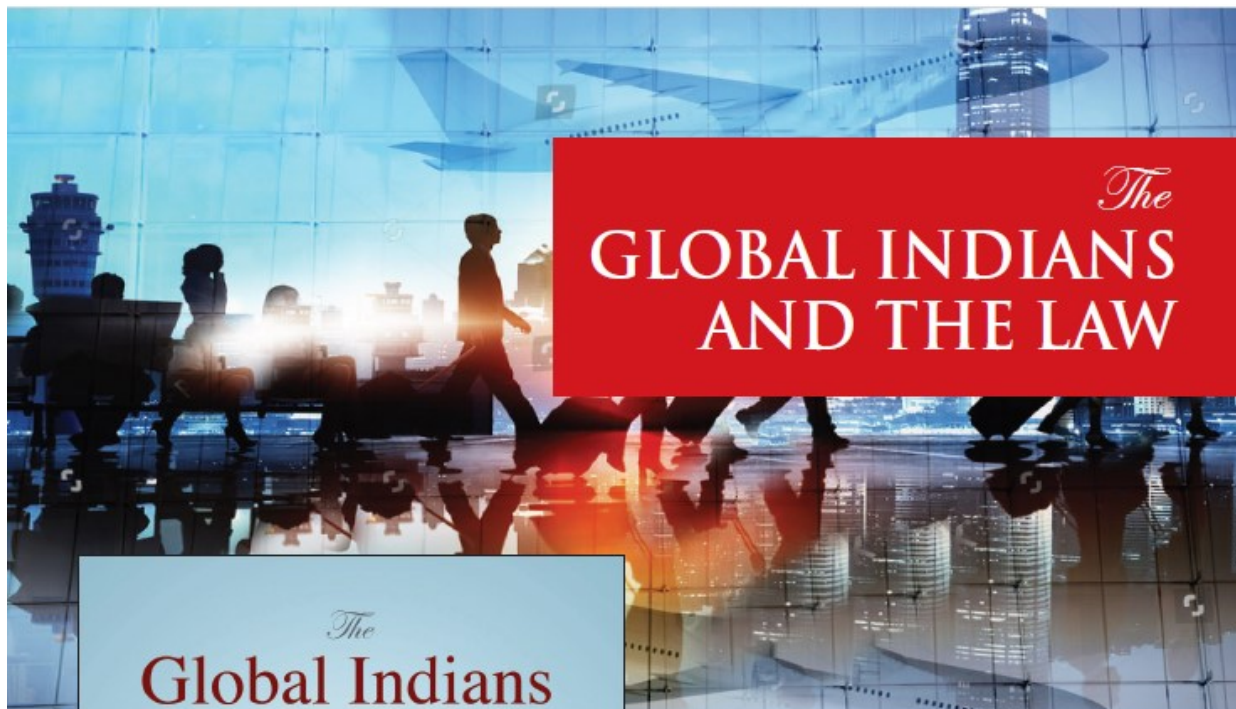
Of 1.2 billion Indians, about 30 million live in 180 countries abroad. This migration harbours cross-border matrimonial relationships whose offspring live in foreign abodes but connect with Indian soil through their parent(s). Their broken multi-jurisdictional matrimonial relationships lead to removal of children to India or foreign jurisdictions in violation of court custody orders or infringement of the parental rights of the aggrieved parent. Sadly, India does not define or recognise inter-parental child removal as an offence under any statutory law in India, even though this malaise is a frequent phenomenon in daily lives of migrant Indians. As a corollary, remedies in law for effective relief are difficult to secure or achieve.

As of now, multi-jurisdictional child disputes often end up in a stalemate. An aggrieved parent lands on Indian soil armed with a foreign court order to face a protracted, cumbersome, tedious and expensive course of successive multiple appeal litigation to achieve an enforcement of a foreign court order. Time, money and patience run out. A deadlock ensues. The child is split and isolated by one parent. Consequentially, most foreign courts now do not allow children to visit India, fearing that they may not return.

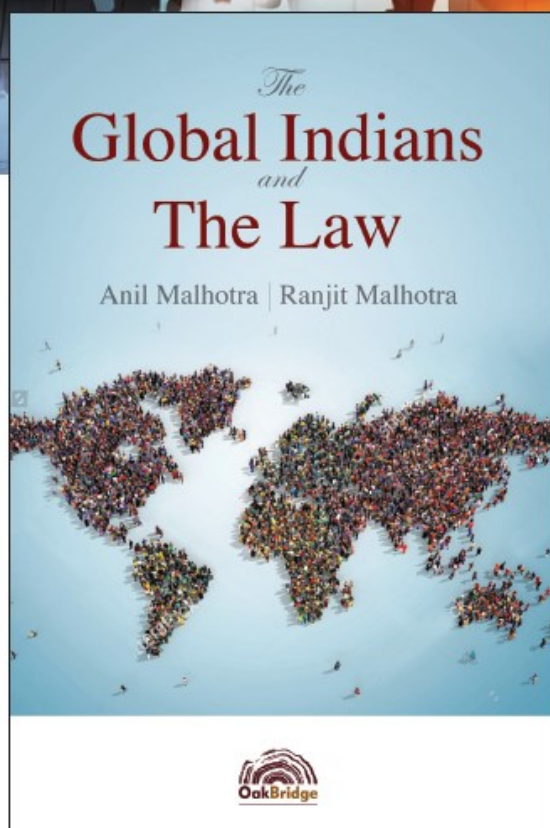
The Hague Convention on the Civil Aspects of International Child Abduction, 1980, enables nations to become signatories and become part of a global hub to enable return of wrongfully removed or retained children by entertaining requests through the office machinery of a Central Authority established by every nation for such purpose. As of 2018, ninety eight countries are contracting States to this Convention. Sadly, India is not amongst them. The Hague Convention aims to secure the prompt return of children wrongfully removed or retained in any contracting State and ensures that the rights of custody and access under the law of a party nation are effectively respected in other contracting nations. The Convention considers removal of children wrongful if it is in breach of actually exercised rights of custody of a parent, arising by operation of law or by a judicial or administrative decision or an agreement, having legal effect by the law of that State. It creates an international law implemented through a domestic machinery. As of date, India does not have any exhaustive, uniform and consistent laws to deal with issues arising out of inter-parental cross-border child removal. Indian Courts adjudicate matters with the welfare of the child as the paramount consideration when there is an inter-jurisdictional conflict. The removed child, caught in cross-fire, suffers in silence.

The book covering various aspects of the problem has four chapters. The first chapter is a bird's eye view with fifteen small sub chapters containing short pieces giving a brief perspective of the issue and different dimensions of the problem. The remaining three detailed chapters contain lengthy descriptions supported by relevant case law and detailed references to judgments relating to the subject. Various issues relating to implementation of foreign court judgments and possible safeguards to ensure return of children to their foreign homes finds elaborate mention in these detailed chapters. The book has twenty four appendices which are important reference documents relating to the issue of international parental child abduction. Relevant Indian statutes, the Hague Convention on civil aspects of

Continued on back flap



The
**GLOBAL INDIANS
AND THE LAW**



**Anil Malhotra
Ranjit Malhotra**

Introductions by

Justice (Retd.) Raghuram Goda
Director, National Judicial Academy

Prof. (Dr.) Balram K. Gupta
*Sr. Advocate, Director (Academics),
Chandigarh Judicial Academy*

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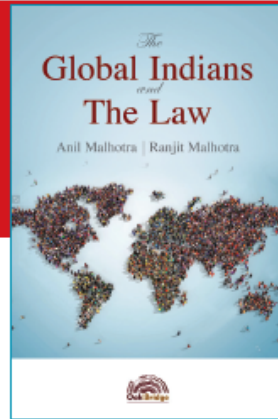
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The GLOBAL INDIANS AND THE LAW



Anil Malhotra
Ranjit Malhotra

*A*s per Government of India statistics, an estimate of over 34 lacs non-resident Indians have registered as Overseas Citizen of India (OCIs) to acquire lifelong visa free entry to India. Their actual numbers may be more than 30 million. These global Indians have inhabited, settled and thrived in almost 200 countries on the globe. Undoubtedly, these international Indians are a unique nationality by themselves. They propel a dire need for a global law to govern their conflicts. The link and retention of their ties with their extended families in India and abroad has found expression in issues relating to nationality, citizenship, marriage, divorce, spousal maintenance, alimony, inter-parental child removal, custody and guardianship of children, division of matrimonial property, inter-country adoptions, succession and inheritance of Indian property and last but not the least in surrogacy arrangements. Domestic violence in abusive marriages of international couples has created a new jurisprudence. Foreign Courts and overseas law practitioners are at sea attempting to resolve these problems for lack of any updated or amended Indian laws or reasoned interpretation of law on these subjects. Conflict of laws are galore. Parallel simultaneous adjudications in different jurisdictions create anomalous situations which compound legal dilemmas relating to human relationships.

Applicability of foreign laws, validity of judgments pronounced overseas and verdicts of Indian Courts which need exposition are consequential issues requiring interpretation and expert opinion. Indian Courts perform a herculean task in carving individual solutions in complex litigations under outdated Indian legislations.

This commentary on private international law in the exclusive Indian context attempts to provide comprehensive answers to these problems of the Indian diaspora and the global transnational Indian which may not find a solution in the conventional statutory laws. The proposed publication aims to be a comprehensive commentary for the Courts abroad, an aggrieved spouse, a foreign litigant, an overseas practitioner, or any lay person who simply wants to know where he stands. A compilation of case law, enunciated by the vibrant Indian judiciary rendering a yeoman service, has been quoted for reliance. Unique case references fill in the statutory void in this ocean of ails.

The spectrum of reading is widespread. It ranges from nationality/citizenship issues to family and marital settlements, surrogacy agreements, child custody conflicts, secular adoptions, limping marriages, succession issues, conflict of jurisdictions besides the need for revamping family law for non-resident Indians. Law of spousal maintenance in India from a global perspective has been delved into. Child laws and global adoptions in the international jurisdiction as a fast emerging jurisprudence in Indian law, has been examined at length in different perspectives. Issues relating to dual nationality, passports and citizenship are also looked into. Emerging predicaments and practices arising out of surrogacy with the law in flux have been focused in the book in detail. A dedicated chapter looks at NRI property problems, wills, succession and their possible solutions.

This unique reader friendly concise and crisp presentation in 7 individual Parts as expositions pose the problems and attempts to provide their answers. The authors with their years of expertise have aimed to project these problems as they have experienced them professionally. References to case law wherever necessary have been provided for the professional reader who wants an accurate and expeditious run down on Indian law on the subject of custom, marriage, divorce, spousal maintenance, domestic and inter-country adoptions, child abduction, surrogacy, child rights, matrimonial settlements, succession, inheritance besides issues of nationality and citizenship.

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Anil Malhotra is a practising Advocate based at Chandigarh, India since September 1983 and can be reached at anilmalhotra1960@gmail.com. He attained Bachelor of Science (1980) and Bachelor of Laws (Professional) (1983) degrees from Panjab University, Chandigarh & an LLM degree from the University of London, London in 1985. He studied Comparative Family Law at London School of Economics besides Law & Society at School of Oriental & African Studies.

Practising Advocate in India (1983). BSc and Bachelor of Law (Professional), India; LLM, University of London, 1985 (Studied Comparative Family Law at LSE & Law & Society at SOAS). For 36 years, conducts matters pertaining to interpretation and application of foreign Court Orders regarding divorce decrees, child abduction, custody, maintenance, adoption, surrogacy and family related issues of Non-resident Indians. Conducted litigations on inter country parental child removal matters Persistently proposed debate for India to sign the Hague Convention on Child Abduction, 1980.

For over 36 years, he continues to act as an Indian expert to render reports in foreign courts on appointment by the Bench in overseas jurisdictions. Conducts matters in Indian Courts pertaining to interpretation and application of foreign Court Orders regarding divorce decrees, child abduction, custody, maintenance, adoption, surrogacy and family related issues of Non-resident Indians (NRIs).

He has co-authored book titled *Acting for Non-resident Indian Clients* (Jordans 2005), *India, NRIs and the Law* (Universal 2009), *Indians, NRIs and the Law* (Universal 2011), *Surrogacy in India: A law in the Making* (Universal 2013), *International Indians and the Law*, (Universal 2014), *Surrogacy in India – A law in the Making : Revisited* (LexisNexis 2015), *India, Inter Country Parental Child Removal, The Law* (LexisNexis 2016), *The Removed Child and The Law in India* (2018) and *Global Indians and the Law* (Oakbridge 2020). He has significant published work and has both international and domestic conference participations. Has over 500 newspaper columns to his credit besides significant published work in journals.

Has conducted number of litigations on inter country parental child removal matters and has persistently proposed, debated and discussed need for India to sign the Hague Convention on Inter parental child abduction, 1980. As *amicus curiae*, his report on inter country parental child removal, forms part a Punjab and Haryana High Court judgment making a reference to the Law Commission of India, to recommend that India needs to consider signing the Convention. Handled litigation & campaigns for India to enact a law on surrogacy arrangements in India. Intends to persuasively pursue enactment of Indian legislation on these subjects.

On 25 April 2017, Co-opted by the Punjab and Haryana High Court, Chandigarh as a Member of the Committee, constituted by the Ministry of Women and Child Development, Government of India to examine in detail the legal issues involved and give recommendations on resolving problems of parents and children involved in issues relating to inter parental / inter country child removal while examining the draft Protection of Children (Inter-Country Removal and Retention) Bill, 2016, whose report was submitted to Government of India on 21 April 2018.



Ranjit Malhotra, attained his Bachelor of Arts (B.A.) and Bachelor of Laws (Professional) (LL.B Degree) from Panjab University, Chandigarh. He qualified as a lawyer in India in the year 1990 and was the first Indian lawyer to be awarded the prestigious Felix Scholarship to read for the LL.M. Degree at the School of Oriental and African Studies, University of London. He attained his Masters of Law Degree with Merit in 1993, from the University of London.

He specialises in private international law, commissions expert reports on Indian family law issues litigated in foreign jurisdictions, renders expert analysis and testimony for family law, surrogacy and immigration cases and advises foreign lawyers. Besides, being consistently instructed by a large number of Embassies at New Delhi.

He is also a nominated life member of the Indian Society of International Law, American Immigration Lawyers Association at Washington, Reunite Child Abduction organisation in the U.K., Indian Council of Arbitration at New Delhi, Fellow of the International Academy of Matrimonial Lawyers, Commonwealth Lawyers Association at London and International Law Association at London. He is also enrolled with The International Association of Youth And Family Judges And Magistrates.

He has also been nominated to the Board of Governors of the International Academy of Family Lawyers at their annual meeting held in Reykjavik, Iceland since September 2017.

He frequently travels abroad to present papers at international legal conferences. Mr. Ranjit Malhotra has travelled extensively in the UK, USA, Canada, Europe, Australia, South Africa, Kenya and the far east including Japan, Philippines, Malaysia, Hong Kong, Singapore and Vietnam in connection with professional assignments as also to make presentations at international legal conferences. For the last twenty five years he has made substantial presentations at international legal conferences worldwide.

Since 2005, he has also been actively and regularly involved in organising seminars on family law issues in the international perspective, at the India International Centre, New Delhi under the aegis of Mr. Soli Sorabjee, distinguished former Attorney General of India.

He has also been lecturing regularly on International family law issues primarily on international child removal/surrogacy at premier National Law Schools/Universities in India. He also lectured at the Harvard Law School on Child Abduction Law on 15 April 2014 and also has substantial published work to his credit.

He was also appointed as Distinguished Visiting Expert for Family Law, Private International Law, Transnational Law and Comparative Law by Symbiosis Law School, Pune, Symbiosis International University since 1 February 2018. And has been regularly lecturing at this campus.

He is also an active member of the International Bar Association and is the Newsletter Editor of the Family Law Committee since 2011. He is also the International Correspondent for the international Family Law Journal published by Lexis-Nexis, previously Jordan Publishing Limited, U.K. since 2005.

He was also one of the three special invitees from India invited at the Hague Experts' Meeting on Issues of Domestic/Family Violence and the 1980 Hague Child Abduction Convention held at The University of Westminster, London on 12 June 2017. The author has also been consistently engaged as a knowledge partner in areas of private international law and cross border migration and managed migration with foreign offices of several major jurisdictions since the last two decades. He was also nominated by the British High Commission, New Delhi to attend two separate Wilton Park Conferences on Managed Migration in Spain and U.K. held in 2007 and 2008 respectively.

Most recently, he was invited to give subject expert testimony before the Rajya Sabha [Parliamentary] Committee on the draft 2019 Surrogacy Bill on 21 January 2020.

His firm, Malhotra & Malhotra Associates, is on the panel of lawyers for twelve foreign missions/embassies in New Delhi, including the American Embassy, Australian High Commission, British High Commission, Canadian High Commission and New Zealand High Commission, Embassy of the Federal Republic of Germany, Embassy of Spain, Embassy of France, Italian Embassy, Austrian Embassy, Embassy of Sweden, Embassy of Luxembourg and Embassy of Norway at New Delhi.

Acknowledgements

“...This unique pioneer effort is to be lauded. It is a contribution of academic authors of repute, who have blended equally well as legal practitioners, who have rich experience of cross border issues...”

A.K. Sikri, Former Judge, Supreme Court of India and International Arbitrator

“Knotty legal issues and problems confront global Indians and all others who may be associated with them. The commentary, *Global Indians and the Law*, is an excellent compilation of every possible question and answer floating in the ocean of problems of International Indians...”

Soli J. Sorabjee, Senior Advocate and Former Attorney General for India

“The Malhotra brothers are internationally renowned ... in the field of International Family Justice... a publication of their expertise at the outset of this decade is warmly welcomed.”

The Rt. Hon. Lord Justice Thorpe, Former Head of International Family Justice for England & Wales

“There is no-one more qualified than Anil and Ranjit Malhotra to provide expert guidance on the problems affecting “Global Indians”. Their decades of experience will undoubtedly be reflected in the depth of scholarship and knowledge conveyed in this publication...”

Lord Justice Andrew Moylan, Head of International Family Justice and Hague Network Judge for England and Wales

“...A comprehensive knowledge of Indian law as well as of the adopted host country are essential. In this perspective, the commentary “Global Indian and the Law” is the much-needed guide.”

The Rt. Hon. Lord Diljit Rana, MBE, Baron of Malone, Member British Parliament, U.K.

“...essential resource in the field of private international law and the application of personal laws...The breath of the law that it covers is extraordinary...”

Anne-Marie Hutchinson OBE, QC (Hon), Partner at Dawson Cornwell, London

“...This is a comprehensive guide for overseas Indian individuals, courts and lawyers alike and will be very welcome indeed in this era of international living...”

William Longrigg, Former IAFL President and Partner, Charles Russell Speechlys LLP, London

“This book by Anil and Ranjit Malhotra continues their long-time work...in addressing the important issues of family law which relate to ‘global Indians’...”

Professor Marilyn Freeman, PhD., Co-Director, The International Centre for Family Law Policy and Practice, Principal Research Fellow, Westminster Law School, University of Westminster, London

“...a must read for every law student, law professor, practicing lawyer and a judge as the issues that the book discussed in a threadbare manner are not only confined to private international law, but more widely relating to the importance of law and justice in international dispute resolution in the private space.”

Professor (Dr.) C. Raj Kumar,

Founding Vice Chancellor, O.P. Jindal Global University & Founding Dean, Jindal Global Law School



**2008 PUNJABI
NRI
Sammelan**
ਪੰਜਾਬੀ ਐਨ. ਆਰ. ਆਈ. ਸੰਮੇਲਨ

**An Overview
of
Legal Issues**

January 5, 2008

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This booklet has been compiled by Malhotra & Malhotra Associates

E-mail : anilmalhotra1960@gmail.com, malhotraranjitindia@rediffmail.com



**Non
Resident
Punjabi
Sammelan**
3-5 January, 2013

An Overview of LEGAL ISSUES

by
**Anil Malhotra
Ranjit Malhotra**



**Department of NRI Affairs
Government of Punjab
Mini Secretariat, Sector 9,
Chandigarh**

Exclusive website for NRIs launched. Visit the new NRI Website at www.nripunjab.gov.in



Non Resident Punjabi Sammelan
10-11 January 2014



PROMISE TO PERFORMANCE



Compiled By
Anil Malhotra
Ranjit Malhotra

**NEW PUNJAB
NRI LAWS,
COMMISSIONS
AND POLICIES**

Exclusive website for NRIs www.nripunjab.gov.in

The screenshot shows the homepage of the NRI Affairs Department website. At the top, it features the department's name and logo, a search bar, and a navigation menu with options like Home, About Us, Know Your Punjab, NRI Connect, Mera Find, Welfare Schemes, and Media. Below the navigation is a large banner image of the Golden Temple at night. Underneath the banner is a 'Know Your Punjab' section with a grid of icons for various topics such as History of Punjab, State Profile, District Profile, Achievements of Punjab, Progressive Punjab, Local Punjab, Departments, Challenging Profile, State Level Functions, Tourist Attractions, Festive Calendar, Fairs and Melas, Fairs and Festivals, Art and Craft, Sports & Games, Research, Budget Announcements, Organizational Initiatives, Important Contacts, and Social Links. At the bottom, there are sections for 'Apply Online NRP Privilege Card', 'Online Grievances', 'Helpline +91 172-6672301', 'Chat', and 'Webinar', along with a row of three smaller images labeled 'PUNJAB TOURISM', 'Mera Find Mera Shehar', and 'NRI Sammelan'.



PUNJAB NRI LAWS, COMMISSIONS AND POLICIES

Compiled by
Anil Malhotra
Ranjit Malhotra



Department of NRI Affairs
Government of Punjab

- ◆ Exclusive website for NRIs www.nripunjab.gov.in

Highlights of the new Punjab NRI interactive website:

- Latest NRI News on a Flash and details of new NRI friendly laws.
- How can you contribute towards development of your Village/Town
- Online Redressal Module for User Grievances
- Online Application facility for Non-Resident Privilege Card (NRP)
- Dedicated details about NRI Punjab Police Wing, Punjab NRI Commission, Government of Punjab and Right to Information.
- Dedicated Webnair Facility at fixed and designated times.
- Major descriptive titles : Home, About Us, Know your Punjab, NRI Connect, Mera Pind, Historic Steps, Media and Contact Us
- Right to Service, Right to Information and latest news heads
- Details on how to get copies of your Fard/Land Mutation records
- Informative facilities in Punjab at a Glance – A click away
- Know your Punjab inputs under 16 Tabulated Headings
- Details of Punjab Tourism
- Facility for Subscription to Newsletter

- ◆ For 24x7 NRI Punjab Helpline, Dial 91-172-6672301
Email: cnri.pb@gmail.com Tele-fax: 0172-2741189
- ◆ Log on to www.nripunjabpolice.com or connect to 24x7 Punjab Police Helpline, Dial 91-172-2298543 (for NRIs)
Email: nri.pbpolice@gmail.com or Call 0172-2260042/43
- ◆ Reach the NRI Commission at nricommpb@gmail.com or contact them at Punjab Civil Secretariat-2, Block 'A', Room no.6, Sector 9, Chandigarh. Phone – 0172-2741330
- ◆ Solar Street Lights: Punjab Energy Development Agency
Plot. No : 1 & 2, Sector-33 D, Chandigarh. Ph.: +91-172-2663328

- ◆ Exclusive website for NRIs www.nripunjab.gov.in

Highlights of the new Punjab NRI interactive website:

- Latest NRI News on a Flash and details of new NRI friendly laws.
- How can you contribute towards development of your Village/Town
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- Dedicated details about NRI Punjab Police Wing, Punjab NRI Commission, Government of Punjab and Right to Information.
- Dedicated Webnair Facility at fixed and designated times.
- Major descriptive titles : Home, About Us, Know your Punjab, NRI Connect, Mera Pind, Historic Steps, Media and Contact Us
- Right to Service, Right to Information and latest news heads
- Details on how to get copies of your Fard/Land Mutation records
- Informative facilities in Punjab at a Glance – A click away
- Know your Punjab inputs under 16 Tabulated Headings
- Details of Punjab Tourism
- Facility for Subscription to Newsletter

- ◆ For 24x7 NRI Punjab Helpline, Dial 91-172-6672301
Email: cnri.pb@gmail.com Tele-fax: 0172-2741189
- ◆ Log on to www.nripunjabpolice.com or connect to 24x7 Punjab Police Helpline, Dial 91-172-2298543 (for NRIs)
Email: nri.pbpolice@gmail.com or Call 0172-2260042/43
- ◆ Reach the NRI Commission at nricommpb@gmail.com or contact them at Punjab Civil Secretariat-2, Block 'A', Room no.6, Sector 9, Chandigarh. Phone – 0172-2741330
- ◆ Solar Street Lights: Punjab Energy Development Agency
Plot. No : 1 & 2, Sector-33 D, Chandigarh. Ph.: +91-172-2663328

II. DETAILS OF CHAPTERS/ BOOKLETS/ PUBLICATIONS/ ARTICLES:

1. In June, 1985, Authored and wrote 80 page LLM Essay at the Law Department, School of Oriental and African Studies, University of London, on “**Locus Standi and Public Interest Litigation: A Study in the Indian Context**”
2. Co-authored Chapter on “**Some perspectives on Indian Family Law**” in the International Survey of Family Law, 2001 Edition, Published on behalf of the International Society of Family Law by Jordan Publishing Limited, Bristol, UK. Pages: 115-145, ISBN No. 0-85308-704-0. www.familylaw.co.uk/ebooks
3. Co-authored Chapter on “**Analysis of the law of marriage from an International Perspective, under Hindu Law**” in the International Survey of Family Law, 2004 Edition, Published on behalf of the International Society of Family Law by Jordan Publishing Limited, Bristol, UK. Pages: 193-203, ISBN No. 0-85308-937-X. www.familylaw.co.uk/ebooks
4. Co-authored Chapter on “**Divorce nullity and related matters under The Hindu Marriage Act, 1955**” in the International Survey of Family Law, 2005 Edition, Published on behalf of the International Society of Family Law by Jordan Publishing Limited, Bristol, UK. Pages: 275-314, ISBN No. 0-85308-983-3. www.familylaw.co.uk/ebooks
5. Co-Authored Paper “**International Parental Child Abduction Law in the Indian Jurisdiction: Case Law Analysis and Procedural Safeguards**”, published in The Judges Newsletter, Vol. X, Autumn

2005, A publication of the Hague Conference on Private International Law (<http://hcch.e-vision.nl>)

6. Co-Authored **“Enforcement of Foreign Judgments & Foreign Arbitral Awards in the Indian Civil Jurisdiction”**, published in Transnational Dispute Management Journal, Transnational-dispute-management.com, Vol. 3, Issue 4, July 2006, Pages: 2-17.
7. Co-Authored Chapter 11 titled **“Family Law and Religion – The Indian Experience,”** presented at The 12th National Family Law Conference, Perth, Australia in October, 2006 and published in Conference Handbook, Surfing the Seas of Family Law – Major Reform or a Little Housekeeping published by Law Council of Australia/Television Education Network Pty. Ltd, Australia ISBN: 1 876267 72 0. www.familylawsection.org.au.
8. Co-Authored Conference Paper titled **“Conflicts of Jurisdiction Interparental in Interparental Child Custody Disputes – The Indian Experience,”** presented on December 2-3, 2006, in International Conference on Private International Law held at The Indian Society of International Law (ISIL) in collaboration with TMC Asser Institute and Hague Conference on Private International Law and published by ISIL as a conference papers book. www.isil-aca.org.
9. Co-Authored an Article titled **“Inter-Country Adoptions from India”** published in Commonwealth Law Bulletin Volume 33, No. 2, June 2007, on behalf of Commonwealth Secretariat by Routledge Taylor & Francis Group, ISSN 0305-0718(2007) 33:2;1-8. www.thecommonwealth.org
10. Co-authored Chapter on **“Hindu Law and Uniform Civil Code–The Indian Experience”** in the International Survey of Family Law, 2007

Edition, Published on behalf of the International Society of Family Law by Jordan Publishing Limited, Bristol, UK. Pages: 101-120, ISBN No. 978-1-84661-066-0. www.familylaw.co.uk/ebooks

11. Co-authored Chapter on “**Inter-country Parental Child Removal and the Law**” in the International Survey of Family Law, 2008 Edition, Published on behalf of the International Society of Family Law by Jordan Publishing Limited, Bristol, UK. Pages: 139-163, ISBN No. 978-1-84661-116-2. www.familylaw.co.uk/ebooks
12. Authored **booklet** on “**An Overview of Legal Issues**” published by the Government of Punjab for the Punjabi NRI Sammelan held on January 5, 2008.
13. Co-Authored a Chapter titled “**Family Law and Religion – The Indian Experience,**” published in India and International Law Volume 2, Pages 487 to 513, 2008, published by Koninklijke Brill N.V., Bimal N. Patel (ed.) & Printed in The Netherlands.
14. Co-authored a Chapter titled “**Supplemental recommendations to draft proposal “A need for a comprehensive legislation on the legal problems of non-residents Indians,”** Pages 504-509 in book titled Non Resident Indians and Private International Law (2008) published by Hope India Publications, Gurugram on behalf of Indian Society of International Law, New Delhi. ISBN 81-7871-104-4. www.isil-aca.org.
15. Co-authored Chapter on “**Conflict of laws in Inter-country Adoptions: The Indian perspective with special reference to the position after India ratified The Hague Convention on Adoptions**” in the International Survey of Family Law, 2009 Edition, Published on behalf of the International Society of Family Law by Jordan Publishing

Limited, Bristol, UK. Pages: 215-240, ISBN No. 978-1-84661-182-7.
www.familylaw.co.uk/ebooks

16. Co-authored Chapter on “**Alternative Dispute Resolution in Indian Family Law – Realities, Practicalities and Necessities**” in the International Survey of Family Law, 2010 Edition, Published on behalf of the International Society of Family Law by Jordan Publishing Limited, Bristol, UK. Pages: 189-215, ISBN No. 978-1-84661-232-9.
www.familylaw.co.uk/ebooks
17. Co-authored Chapter on “**Custom as an important source of Hindu Law: its usage in International Family Migration**” in the International Survey of Family Law, 2011 Edition, Published on behalf of the International Society of Family Law by Jordan Publishing Limited, Bristol, UK. Pages: 221-246, ISBN No. 978-1-84661-284-8.
www.familylaw.co.uk/ebooks
18. Contributed and Co-Authored Chapter 10 on India, “**Immigration Law in India**”, Pages: 106-116 in The Corporate Immigration Review, 1st Edition, Editor Chris Magrath, Published by Law Business Research Limited U.K. 2011, ISBN 978-1-907606-14-4.
19. Co-Authored Article titled “**All Aboard for the Fertility Express**” published in Commonwealth Law Bulletin Volume 38, No. 1, March 2012, on behalf of Commonwealth Secretariat by Routledge Taylor & Francis Group, ISSN 0305-0718.
www.thecommonwealth.org, <http://dx.doi.org/10.1080/03050718.2012.646733>.

20. Authored Article titled **“The Dark Side of the Moon – Human Rights, Illegal Immigrants and the Law”**, published in The Pravasi Today, Vol. 7, No. 02, April-June, 2012, Pages: 26-28.
21. Co-Authored a Chapter titled **“India – A Perspective, Indian child and family law,”** in **book** titled The Future of Child and Family Law - International Predictions, 2012, Edited by Elaine E. Sutherland published by Cambridge University Press, New York, ISBN 978-1-107-00680-5.
22. Co-authored Chapter on **“Missing children in India: Suggestions, Remedies and Solutions”** in the International Survey of Family Law, 2012 Edition, Published on behalf of the International Society of Family Law by Jordan Publishing Limited, Bristol, UK. Pages: 123-150, ISBN No. 978-1-84661-331-9. www.familylaw.co.uk/ebooks
23. Co-authored Chapter on **“Law and Surrogacy arrangements in India”** in the International Survey of Family Law, 2013 Edition, Published on behalf of the International Society of Family Law by Jordan Publishing Limited, Bristol, UK. Pages: 151-174, ISBN No. 978-1-84661-726-3. www.familylaw.co.uk/ebooks
24. Co-authored **booklet** titled, **“An Overview of Legal Issues-2013”** published by the Government of Punjab, which was released at the Non-Resident Punjabi Sammelan, Chandigarh held on January 3-5, 2013.
25. Co-Authored & Contributed Chapter 14 on India, **“Immigration Framework in India”** in The Corporate Immigration Review, 3rd Edition, Editor Chris Magrath, Published by Law Business Research Limited U.K. 2013.

26. Co-Authored an Article titled **“To Return or Not to Return: Hague Convention Vs. Non-Convention Countries”** published in Family Law Quarterly, Volume 48, No. 2, Summer 2014, by American Bar Association, Chicago, USA ISSN 0014-729X; USPS 185- 280.
27. Co-authored **booklet** titled, **“Promise to Performance – New Punjab NRI Laws, Commissions and Policies”** published by the Government of Punjab, which was released at the Non-Resident Punjabi Sammelan held on January 10-11, 2014.
28. Co-Authored & Contributed Chapter 20 on India, **“Indian Immigration and the Law”** in the Corporate Immigration Review, 4th Edition, Editor Chris Magrath, Published by Law Business Research Limited U.K. 2014.
29. Co-authored Chapter on **“Surrogacy for single and unmarried foreign persons: A challenge under Indian Law”** in the International Survey of Family Law, 2014 Edition, Published on behalf of the International Society of Family Law by Jordan Publishing Limited, Bristol, UK. Pages: 165-179, ISBN No. 978-1-84661-991-5.
www.familylaw.co.uk/ebooks
30. Co-Authored Article on **“Outdated Laws – A Dilemma for Non-Resident Indians”**, published in Magazine Yojana, December, 2014 Issue, ISSN-0971-8400, Pages: 21-24.
31. Co-authored Chapter on **“Marriage and Divorce – Complete Constitutional Justice”** in the International Survey of Family Law, 2015 Edition, Published on behalf of the International Society of Family Law by Jordan Publishing Limited, Bristol, UK. Pages: 121-160, ISBN No. 978-1-78473-066-6. www.familylaw.co.uk/ebooks

32. Co-authored **booklet** titled, “**Punjab NRI Laws, Commissions and Policies**” published by the Department of NRI Affairs, Government of Punjab in 2015.
33. Co-Authored & Contributed Chapter 16 on India, “**Immigration structure in India**”, Pages: 178-192 in The Corporate Immigration Review, 5th Edition, Editor Chris Magrath, Published by Law Business Research Limited U.K. 2015, ISBN 978-1-909830-47-9.
34. Co-Authored & Contributed Chapter 20 on India, “**Immigration arrangements in India**” in The Corporate Immigration Review, 6th Edition, Editor Chris Magrath, Published by Law Business Research Limited U.K. 2016.
35. Co-authored Chapter on “Maintenance, Non-Resident Indians and the Law” in the International Survey of Family Law, 2016 Edition, Published on behalf of the International Society of Family Law by Jordan Publishing Limited, Bristol, UK. Pages: 213-254, ISBN No. 978-1-78473-217-2. www.familylaw.co.uk/ebooks
36. Co-authored Chapter on “**To Return or Not to Return: Hague Convention v Non-Convention Countries**” in the International Survey of Family Law, 2017 Edition, Published on behalf of the International Society of Family Law by Jordan Publishing Limited, Bristol, UK. Pages: 129-143, ISBN No. 978-1-7847-3275-2. www.familylaw.co.uk/ebooks
37. Co-Authored & Contributed Chapter 11 on India, “**Changes in Immigration structure in India**”, Pages: 122-138 in The Corporate Immigration Review, 7th Edition, Editor Chris Magrath, Published by Law Business Research Limited U.K. 2017, ISBN 978-1-910813-61-4.

38. Co-Authored & Contributed Chapter 9 on India, “**Changing Immigration Law in India**”, Pages: 112-134 in The Corporate Immigration Review, 10th Edition, Editor Chris Magrath, Published by Law Business Research Limited U.K. 2020, ISBN 978-1-83862-443-9.
39. Co-Authored & Contributed Chapter 8 on India, “**Immigration set-up and the Law in India**” in The Corporate Immigration Review, 11th Edition, Editor Chris Magrath, Published by Law Business Research Limited U.K. 2021.
40. Co-Authored & Contributed Chapter 7 on India, “**Immigration set-up and the Law in India**” in The Corporate Immigration Review, 12th Edition, Editor Chris Magrath, Published by Law Business Research Limited U.K. 2022.
41. Co-Authored & Contributed Chapter 6 on India, “**Immigration set-up and the Law in India**” in The Corporate Immigration Review, 13th Edition, Editor Chris Magrath, Published by Law Business Research Limited U.K. 2023.
42. Co-Authored Article on “**Alternative dispute resolution in Indian Family Law**” in International Family Law Journal, 2021, Issue 3, Pages: 178-180, [2021] IFL 178-180, Published by Lexis Nexis, U.K., ISSN 1369-5762.
43. In Research Handbook on International Child Abduction, The 1980 Hague Convention, Edited by Marilyn Freeman & Nicola Taylor, Published by Edward Elgar Publishing Ltd., U.K. 2023, contributed and co-authored chapter on “**International Child Abduction in India: Non Hague Convention Countries**” in Part-VI, Chapter 18 of the book.
44. In book titled Reimagining the International Legal Order, Edited by Vesselin Popovski & Ankit Malhotra, and published by Routledge, Taylor

& Francis Group, NY 2023, contributed and co-authored chapter on “**Family Law: British and Indian Perspective**” in Part-IV, Chapter 22 of the book.

45. Have written regular newspaper articles on family law and allied issues with about 1000 published articles to his credit in national Indian newspapers. Have participated in over 100 TV discussions on propositions related to International Family Law, Human Smuggling, Surrogacy, NRI problems and Family Law subjects.

III. **DETAILS OF TEACHING ASSIGNMENTS/APPOINTMENTS IN JUDICIAL ACADEMIES AND EDUCATIONAL/ACADEMIC INSTITUTIONS:**

1. Appointed and retained as **Part-time Lecturer, Faculty of Laws, Panjab University, Chandigarh** for 6 years continuously from **1986 to 1992** for teaching **Professional Subjects to Final Year LLB Students** at the Department of Laws, Panjab University, Chandigarh.
2. Appointed as a **Resource Person for lecturing at National Judicial Academy (NJA), India, Bhopal and Chandigarh Judicial Academy (CJA), Chandigarh** for delivering lectures in training programmes for Judicial Officers and lecturing at NJA/CJA from **2013 onwards and continuously till date.**
3. Appointed as **Adjunct Faculty, Jindal Global Law School of O.P. Jindal Global University, Sonapat, Haryana**, from February 1 to May 2019.
4. Appointed as **Distinguished Visiting Expert for Family Law, Private International Law, Transnational Law and Comparative Law by Symbiosis International (Deemed University)** for Symbiosis Law

Schools at Pune, Nagpur, Hyderabad and Noida from **2019-2024 onwards and continuously till date.**

5. Appointed as **Visiting Professor in March 2021 of Raffles University, Neemrana, Alwar, Rajasthan** for delivering lectures on Private International Law.
6. Appointed **Honorary Professor at National University of Advanced Legal Studies (NUALS), Kochi** on May, 11, 2020 till date for lecturing designing curriculum and allied academic activities at NUALS.

IV. GUEST LECTURES DELIVERED IN JUDICIAL ACADEMY/LAW SCHOOLS/PROFESSIONAL INSTITUTIONS CONNECTED WITH LAW:

1. Lectured as a Resource Person in the National Conference of Judges of the District Judiciary and Family Courts on adjudication of Issues relating to Women and Children, held at the National Judicial Academy, Bhopal from September 6 to 8, 2013. Made presentations in Sessions on **“Issues relating to Women and Children: International Law and its Impact on India”, “NRI Marriage: Implications in Litigation relating to Women and Children”, “Adoption and Surrogacy – Concerns and Judicial Responses”**
2. Lectured as a Resource Person in the National Conference of Judges of the District Judiciary on adjudication of Issues relating to Women and Children, held at the National Judicial Academy, Bhopal from November 22 to 24, 2013. Made presentations in Sessions on **“Issues relating to Women and Children: Child Abuse: Issue and Challenges, Custody of Child in NRI Cases, Adjudicating cases relating to Women and Children: Issues and Challenges,**

Protecting Rights of Women: International Initiative and National Perspective, Protection Rights of Women in Matrimonial Cases.

3. Lectured as a Resource Person in the Refresher-cum-Orientation Course for Judges of Subordinate Courts of Punjab, Haryana & Chandigarh, held at Chandigarh Judicial Academy, Chandigarh on March 15, 2014. Made presentations on **“NRI Divorce Decrees and their recognition in Indian Courts”** and on **“India Inter-parental Child Removal and the Law”**.
4. Lectured as a Resource Person in the National Conference of Presiding Officers of Family Courts, held at the National Judicial Academy, Bhopal from April 11-13, 2014. Made presentations in Sessions on **“NRI Marriages & Divorce”**, **“Re-thinking Role of Lawyers in Family Courts”** and **“Matters relating to Custody and Guardianship: Issue and Challenges”**.
5. Lectured as a Resource Person in the National Conference of Presiding Officers of Family Courts, held at the National Judicial Academy, Bhopal from July 25-27, 2014 to make presentations in Sessions on **“Judging Family Disputes: Issues & Concerns”**, **“Effective Use of ADR methods in resolving Family Disputes: Role of Family Courts”**, **“NRI Marriages and Divorce-Family Courts”** and **“Rethinking Role of Lawyers in Family Courts”**.
6. Lectured as a Resource Person in the National Conference of Presiding Officers of District Judiciary, held at the National Judicial Academy, Bhopal from September 12-14, 2014 on **“Adjudication to issues relating to Women and Children”** to make presentations in Sessions on **“Adoptions and Guardianship of Children Role of Judiciary”**, **“Crime against Children: Human Rights Perspective”**,

“Surrogacy as an Emerging Concern : Judicial response” and **“Juvenile Justice System in India : Achievements and shortfalls”**.

7. Lectured as a Resource Person in the National Judicial Academy Regional Judicial Conference (North Zone) on **“Strengthening Justice Delivery Systems: Tools and Techniques (P-871)**, organized by Punjab and Haryana High Court, Chandigarh Judicial Academy and National Judicial Academy, India, held at Chandigarh Judicial Academy, Chandigarh from November 28-30, 2014. Made presentation on **“Transforming our Justice Delivery System: From Legalistic to Justice Orientation”**.
8. Lectured to First Year Students of Rajiv Gandhi National University of Law, Patiala on July 18, 2015 on **“The Legal Profession: From the Roof Top to the Sky – What Lies Ahead”**.
9. Lectured to Faculty and Students of Army Institute of Mohali on September 03, 2015 on **“India, Intercountry Parental Child Removal and Developments in Law”**.
10. Taught Elective course on **“Inter-Country, Inter-Parental Child Removal Law Issues in India”** at NALSAR University of Law, Hyderabad from August 12 to 15, 2016 to five-year B.A. LL.B. course students.
11. Lectured as a Resource Person in the Orientation-cum-Sensitization Programme on Adoption under the Juvenile justice (Care and Protection of Children) Act, 2015 for Faculty Members of State Judicial Academies and other Judges, held at the National Judicial Academy, Bhopal from April 8 - 9, 2017. Made presentations in Sessions on **“Inter- Country Adoptions: Laws & Regulations”**, and **“Court Procedure & Contents of the Adoption Order (Inter-country)”**.

12. Lectured as a Resource Person at the Programme for 33 District Court Judges from Sri Lanka at the Chandigarh Judicial Academy, Chandigarh on August 22, 2017 and made presentation on **“Cross Border Parental Child Abduction – Neighbors Sharing Experiences”**.
13. Lectured as a Resource Person at the Programme for 33 District Court Judges from Sri Lanka at the Chandigarh Judicial Academy, Chandigarh on December 09, 2017 and made presentation on **“Protection of Child Rights : Procedure while Dealing with Children in Conflict with Law ”**.
14. Lectured at Fourth Regional Conference on Sensitization of Family Court Matters, organized by High Court of Madras and Tamil Nadu State Judicial Academy on February 3, 2018 and spoke on the topic **“Adoption under HAMA and JJ Act, 2015”** during the session on Child Custody and Adoption.
15. Appointed as Distinguished Visiting **Expert for Family Law, Private International Law, Transnational Law and Comparative Law by Symbiosis International (Deemed University)** for Symbiosis Law Schools at Pune, Hyderabad and Noida from February 2018 to February 2019.
16. Lectured at Bharati Vidyapeeth Deemed University, New Law College, Pune, on 17 and 18 March 2018 in Two Days Training Programme on **Private International Law. Delivered interactive lectures on Inter Country, Inter Parental Child Removal Law and on Surrogacy and Foreigners in India** followed by panel discussions.
17. As Distinguished Visiting Expert, Private International Law and Family Law, lectured at Symbiosis Law School, Pune, Symbiosis International

University on 16 March 2018 on **current position of Surrogacy Laws in India in the perspective of Surrogacy Regulation Bill, 2016.**

18. Lectured as a Resource Person at the Training Programme for Public Prosecutors from the State of Punjab at the Chandigarh Judicial Academy, Chandigarh on 12 May 2018 and made presentation on **“Child in Conflict with Law-Legal Rights and Protections”**.
19. Lectured as a Resource Person at the Programme for Additional District Court Judges from the States of Punjab and Haryana at the Chandigarh Judicial Academy, Chandigarh on 19 May 2018 to sensitize them on prevalent Laws of Inter / Intra Country Adoptions of Children in force and made presentation on **“Law of Adoption in India-Implications”**.
20. Invited to Lecture as a Resource Person in a Training Programme for Public Prosecutors from the State of Punjab at the Chandigarh Judicial Academy, Chandigarh for a session on **“Child in Conflict with Law – Legal Rights and Protections”** on 21 July 2018.
21. Lectured as a Resource Person at the Fifth Academic Programme for 35 High Court and Senior District Judges from Sri Lanka with the presence of Hon’ble Mr. Justice Priyasath Dep, PC, Chief Justice of Sri Lanka, at the Chandigarh Judicial Academy, Chandigarh on 13 August 2018 and made presentation on **“Inter-parental Child Removal, Domestic Violence and Voice of the Child.”**
22. Lectured as a Resource Person at the Sixth Academic Programme for 35 District Court Judges from Sri Lanka, at the Chandigarh Judicial Academy, Chandigarh on 16 August 2018 and made presentation on **“Inter-parental Child Removal, Domestic Violence and Voice of the Child.”**

23. Lectured as a Resource Person at the Sixth Academic Programme for 35 District Court Judges from Sri Lanka, at the Chandigarh Judicial Academy, Chandigarh on 19 August 2018 and made presentation on **“Protection of Child Rights Procedure while dealing with Child in Conflict with Law.”**
24. As a Distinguished Visiting Faculty, lectured at Symbiosis Law School, Symbiosis International University, Pune, to five year law course students on 8 September 2018 on the topics **“Requisites of Cross Cultural Lawyering”**, **“Social Justice Lawyering “** and **“Probono Lawyering”** in three different sessions.
25. Lectured as a Resource Person in a Training Programme for Public Prosecutors from the State of Punjab at the Chandigarh Judicial Academy, Chandigarh for a session on **“Child in Conflict with Law – Legal Rights and Protections”** on 29 September 2018.
26. Lectured as a Resource Person in the Refresher Course for Family Court Judges held at the National Judicial Academy, Bhopal from 12 to 16 October 2018 and addressed Family Court Judges on;
 - i. Maintenance Proceedings: Radical Approach of Family Courts (Session 8)
 - ii. Child Custody & Guardianship: Issues & Challenges (Session 10)
 - iii. Family Courts: Challenges and Constraints (Session 13)
27. Lectured as a Resource Person at Rajiv Gandhi National Law University (RGNU), Patiala, on **“Surrogacy at Crossroads: Its Economics & Future”** on 30 October, 2018 to Faculty and Students.
28. Lectured as a Resource Person in a Training Programme for Public Prosecutors from the State of Punjab at the Chandigarh Judicial

- Academy, Chandigarh for a session on “Child in Conflict with Law – Legal Rights and Protections” on 1 December 2018.
- 29.** Lectured as a Resource Person in a Training Programme for Public Prosecutors from the State of Punjab at the Chandigarh Judicial Academy, Chandigarh for a session on “Child in Conflict with Law – Legal Rights and Protections” on 19 January 2019.
 - 30.** Appointed as Adjunct Faculty, to lecture on International Family Law at Jindal Global Law School of O.P. Jindal Global University, Sonapat Haryana from 1 February 2019 to 31 May 2019.
 - 31.** Lectured as a Resource Person in a Training Programme for Public Prosecutors from the State of Punjab at the Chandigarh Judicial Academy, Chandigarh for a session on “Child in Conflict with Law – Legal Rights and Protections” on 27 April 2019.
 - 32.** Invited to Lecture as a Resource Person in a Training Programme for Public Prosecutors from the States of Punjab and Chandigarh at the Chandigarh Judicial Academy, Chandigarh for a session on “Child in Conflict with Law – Legal Rights and Protections” on 25 May 2019.
 - 33.** Invited to Lecture as a Resource Person in a Training Programme for Public Prosecutors from the States of Punjab and Chandigarh at the Chandigarh Judicial Academy, Chandigarh for a session on “Child in Conflict with Law – Legal Rights and Protections” on 13 July 2019.
 - 34.** Invited to Lecture as a Resource Person in the Seventh Academic Programme from August 14 to 18, 2019 for High Court and District Court Judges from Sri Lanka at the Chandigarh Judicial Academy, Chandigarh for a session on “Victim Protection with Special Reference to Children and Women” on 17 August 2019.

35. Invited to lecture to five-year law course students at ILS Law College, Pune on 01 October 2019 on the topic "Surrogacy – The abolition of Choice" and issues arising out of Inter Country Adoptions.
36. As a Distinguished Visiting Faculty, lectured at Symbiosis Law School, Symbiosis International University, Pune, to five-year law course students on 02 October 2019 on the topics "Live in relationships – Live and let Live in" and "Inter country Parental Child Removal: Private International Law Issues in Marriage & Divorce in Indian cases."
37. Invited to Lecture as a Resource Person in a Training Programme for Public Prosecutors from the States of Punjab and Chandigarh at the Chandigarh Judicial Academy, Chandigarh for a session on "Child in Conflict with Law – Legal Rights and Protections" on 12 October 2019.
38. Invited to Lecture as a Resource Person in a Refresher-cum-Orientation Course to sensitize Civil Judges-cum-Judicial Magistrates of the States of Punjab and Haryana at the Chandigarh Judicial Academy, Chandigarh for a session on "Children in Conflict with Law – Legal Rights and Protections under the Juvenile Justice (Care and Protection of Children) Act 2015," on 9 November 2019.
39. Invited to Lecture as a Resource Person in a Training Programme for Public Prosecutors from the States of Haryana at the Chandigarh Judicial Academy, Chandigarh for a session on "Child in Conflict with Law – Legal Rights and Protections" on 21 November 2019.
40. Invited by National Judicial Academy, Bhopal for structuring and being a resource person to guide participant Judges for an "**Orientation Program on Cases Concerning Persons Residing Abroad,**" on 23-24 November 2019 for sessions on

- i. "Overseas Indians: Issues and Challenges in Marriages, Nationality and Citizenship,"
 - ii. "Inter Parental Child Removal: Custody and Guardianship Issues,"
 - iii. "Issues Relating to Divorce, Maintenance, Alimony and Settlement of Property,"
 - iv. "Matrimonial Offences under Indian Penal Code and Protection of Women from Domestic Violence Act, 2005: Jurisdiction and Enforcement Issues,"
 - v. "Inter Country Adoptions under the Juvenile Justice Act, 2015 and Adoptions under the Hindu Adoption and Maintenance Act, 1956."
- 41.** Invited to Lecture as a Resource Person in a Training Programme for Public Prosecutors from the States of Haryana at the Chandigarh Judicial Academy, Chandigarh for a session on "Child in Conflict with Law – Legal Rights and Protections" on 18 January 2020.
- 42.** Invited to Lecture as a Resource Person in a Training Programme for Civil Judges cum Judicial Magistrates from the States of Haryana at the Chandigarh Judicial Academy, Chandigarh for a session on "Child in Conflict with Law – Legal Rights and Protections" on 25 January 2020.
- 43.** Invited to Lecture as a Resource Person in a Training Programme for Public Prosecutors from the States of Haryana at the Chandigarh Judicial Academy, Chandigarh for a session on "Child in Conflict with Law – Legal Rights and Protection" on 22 February 2020.
- 44.** Lectured on "The Rights Of The Child In International Parental Child Removal Conflict," for students and faculty of Jindal Global University, Sonipat on May 16, 2020.

- 45.** Lectured on “Contemporary Issues In Private International Law With Special Reference To The Outbreak Of Covid-19” for National University of Advanced Legal Studies (NUALS) Kochi on July 4, 2020.
- 46.** Lectured on “International Family Law In Virtual World” for Amity Law School, Amity University, Kolkata on July 10, 2020.
- 47.** As Resource Person Lectured online on September 11, 2020 on “All Aboard Surrogacy Express,” held under the AEGIS of Human Resource Development Centre, Jamia Millia Islamia University, New Delhi, Refresher Course on Human Rights and Social Inclusion, for all India faculty members of Colleges and Universities, held from September 7 to September 19, 2020.
- 48.** Lectured on December 19, 2020 at Online Training Programme for Principal Judges and Additional Principal Judges of Family Courts at Judicial Training & Research Institute, U.P. Delivered lectures on “Securing the services of expert under Section 12 of the Family Courts Act” and on “Trial of matters where parties are living in different jurisdictions particularly where one of the partners is residing in a foreign country”.
- 49.** For Centre for the Study of United Nations & Jindal Society of International Law Lecture Series, on February 4, 2021, lectured online in inaugural session on “Global Family Law – International Perspectives” and spoke on “Global International Family Law In India – A Dilemma”.
- 50.** Addressed Online Lecture on “Securing The Services Of Experts Under Family Courts Act, 1984” And “Trial Of Matters Where Parties Are Living In Different Jurisdictions Particularly Where One Of The Parties Is Residing In A Foreign Country” on February 27, 2021 for an

online training programme for Principal / Additional Judges of Family Courts in the State of Uttar Pradesh, conducting by Judicial Training and Research Institute, U.P.

- 51.** Taught Private International Law and Family Disputes to Master of Law Students at Symbiosis International (Deemed University), Pune from March to May 2021.
- 52.** Lectured on “Global Skills and Legal Practice,” online to the pupils of Bachelor of Laws Degree Course at Symbiosis International University at Pune on November 27, 2021.
- 53.** Addressed Online Workshop on “The Family Courts Act, 1984” on February 19-20, 2022 for an online training programme for Principal/Additional Judges of Family Courts and District/Additional District Judges in the States of Punjab, Haryana & U.T. Chandigarh, conducting by Chandigarh Judicial Academy. Lectured on “Foreign Decrees and Jurisdiction of Foreign Courts in Family Matters” in the session on Role of Judges in Divorce Proceedings. Lectured on “Jurisdiction, Shared/Joint Custody, Modification of custody orders, Visitation rights, Guardianship and When respondent given custody chooses to be ex-parte” in the session on Determination of Best Interests of Child in Family Disputes.
- 54.** Lectured as a Resource Person at the Programme for 50 Judicial Officers from Bangladesh at the Chandigarh Judicial Academy, Chandigarh from 17 to 23 September, 2022 and made presentation on “Protection of Child Rights : Procedure while Dealing with Children in Conflict with Law ”.

- 55.** Addressed members of Rotary Club, Chandigarh on the subject of “Corbusier’s Wonderland – Chandigarh: Past, Present & Future” on January 16, 2023.
- 56.** For Vidhi Centre for Legal Policy, addressed Session on Regulation of Parents Child Relations at Seminar on Model Family Code for India held at India International Centre, New Delhi on 4 August 2023.
- 57.** Delivered International Family Law lectures on emerging issues in Family Law i.e. Domestic Violence Laws: Essentials and Comparative Perspectives, Live-in Relationships and its Judicial Evolution at Symbiosis Law School, Pune from 1-4 September 2023.
- 58.** Lectured as a Resource Person at the Programme for 100 Judicial Officers from Bangladesh at the Chandigarh Judicial Academy, Chandigarh from 15 to 19 September, 2023 and made presentation on “Protection of Child Rights: Procedure while Dealing with Juveniles in Conflict with Law & Re-habilitation of Children” on 18 September, 2023.