



Adoption in India

For Prelims: [Adoption in India](#), [Central Adoption Resource Authority](#), [Hindu Adoption and Maintenance Act, 1956](#), [Juvenile Justice \(Care and Protection of Children\) Amendment Act, 2021](#)

For Mains: Laws Related to Adoption in India, Major Challenges Related to Adoption in India.

Why in News?

The [Ministry of Women and Child Development](#) has recently highlighted the significant **backlog of adoption cases in Maharashtra**, with the highest number of pending adoption cases in India (329 awaiting resolutions).

- In January 2023, the **Bombay HC directed the state government not to transfer pending adoption proceedings to District Magistrates**, (as mandated under the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021), leading to confusion and hindering progress.

What is the Status of Child Adoption in India?

▪ About:

- It is a **legal and emotional process** that involves **accepting the responsibility of caring for a child** who is not biologically related to the adoptive parents.
- The process of adoption in India is monitored and regulated by the [Central Adoption Resource Authority \(CARA\)](#), which is part of the Ministry of Women and Child Care.
 - **CARA is the nodal body for adoption of Indian children and is mandated to monitor and regulate in-country adoptions.**
 - CARA is also designated as the **Central Authority to deal with inter-country adoptions** in accordance with the provisions of the **Hague Convention on Intercountry Adoption, 1993**, ratified by Government of India in 2003.

▪ Laws Related to Adoption in India:

- Adoptions in India are governed by two laws: **the [Hindu Adoption and Maintenance Act, 1956 \(HAMA\)](#)** and **the [Juvenile Justice Act, 2015](#)**.
 - Both laws have their separate eligibility criteria for adoptive parents.
- Those applying under the **JJ Act have to register on CARA's portal after which a specialised adoption agency carries out a home study report.**
 - After it finds the candidate eligible for adoption, a child declared legally free for adoption is referred to the applicant.
- Under HAMA, **a “dattaka hom” ceremony or an adoption deed or a court order is sufficient to obtain irrevocable adoption rights.**
 - **Hindus, Buddhists, Jains, and Sikhs are legalized to adopt kids under this Act.**

▪ Recent Development:

- The Parliament passed the **Juvenile Justice (Care and Protection of Children) Amendment Act, 2021** in order to amend the Juvenile Justice Act (JJ Act), 2015.

- The key changes include authorising **District Magistrates and Additional District Magistrates to issue adoption orders under Section 61 of the JJ Act.**
 - Earlier in JJ Act 2015, adoption of a child is final on the issuance of an adoption order by the civil court.
- The Ministry of Women and Child Development has introduced the **Adoption Regulations-2022**, which has streamlined the adoption process.
 - **District Magistrates (DMs) and Child Welfare Committees** have been directed to upload adoption orders and case status in real time.
 - Since the implementation of the Adoption Regulations-2022, 2,297 adoption orders have been issued by DMs nationwide, resolving a significant portion of pending cases.

What are the Major Challenges Related to Adoption in India?

- **Lengthy and Complex Adoption Process:** The adoption process in India can be lengthy, bureaucratic, and complex, leading to delays in the placement of children with suitable families.
 - India's tedious and interminable adoption process can clearly be seen in the statistics with the CARA which states that **while more than 30,000 prospective parents are currently waiting to adopt, less than 7% the number of children – 2131— are legally free for adoption.**
 - Around two-third of them are children with special needs, and **it takes three years for an adoption process to complete.**
- **Illegal and Unregulated Practices:** Unfortunately, there are instances of illegal and unregulated adoption practices in India. This includes **baby trafficking, child-selling, and the existence of unregistered adoption agencies**, which exploit vulnerable children and biological parents.
 - In 2018, **Ranchi's Mother Teresa's Missionaries of Charity** came under fire for its **"baby-selling racket"** after a nun from the shelter confessed to selling four children.
- **Returning Children after Adoption:** India also faces an unusual upsurge in adoptive parents returning children after adopting.
 - In 2020, CARA stated that over 1,100 children adopted across the country have been **returned to child care institutions by their adoptive parents in the last five years.**

Way Forward

- **Strengthening Adoption Laws:** There is a need to review and update adoption laws to streamline the process, make it more transparent, and ensure the best interests of the child.
 - This includes **simplifying paperwork, reducing delays, and addressing any loopholes or ambiguities in the existing legislation.**
- **Post-Adoption Services:** There is a need to establish comprehensive post-adoption support services to assist both adoptive parents and adopted children.
 - This can include **counselling, educational support, access to healthcare, and guidance** for managing any challenges that arise during the adoption journey.
- **Awareness and Education:** There is a need to **promote awareness about adoption as a viable option for building families.**
 - It includes **educating the public about the benefits, procedures, and legal aspects of adoption.** Also, encouraging positive attitudes towards adoption and dispel misconceptions or stigma associated with it.

Source: IE