



Supreme Court Urges to Boost Adoption Pool

For Prelims: [Supreme Court of India](#), [Central Adoption Resource Authority](#), [CARINGS Portal](#), [Juvenile Justice \(Care and Protection of Children\) Act, 2015](#)

For Mains: Child Adoption in India and related issues, Issues Related to Children.

[Source: TH](#)

Why in News?

The [Supreme Court of India](#) in a recent hearing of a petition filed by a [Non-governmental Organization\(NGO\)](#), has issued a series of directions to the Centre, the States, and the Union Territories to **expedite and simplify the adoption process in the country.**

- The Court has also expressed concern over the **low rate of adoption** and the large number of children living in **childcare institutions (CCIs) without a permanent family.**

What did the Supreme Court Say About Adoption?

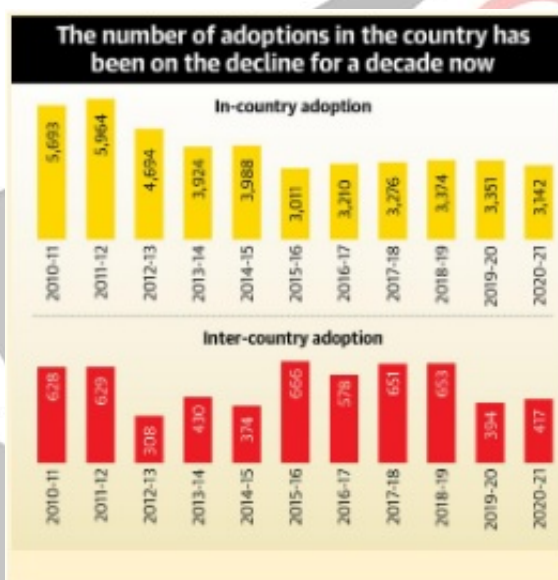
- The Court said that children living in CCIs, whose parents have not visited them for over a year or have **“unfit” parents or guardians**, should be identified and brought into the adoption pool.
 - The Court defined an **“unfit guardian” as someone who is “unable or unwilling for parenting**, indulging in substance (drug) abuse, abuse or alcohol, known to have abused or neglected the child, having a criminal record, in need of care themselves, mentally unsound, etc”.
- The Court ordered States and Union Territories to begin a **bi-monthly drive** to identify children in the **orphaned-abandoned-surrendered (OAS) category** in CCIs.
- The Court also directed States and Union Territories to compile data on potential children for adoption, especially amongst those weakened in CCIs, and hand over the details to the [Central Adoption Resource Authority \(CARA\)](#) and the Ministry of Women and Child Development.
- The Court said that the States must ensure registration of all **OAS children in the district on the Child Adoption Resource Information and Guidance System(CARINGS) portal**, the online platform for adoption in India.

What is the Central Adoption Resource Authority (CARA)?

- CARA, is a statutory body of the Ministry of Women and Child Development.
- It functions as a **nodal body for the adoption of Indian children** and is mandated to monitor and regulate in-country and inter-country adoption.
- CARA is designated as the Central Authority to deal with inter-country adoptions in accordance with the provisions of the [Hague Conventions](#) on Inter-Country Adoptions, 1993, ratified by the Government of India in 2003.
- CARA primarily deals with the adoption of orphan, abandoned and surrendered children through its associated /recognised adoption agencies.

What are the Current Trends and Statistics of Adoption in India?

- According to CARA, there are only about **4,000 child adoptions annually in the country**, while there are over 3 Crore orphans till 2021.
- There is also a huge mismatch between **children available for legal adoption and the number of prospective adoptive parents (PAPs)** according to CARA's online portal, the CARINGS.
 - PAPs are individuals or couples who are in the process of becoming adoptive parents.
 - A State-wise break-up of the figures provided by CARA showed that **2,146 children were available** for adoption as of October 2023.
 - As opposed to this, about **30,669 PAPs have been registered** for in-country adoption as of October 2023.
 - PAPs have to wait for between **three to four years** to get 'a healthy and young child' due to the huge mismatch in the number of registered PAPs and children available for adoption.
 - CARA's tabulation indicates that 69.4% of registered PAPs opt for children in the **age group of zero to two years**; 10.3% in the age group of two to four years; and 14.8% in the age group of four to six years.
- Further, out of 760 districts in the country, only 390 districts have Specialised Adoption Agencies.]



What are the Challenges Related to Adoption in India?

- **Lengthy and Complex Adoption Process:**
 - The adoption process in India, governed by the [Juvenile Justice \(Care and Protection of Children\) Act, 2015 \(which was later amended in 2021\)](#), and **Hindu Adoptions and Maintenance Act, 1956 (HAMA)**, involves multiple intricate steps.
 - Steps include registration, home study, child referral, matching, acceptance, pre-adoption foster care, court order, and follow-up.
 - The **extended timeline of the adoption process** is influenced by factors such as the availability of children, the preferences of parents, the efficiency of authorities, and the legal formalities.
- **High Rate of Child Returns:**
 - Unusual upsurge in child returns reported by CARA between 2017-19 raises concerns.
 - According to the data, of the **children returned, 60% were girls, 24% had special needs**, and many were older than six.
 - Challenges arise as disabled and older children **face extended adjustment**

periods in adoptive families, compounded by inadequate preparation and counselling from institutions on transitioning to a new family environment.

▪ **Limited Adoption of Children with Disabilities:**

- Only 40 children with disabilities were adopted between 2018 and 2019, accounting for approximately 1% of the total number of children adopted in the year.
 - Annual trends reveal **a decline in domestic adoptions of children with special needs**, highlighting a disparity in the adoption landscape.

▪ **Issues of Child Trafficking:**

- The **diminishing pool of adoptable children has led** to an increase in illegal adoption activities.
- The threat of **child trafficking during the pandemic**, particularly affecting poor or marginalized families, raises ethical and legal concerns.
- Child trafficking for adoption contributes to social disruption by undermining the integrity of legal adoption processes and eroding trust in the system.

▪ **Traditional Family Norms and LGBTQ+ Parenthood:**

- Legal recognition challenges for **LGBTQ+ families seeking adoption** hinder their ability to become adoptive parents, prompting an increase in illegal adoptions within the queer community.

▪ **Societal Stigma and Lack of Awareness:**

- Social stigma surrounding adoption, particularly for certain demographics, impacts adoption rates.
- Limited awareness about the adoption process contributes to misconceptions and creates barriers for prospective adoptive parents.

▪ **Corruption and Litigation:**

- **Instances of corruption within the adoption process** compromise its integrity and create challenges.
- Legal disputes and litigation further slow down adoption proceedings, adding to the complexities of the overall process.

What are the Benefits of Adoption for Children and Society?

- Adoption can provide a **loving and stable family environment for children** who are deprived of parental care.
 - Adoption can also ensure the holistic development and well-being of the children, including their physical, mental, emotional, social, and educational needs.
- Adoption can also contribute to the **social and economic development** of the country, by reducing the burden on the state and the society, and by empowering the children to become productive and responsible citizens.
 - Cultivates a **positive adoption culture, breaking down social stigmas** and raising awareness about the benefits of adoption.

Way Forward

- Proactively identify children in CCI with unfit parents or guardians, ensuring they are promptly brought into the **adoption pool for a chance at a permanent family**.
- Enhance **institutional efforts to prepare and counsel children**, especially older and disabled ones, for transitioning to new adoptive families.
- Develop comprehensive programs to **address adjustment challenges**, ensuring a smoother integration process.
- Conduct **awareness campaigns** to educate the public about the benefits of adoption, dispelling stigmas and misconceptions.
- Collaborate with international bodies to curb child trafficking for adoption and **strengthen inter-country adoption regulations**.
- Develop and promote foster care programs as an **alternative to institutionalization**, providing a temporary and nurturing environment for children awaiting adoption.

