

>

Title : Smt. Sushma Swaraj called the attention of the Minister of External Affairs to the situation arising out of incident of Child Separation of an Indian Couple by Norway Authorities and steps taken by the Government in this regard.

MADAM SPEAKER: Now, the House will take up the Calling Attention. Shrimati Sushma Swaraj.

...(Interruptions)

SHRIMATI SUSHMA SWARAJ (VIDISHA): Madam, I call the attention of the Minister of External Affairs to the following matter of urgent public importance and request that she may make a statement thereon:

"Situation rising out of incident of child separation of an Indian couple by the Norway authorities and steps taken by the Government in this regard."

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRIMATI PRENEET KAUR): Madam, with your kind permission, I lay the statement on the Table of the House. ...(Interruptions)

\*Two young Indian children, three year old Abhigyan Bhattacharya and one year old Aishwarya Bhattacharya were taken away from their parents Shri Anurup Bhattacharya and Smt. Sagarika Chakraborty, an NRI couple residing in Stavanger in Norway by the Norwegian Child Welfare Service (CWS) of the Stavanger Municipality and placed in emergency foster care in May 2011.

The ostensible reason given by CWS for this drastic action included "fear of possible violence against the children and lack of adequate parental care". The parents moved the Family Court to get the children back. The initial decision of the Court went in the favour of the parents. The CWS, however, obtained a stay

for the deferment of the implementation of the decision of the Family Court. Accordingly, the children continued to stay in foster care. In its judgment delivered on November 28, 2011, the Family Court accepted the recommendations of the CWS that the (i) children be placed in long-term Foster care and (ii) parents be given limited visitation rights. The parents filed an appeal before the Stavanger District Court on December 20, 2011.

After the decision of the Family Court, the parents approached the Embassy of India in Oslo to take up the matter with the concerned authorities and the complete details of the case were made available to the Indian Embassy in the third week of December 2011. Around the same time, the Ministry of External Affairs was also apprised of the issue. Since then the matter has been taken up strongly and repeatedly with the Norwegian Government in Oslo and by the Ministry of External Affairs with the Norwegian Ambassador in India. The External Affairs Minister spoke to his Norwegian counterpart on January 23, 2012 and sought the early return of the children to India to enable them to be brought up in familiar surroundings under the loving care of their extended family which was in their best long-term interests. External Affairs Minister also sent a written communication to his Norwegian counterpart immediately thereafter.

In view of the delay on the matter and on learning that the Stavanger Municipality had applied for extension of the Residence Permits of the two children beyond March 8, 2012 without the consent of the parents, the External Affairs Minister took the exceptional step of sending Secretary (West), Ministry of External Affairs as his Special Envoy to Norway from February 26-29, 2012. The Special Envoy of the Minister carried a letter from External Affairs Minister addressed to the Norwegian Minister of Foreign Affairs. He also met the Minister of Children, Equality and Social Inclusion and other concerned senior officials. In all these discussions, he conveyed the concern of the Government of India on the continued stay of the children in foster care and urged them to resolve the case expeditiously by taking a humane approach and to send the children back to India so that they could be brought up in their own cultural, linguistic, religious and natural milieu and social environment which was best available in their extended family. It was also conveyed to the Norwegian authorities that this was in the best long-term interest of the children.

The CWS proposed a solution in early February 2012 which, while meeting the Norwegian legal requirements, would result in the children returning to India under the care of their paternal uncle. Accordingly, the uncle, Mr. Arunabhas reached Stavanger on February 3, 2012. The CWS held several meetings with the uncle to "evaluate him". After discussions with the uncle and with the Embassy of India as also the Special Envoy, the CWS announced on February 28, 2012 that the care of the children could be awarded to the uncle, if the Court so agreed. The hearing of the Court was provisionally fixed for March 23, 2012. To prepare their case, the CWS asked for the help of the Indian Embassy in Oslo to obtain information regarding the judicial system and legislative and institutional mechanisms available in India for protecting the best interests

of the children. This information was collated and sent to the CWS through the Embassy of India in Oslo on March 13, 2012.

Unfortunately, the Court hearing which would have considered this solution was postponed by the CWS after certain developments "led them to conclude that the parents of the children and their families were not united." This has led to a set back to the entire process of the resolution of the case. We do hope that this is only a temporary delay.

On March 23, 2012, the parents and the paternal uncle signed an Agreement which was notarized by the Embassy of India. This Agreement has been presented to the CWS to enable it to submit it to the Court on the date of hearing.

The matter was discussed in the meeting which Prime Minister had with the Norwegian Prime Minister in Seoul on March 26, 2012.

The Government continues to believe that the long term interest of the children would be served better if they grow up in their own social, religious, cultural and linguistic milieu. The Government of India will continue to engage with the Norwegian authorities on this matter.

...(Interruptions)

MADAM SPEAKER: The statement is laid on the Table of the House. Is it all right?

...(Interruptions)

**श्रीमती सुषमा स्वराज (विदिशा):** अध्यक्ष महोदया, आज जिस ध्यानाकर्षण प्रस्ताव के माध्यम से मैं सरकार और सदन का ध्यान आकर्षित करना चाह रही हूँ, वह विषय एक तरफ राष्ट्रीय स्वाभिमान से जुड़ा है और दूसरी तरफ मां-बाप के संताप से...(व्यवधान) इसमें दो संस्कृतियों का टकराव भी है। शोर-शराबा बहुत है वर्ना मैं विस्तार से अपनी बात कहती किंतु संक्षेप में मैं कहना चाहूंगी कि इसमें चार बिन्दु प्रमुखता से उभरकर सामने आए हैं।...(व्यवधान) एक तो बाल अधिकारों का हनन है और दूसरे मानवाधिकारों का उल्लंघन और तीसरे निजी मामले में राज्य का हस्तक्षेप और चौथे भारत की सार्वभौमिकता है। बालकों का सबसे ज्यादा अधिकार मां-बाप के प्यार पर है।...(व्यवधान) इसे कोई नहीं छीन सकता और मां-बाप से बच्चों को अलग कर देना मानवाधिकारों का हनन है। यह जो दुपचार किया गया कि उन दोनों मां-बाप के बीच में झगड़ा हो गया है और वे तलाक लेने जा रहे हैं और चाचा अर्जी वापस ले रहे हैं, ये सब असत्य बातें हैं।...(व्यवधान) न तो मां-बाप ने तलाक की अर्जी दी है और न चाचा ने अर्जी वापस ली है। जब भी कोर्ट की पेशी लगती है, यह दुपचार शुरू हो जाता है। इसलिए मैं आपके माध्यम से सरकार से कहना चाहती हूँ कि 121 करोड़ लोगों का देश 45 लाख लोगों के मुल्क के सामने गिड़गिड़ा रहा है कि हमारे बच्चे वापस दे दो। माननीय मंत्री जी ने अपने बयान में जिन तथ्यों का जिक्र किया है, उसी के आधार पर मैं कहना चाहूंगी कि एक मिनट को मान भी लें कि मां-बाप के बीच कोई विवाद है तो भी क्या बच्चे

सरकार लेकर चली जाएगी? मेरा ...(व्यवधान) अपनी सरकार से अनुरोध है कि अब कड़े उठाने का समय आ गया है। किसी कूटनीति और नरम रवैये से यह मामला नहीं सुलझेगा।

अभी कुछ दिन पहले इटली के दो लोग आए और हमारे दो मछुआरों को मारकर चले गये। कत्ल के आरोपी लोगों को भी इटली हमारे यहां से वापस मांगने पर अड़ा हुआ है और दूसरी तरफ हम अपने बच्चों को भी वापस नहीं ला पा रहे हैं।...(व्यवधान) मेरा केवल यह कहना है कि सरकार ने अभी तक बहुत प्रयास किये हैं लेकिन वे प्रयास केवल डिप्लोमैटिक हैं। अब counter measures लेने का मौका आ गया है। मेरा आपसे अनुरोध है कि अब आंखें तरेकर आप बातें करें। पिछले दिनों नॉर्वे के प्रधान मंत्री और हमारे प्रधान मंत्री की मुलाकात हुई थी। उसमें नॉर्वे के प्रधान मंत्री ने टेलीफोन के व्यापार की बात की। ...(व्यवधान) हमारे प्रधान मंत्री जी ने बच्चों का मुद्दा जरूर उठाया लेकिन कुछ बात नहीं बनी। मेरा आपसे यह करबद्ध निवेदन है कि केवल नरम रवैये से बात न करें। यह दो बच्चों का सवाल नहीं है। पूरा देश इससे उद्वेगित है। उनसे आंखें तरेकर बातें करें। उन दो बच्चों को वापस लाएं। दो बच्चे नॉर्वे में अपने मां-बाप से अलग 18 वर्ष तक पड़े रहेंगे और यहां देश एक मूक दर्शक बनकर देखता रहेगा, यह अस्वीकार्य है। हमें अब दृढ़ता से उनसे बात करनी होगी। सॉफ्टनेस बरतने से इस मसले का हल नहीं होगा। नॉर्वे को यदि मां-बाप द्वारा किया जा रहा पालन-पोषण पसंद नहीं, तो नॉर्वे सरकार मां-बाप को वापस भेज दो।

मां-बाप बच्चे और नौकरी में से जो चुनना चाहेंगे, चुन लेंगे लेकिन बच्चों को रख लेना और 18 साल बाद उनको वापस भेजने का निर्णय करना यह एकदम अस्वीकार्य है।...(व्यवधान)

इसलिए मैं विदेश राज्य मंत्री से कहना चाहूंगी कि सदन की भावना और चाहेंगे कि आप भी अपनी भावना इसमें जोड़ेंगी, आप बहुत करुणामयी हैं, मां होने के नाते ममतामयी हैं, आपको मालूम है कि जब बच्चे मां से छीन लिये जाते हैं, अलग कर दिये जाते हैं तो क्या हालत होती है।...(व्यवधान) 18 वर्ष के बाद ये बच्चे देंगे, ऐसा नॉर्वे ऑथोरिटी कह रही है तो सरकार आंखें तरेकर, दृढ़ता से और अगर बिजनेस बंद करना पड़े तो बिजनेस बंद करके हमारे बच्चे वापस लाएं। ...(व्यवधान) सरकार ने अब तक जो किया है, उसके लिए मैं आभारी हूँ लेकिन अब सॉफ्ट रवैया छोड़कर कड़ा रुख अपनाकर बात करने की आवश्यकता है, ऐसा मैं महसूस करती हूँ और सरकार से अनुरोध करती हूँ कि कड़ा रुख और कड़ा रवैया अपनाकर इस मामले को सुलझाने के लिए आगे आए और हमारे बच्चे वापस लाएं, यही मेरा सरकार से अनुरोध है। ...(व्यवधान)

MADAM SPEAKER: It is a very sensitive matter which we are discussing. We are discussing a very sensitive matter.

...(Interruptions)

MADAM SPEAKER: Let the House be in order.

...(Interruptions)[\[13\]](#)

MADAM SPEAKER: You please take one minute.

...(Interruptions)

SHRI ADHIR CHOWDHURY (BAHARAMPUR): Madam, a few months earlier, we had observed a high-velocity brouhaha in regard to the kids of Indian origin who had been the victims of the Norwegian Judicial System....(Interruptions) The Government of India has put all its emphasis to save those children....(Interruptions) May I ask the hon. Minister whether our diplomatic effort was adequate and sufficient enough to assuage the feelings of the Indian people who, at that time, went on an emotional upsurge. I would also like to know whether the Embassy has carried out a thorough study in regard to the Norwegian or the Nordic laws....(Interruptions)

Furthermore, I want to draw the attention of the hon. Minister to this important issue. When Indians are residing abroad, they are called as NRIs....(Interruptions). They should be guided by the family laws, by the personal laws of their places of origin, India. So, I would like to know whether our Missions abroad are trying to sensitize the countries concerned to be acquainted with the Indian laws....(Interruptions) Again I ask one question....(Interruptions) I would like to know whether our diplomatic Mission in Norway had carried out a thorough study before intervening into this episode. I say this because 30 million Indians are residing abroad as NRIs and their interest and safety needs to be taken care of....(Interruptions)

DR. RAM CHANDRA DOME (BOLPUR): First of all, I would thank you Madam Speaker for allowing me....(Interruptions) It is a serious case of human rights violation – segregation of children from their parents....(Interruptions) Madam, you are a mother. You can easily feel the agony of a mother and father when they are segregated from their kids....(Interruptions) This is happening in Norway. So, the Government is taking steps....(Interruptions) The Government's pro-active role is appreciated. ...(Interruptions) There must be no more killing of time....(Interruptions) Some important thing is to be done now....(Interruptions) The visa period of the children has already expired....(Interruptions) Also, the visa period of their uncle is also going to expire on 20<sup>th</sup> April this year....(Interruptions) So, before that, what pro-active steps the Government are going to take to bring these Indian children back to India and hand over them to their parents or relatives? ...(Interruptions)

MADAM SPEAKER: This is not going on record.

*(Interruptions) â€¦\**

SHRI P. KARUNAKARAN (KASARGOD): I thank you, Madam Speaker, for allowing me to raise this issue. ...*(Interruptions)* This is with regard to the two Indian children taken away by the Norwegian Child Welfare Service...*(Interruptions)* It was done in 2011. The father and mother are in India. Some relatives have taken these children to Norway...*(Interruptions)* It is now time for the actual guardians, the father and mother, to take them back...*(Interruptions)* I think the Government has not taken any decision so far...*(Interruptions)* May I know the reason why the Government has taken such a long time?...*(Interruptions)* So, we request the Government to come out with a statement...*(Interruptions)* The hon. Prime Minister said that there is an agreement with the Norwegian Government but it is not yet implemented...*(Interruptions)* The children are isolated from their parents...*(Interruptions)* It is really a shame for India that the children are taken away by the foreign country and no action has been taken by the Government to bring them back...*(Interruptions)*

SK. SAIDUL HAQUE (BARDHMAN-DURGAPUR): Madam, it is matter of great, serious concern that the children have been taken away from their parents in the city of Stavanger on the excuse of negligence and incompetence on the part of the father...*(Interruptions)* So, the Government of India should take immediate steps not only on humanitarian grounds but also on the ground of Indian culture that has been marred by the Norwegian Child Welfare Service by snatching away the boy and their girl from their parents for almost 18 months. ...*(Interruptions)* So, the Government should immediately take appropriate action so that the children can again come back to India and live with their parents...*(Interruptions)* The visa of the children has expired...*(Interruptions)* I would urge upon the Government, particularly the hon. Prime Minister to look into the whole matter. ...*(Interruptions)* The Government has a greater role to play...*(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRIMATI PRENEET KAUR): Madam Speaker, I am grateful to the hon. Leader of the Opposition for her statement and the other hon. Members who have brought up this very sensitive matter of Indian children going into custody in Norway...*(Interruptions)* Many developed countries have laws which allow the young children to be taken from their parents...*(Interruptions)* We first received a request for seeking assistance on 13<sup>th</sup> June, 2011 from one Shri Anurup Bhattacharya.[\[r4\]](#) Later this was withdrawn; and then, again he approached us only on November 30, 2011. By then, the decision had been taken by the Child Welfare Society to take them into custody. Since then, we have taken it up very strongly with the Norwegian Government. Recently, in Seoul, our Prime Minister took it up with the Norwegian Prime Minister; and the Foreign Affairs Minister sent a Special Envoy to Norway; our Secretary(West) who went and met the authorities and the Child Welfare Society and requested them that they should at the earliest give the children back to be brought up in the natural surroundings with the love and affection. In the natural habitat and surroundings, they should be brought up and they should be sent back to India with paternal uncle.

The latest is that the mother and father had given their consent for them to be brought back to India in the custody of the paternal uncle. We are following it up; we are trying to put the pressure on so that the Norwegian Court, which has given the custody of the children; only they can revoke this thing and that they should bring the hearing at the earliest date. We hope that it will be there; the indications are that it might be in June and we would like to see the children back in the natural habitat. I appreciate very much the Members' concern and assure them that the Indian Government and our Ministry are doing all they can to help the parents, to bring the children back, and we put our best efforts forward to all our Diaspora abroad to adjust the needs that are there.

---