

The Midtowner

Weekly Bulletin of Rotary Chandigarh Midtown

2015-16

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R.I. District 3080

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Editor
Dr. V.J.S. Vohra

Volume XXXX No. 36 Dated: March 08, 2016

PROGRAMME

Role of energy in everyday life

A presentation by:

Rtn. Dr. Manisha Sahni

Friday, March 11, 2016

Time: 6.30 p.m.

Venue: Hotel President, Sector 26, Chandigarh

Surrogacy a sign of Interrogation

Our regular meeting on March 04, 2016 started with President Rtn. Kanan Diwan giving a warm and hearty welcome to our Chief Guest Mr. Anil Malhotra, who is a leading Advocate and a great author. He was accompanied by his uncles Mr. Ved P. Venayak from UK and Dr. Narinder Venayak of Health Department in Canada. She also welcomed another guest Dr. Harvinder Kaur, Sr. Lecturer in PG Govt. College, Sector 46, Chandigarh. President Kanan also made an appeal on behalf of this college for treatment of a poor patient who is suffering from heart ailment, father of Kiran, a student of the college and a Rotaractor. The first one to respond was our Chief Guest Anil Malhotra followed by Rotarians, collecting an amount of Rs. 50000/- in a couple of minutes, details of which appears on page 4, duly acknowledged with thanks. In addition to this the college staff committed Rs. 20000/-.



Anil Malhotra

Mr. Anil Malhotra was introduced by PP Rtn. Dr. V.J.S. Vohra as close friend, also well known to his brothers Sunil, a Chartered Accountant and Ranjit who is also an advocate and an author. Anil is a practicing Advocate since September 1983. He attained Bachelor of Science and Bachelor of Laws degrees from the Panjab University, Chandigarh and an LLM degree from the University of

London in November 1985. For over 30 years he continues to act as an expert to render reports in foreign courts and conduct matters in Indian Courts pertaining to interpretation and application of foreign Court orders regarding divorce decrees, child abduction, custody, maintenance, adoption and family related issues of Non-Resident Indians (NRIs). He is author of number of books related to NRIs and also on Surrogacy in India. He has significant published work. He has both international and domestic conference participations and has over 300 newspaper columns to his credit. He has also authored five reports for the Government of Punjab and has assisted in the enactment of The Punjab Compulsory Registration of Marriages Act, 2012 and Punjab Travel Professionals Regulation Act, 2012. He is also an Advisor on NRI issues to the Government of Punjab and is a member of the Nodal Cell for NRI Affairs in UT, Chandigarh. He also gives lectures at National Judicial Academy,

Bhopal and Chandigarh Judicial Academy.

Dr. Vohra also introduced Anil's uncle who has an impressive profile! PP Rtn. Ved. P. Venayak joined Rotary Club of Central Newcastle upon Tyne, UK in 1999, and at that time he was the only member of Indian origin. In 2006 when he became President of his club, he inducted 11 members of Indian origin to his club, and today, this club has 14 Rotarians of Indian origin. Rtn. Venayak is a hotelier and a successful businessman who has been living in UK since 1954. He is one of the very few Indians to be honoured by the British Government with an award of Member of British Empire (MBE) given by the Queen of England in December 1999 at the Buckingham Palace in England. He visits his house in Sector 18, Chandigarh at least 2-3 times every year.

Before giving his talk Anil Malhotra said, "I am fortunate that I have been a student of Dr. Balram K. Gupta." He then gave a very detailed and interesting talk about Surrogacy, based on hard facts and true figures. The proposed surrogacy Bill, which seeks to bar foreigners from hiring surrogate mothers in India, has been sharply criticised by legal experts. Regarding 'The Assisted Reproductive Technology Regulation Bill, 2014' (ART Bill), Anil pointed to contradictions in Indian laws and regulations with respect to foreigners seeking adoptions here and those seeking surrogacy services. He said the future of surrogacy in India remains uncertain with a range of different policy changes on the subject.

The Bill, put in public domain for comments, says surrogacy will be available to all married infertile couples, meaning single persons will be barred from availing of this assisted technology. It proposes to disallow foreigners from hiring surrogacy services in India unless such foreigners have been married to an Indian citizen for at least two years. "There are loopholes in the law. The last date of receipt of public consultations on the Bill was November 15. But the government has already filed an affidavit in the Supreme Court saying it is banning commercial surrogacy for foreigners and permitting it only for infertile childless Indian couples," says Anil. He traces the history of surrogacy law in India including the 2008, 2010 and 2013 drafts which never spoke of barring commercial surrogacy for foreigners, though they sought to incorporate safeguards for children often denied citizenship by the country of the commissioning parent. The executive has abrogated a right of surrogacy whilst the Parliament has yet to legislate on the subject. Thus, seeking public suggestions is an exercise in futility. Surrogacy law is in a limbo and executive arbitrarily rule the roost.

This is not democracy.

The Indian Council of Medical Research (ICMR) working under the auspices of the Ministry of Health and Family Welfare finalized the National Guidelines for Accreditation, Supervision and Regulation of ART Clinics in India in 2005 after extensive public debate all over the country. Under these 2005 guidelines, there was no legal bar to the use of ART by a single, an unmarried foreign woman or foreign couple and the child born would have legal rights on the woman or man concerned. These guidelines are the only complete set of applicable provisions prevalent as of now, subject to modifications. Anil said, "The ART Bill, 2014 has however curtailed this right and executive instructions of 2015 have clipped this right for foreigners in totality."

The Ministry of Women and Child Development has a diametrically opposite policy. It statutorily propagates inter-country adoptions from India for foreigners. The Juvenile Justice (Care and Protection of Children) Act, 2014 (JJ Act) allows a Court to give a child in adoption to foreign parents irrespective of the marital status of a person. It was notified and implemented from January 15, 2016 after being passed by Parliament and approved by the President. The JJ Act also authorizes State Governments to recognize one or more of its institutions or voluntary organizations as specialized adoption agencies for placement of orphan, abandoned or surrendered children for adoption in accordance with the guidelines notified by Central Adoption Resource Agency (CARA). The latest guidelines governing adoption of children notified on July 17, 2015, have permitted single parent adoptions with the exception of barring single male persons from adopting a girl child. Anil observed, "Parenthood for foreigners by adoptions and surrogacy have thus different inconsistent barometers and a conflict of parental rights."

Surprising as it may seem, even though the ART Bill, 2014 proposes to allow surrogacy for NRI's, OCI's, PIO's and foreigners married to Indian citizens, there are directions that no visas should be issued to foreign nationals for surrogacy in India and no permission should be granted by the Foreigners Regional Registration Office (FRRO's) to children born through surrogacy to foreign nationals including OCI cardholders. Visas, if any, granted to foreign nationals and permission, if any granted by FRRO's to OCI's for commissioning surrogacy in India has been cancelled from November 4 onwards.

Commercial surrogacy as available for foreigners for the past over ten years has been shut down overnight even though the ART Bill, 2014 is open for public comment. Tripartite constitutional fundamental rights of stakeholders stand violated in the process. Commissioning foreign parents as persons enjoy the protection of the equality of law and the Right to life under Articles 14 and 21 of the Constitution which cannot be taken away except according to the procedures established by law. Even medical professionals can no longer practice surrogacy for foreign parents, thereby imposing

an unreasonable justification. Surrogate mothers too may claim deprivation of a right of livelihood. These diverse rights have been curtailed in an undemocratic fashion.

The possible Government logic banning foreign surrogacy to prevent its misuse seems counterproductive. Rich Indian parents can still exploit vulnerable surrogate mothers through water tight contracts. Barometers of domestic surrogacy will be a vent for corruption and exploitation, allowing the business of surrogacy into unethical hands in an underground abusive trade of black market. Commercial surrogacy may still flourish. Sweeping it under the carpet will not help as it is a reality in existence.

Anil says, "India having kindled the fire of surrogacy now cannot sit back and turn a blind eye. Surrogacy is not a commodity which can simply be taken off the shelf arbitrarily." If by an existing law made by Parliament, children from India are permitted to be adopted by foreigners irrespective of being a couple or being single, subject to checks, clearances, permissions and screening by a court, a similar logic must prevail for surrogacy as well. Anil candidly suggests, "The proper approach would be to regulate the practice by a clear codified law in tandem with what has become a societal practice. Solutions must be found and a law governing surrogacy in the waiting for the past ten years must give birth to a statute."

Anil's talk generated a vibrant interactive session between him and the Rotarians. Explaining the societal acceptance and the sentiments of surrogate mother and her family, he finally concluded, "Necessity is the mother of invention. Economic necessity fuels surrogacy. The hubs are so strong."

Thanking Anil Malhotra on behalf of our club PP Rtn. Dr. Balram Gupta said, "What a presentation! A sound advocacy in favour of surrogacy. I describe Anil as a sound academician based on a sounder professional experience. A teacher lives in the reflected glory of his students. I am proud of Anil." Dr. Balram also thanked Rtn. Ved P. Venayak and Dr. Narinder Venayak for their presence in the meeting.



PP Dr. Balram Gupta and President Kanan Diwan present a memento to Mr. Anil Malhotra



National anthem by R'ann Sonia Viridi and Mrs. Raminder Kaur d/o Rtn. Mrs. Davinder K. Singh



Invocation by Rtn. Dr. Manisha Sahni



A fruitful appeal by President Kanan Diwan



PP Dr. V.J.S. Vohra introduces the chief guest



PP Dr. Balram Gupta gives vote of thanks



Mr. Anil Malhotra presents wedding anniversary gift to his 'Guru' PP Rtn. Dr. Balram K. Gupta and R'ann Shashi



President Kanan Diwan presents wedding anniversary gift to R'ann Rekha and Rtn. Lalit K. Azad



PP Rtn. Ved. P. Venayak presents birthday gift to Rtn. Ravinder K. Jain. Looking on is Secretary Sanjay Bhatia



PP Rtn. Ved. P. Venayak presents wedding anniversary gift to R'ann Asha and Rtn. Vinod Sobti



President Kanan Diwan presents cheque for Rs. 20000/- to adult education teacher Sabina, 12th microloan of RY 2015-16. Looking on is PP Prem Anand



President Kanan Diwan presents punctuality award to Rtn. Dr. Inderjit Singh Viridi

Towards total literacy

Rtn. Dr. Rita Kalra informs that Deputy Commissioner Panchkula has selected our club to provide voluntary support on pilot basis for 2 schools to strengthen the impact of initiatives / interventions taken by Rotary in its goal to achieve 100% literacy such as education projectors, desk and benches, library, uniforms, books and library etc. All educationists are invited or anyone who has teaching experience or has been into school management will be of great help. The project aims to set bench mark in improving learning and performance of children in government schools.

Anup Anand weds Mallika

Hearty congratulations to R'ann Preety and PP Rtn. T.S. Anand as their son Anup got married to Mallika in Delhi. Malayali wedding took place on 27th February 2016 as Mallika is from Menon family. Sikh Anand Karaj took place in Delhi on 28th Feb. PPT.S. Anand will be hosting a fellowship in our regular meeting on 18th March 2016.

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Contribution by Rotarians of Alaska



Principal R'ann Renu Chopra gives Rs. 4030/- to President Kanan Diwan. This amount was collected by sale of paper bags to Rotarians of Alaska who visited her school recently

Spring festival in Panchkula



Prize winning garden for 2 kanal house – Rtn. Lalit K. Azad and R'ann Rekha

Report – Youth service



Rotaractors of Chandigarh Midtown organized an essay writing & painting competition at Bhaskar Colony, Sector 25, Chandigarh for 70 students of age group 6 to 15 with theme 'Your Goal in Life'. Stationery and gifts were provided to participants and winners. Rtn. Dr. Rita Kalra and Rtn. Sundeep S. Sawhney were present on the occasion.



Prize winning garden for 14 marla house – Rtn. Dr. Rita Kalra and Rtn. Dr. Sanjay Kalra

Editor's request

It is requested that all information for the bulletin should be sent to the Editor on his email, drvjsvohra@gmail.com or by SMS on 9814006829. Message spoken on the phone at times is not very clear, and it can lead to error. Therefore, please do not give any information for bulletin on phone, but kindly adhere to the better options - email or SMS.

Acknowledgement with thanks

Donations for patient, father of Rtn. Kiran:

PP Rtn. Ved P. Venayak (of UK)
PDG Rtn. Yoginder Diwan
Rtn. Vijay Kumar Gupta
Mr. Anil Malhotra
Rtn. Ashok Kumar Sharma
Rtn. Lalit Kumar Azad
Rtn. D.K. Gupta

Donations for club projects:

Rtn. Ravinder Kumar Jain

Rs. 10000/-
Rs. 10000/-
Rs. 10000/-
Rs. 5000/-
Rs. 5000/-
Rs. 5000/-
Rs. 5000/-
Rs. 2100/-

Birthdays of Spouses

R'ann Sunita

March 15

Birthdays of Rotarians

Rtn. M.K. Handa
Rtn. J.S. Chopra

March 11
March 15



Wedding Anniversary

R'ann Neena & Rtn. Tejbans S. Jauhar

March 11

Punctuality Draw

Won by Rtn. Dr. Inderjit Singh Viridi



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