

**THE INDIAN LEGAL FRAMEWORK GOVERNING
INTER-COUNTRY PARENTAL CHILD REMOVAL
AND RETENTION: NEED FOR REFORMS**

*Pritam Kumar Ghosh**

ABSTRACT

This paper critically examines the Indian legal framework governing inter-country parental child removal and retention, focusing on the gaps and challenges that arise in the absence of specific legislation addressing this issue. The lack of India's accession to the Hague Convention on the Civil Aspects of International Child Abduction (1980) creates significant legal ambiguities and complicates the resolution of cross-border child custody disputes. Current Indian laws, including the Guardians and Wards Act, 1890, and the Hindu Minority and Guardianship Act, 1956, are insufficient to address the complexities of international child abduction, often leading to protracted litigation and inconsistent judicial outcomes. The paper highlights the need for India to enact comprehensive legal reforms that align with international standards, particularly by ratifying the Hague Convention on the Civil Aspects of International Child Abduction (1980) and implementing clear, child-centric policies that prioritize the best interests of the child while ensuring swift and effective legal remedies. By analysing comparative international legal frameworks and Indian judicial precedents, the paper underscores the urgency of reform to prevent the misuse of parental rights and to protect the welfare of children in inter-country disputes.

* The author is currently employed as an Assistant Professor of Law with the School of Law, RV University, Bengaluru, Karnataka, India and is also on the verge of completing his doctoral degree studies from the National Law School of India, University of Bengaluru.