



Child Adoption in India

For Prelims: Adoption (First Amendment) Regulations, 2021, CARA.

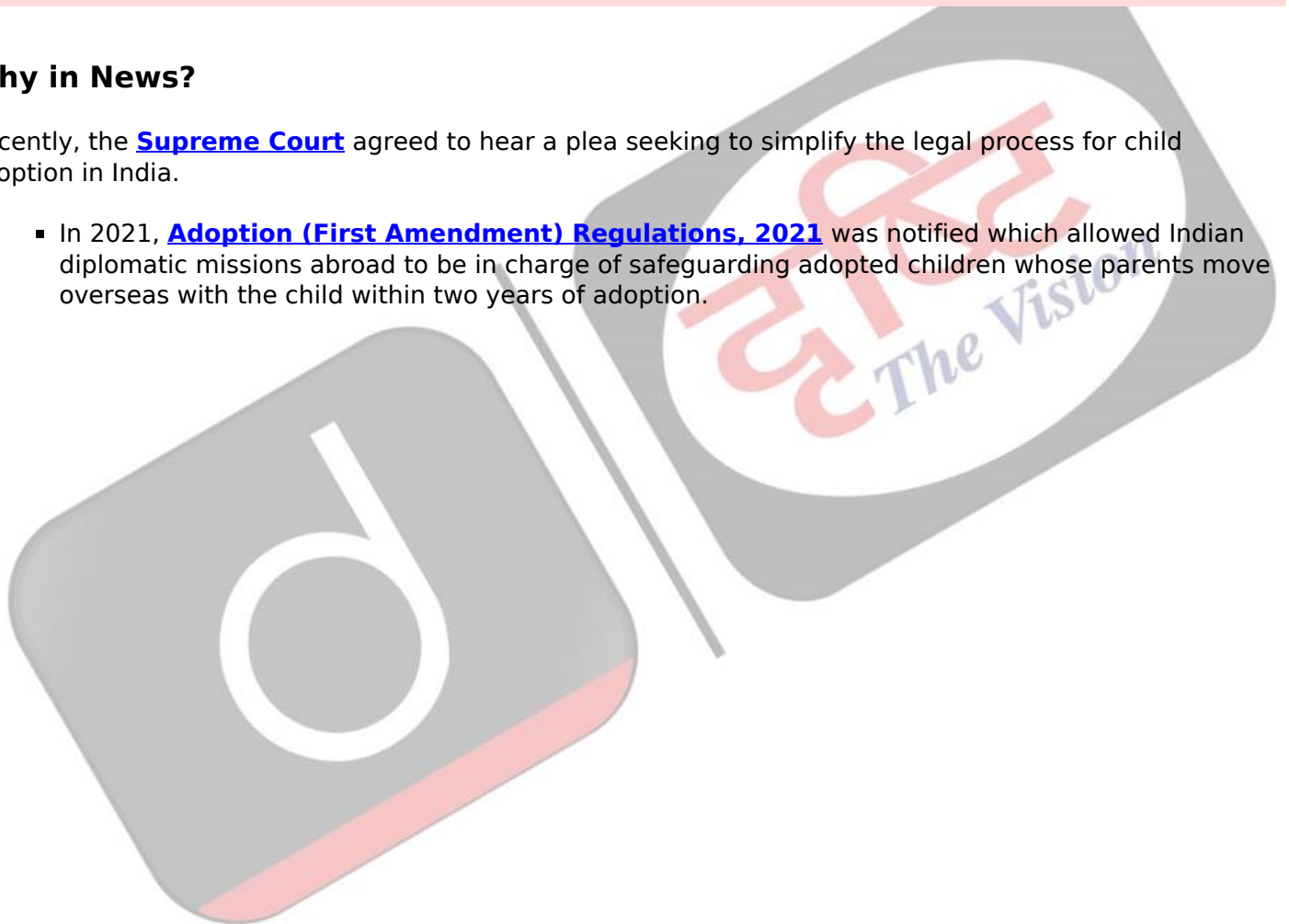
For Mains: Child Adoption in India and related issues, Issues Related to Children.

Why in News?

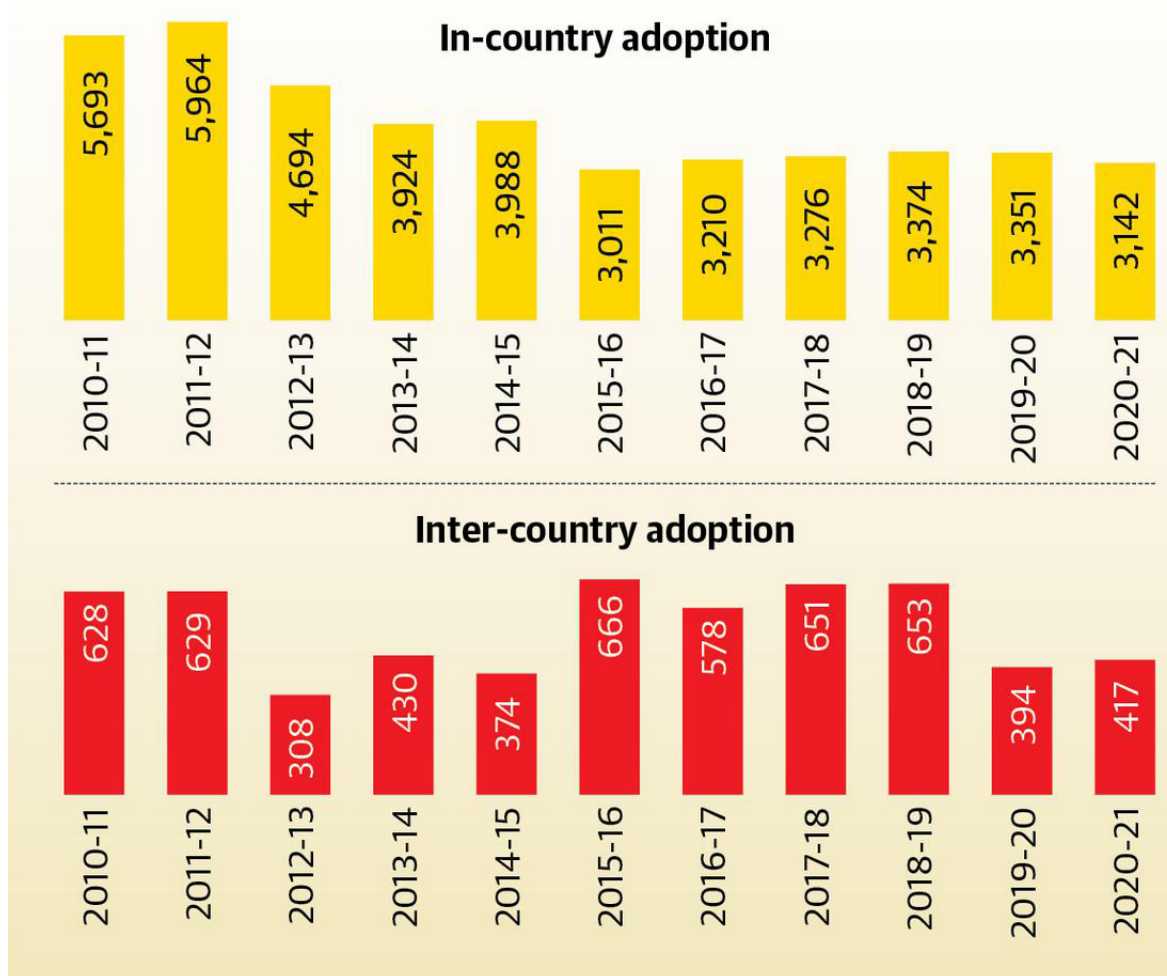
Recently, the [Supreme Court](#) agreed to hear a plea seeking to simplify the legal process for child adoption in India.

- In 2021, [Adoption \(First Amendment\) Regulations, 2021](#) was notified which allowed Indian diplomatic missions abroad to be in charge of safeguarding adopted children whose parents move overseas with the child within two years of adoption.

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The number of adoptions in the country has been on the decline for a decade now



What are the Issues Related to Child Adoption in India?

▪ Declining Statistics and Institutional Apathy:

- There is a **wide gap between adoptable children and prospective parents**, which may increase the length of the adoption process.
- Data shows that while more than **29,000 prospective parents are willing to adopt**, just 2,317 children are available for adoption.

▪ Returning Children after Adoption:

- Between 2017-19, the **Central Adoption Resource Authority (CARA)** faced an unusual upsurge in adoptive parents returning children after adopting.
 - **Central Adoption Resource Authority (CARA)** is a statutory body of the Ministry of Women & Child Development. It functions as the nodal body for adoption of Indian children and is mandated to monitor and regulate in-country and inter-country adoptions.
- According to the data, **60% of all children returned were girls**, 24% were children with special needs, and many were older than six.
 - The primary reason these **'disruptions' occur is that disabled children and older children take much longer to adjust** to their adoptive families.
 - This is **primarily because older children find it challenging to adjust** to a new environment because institutions do not prepare or counsel children about living with a new family.

▪ Disability and Adoption:

- **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 that domestic adoptions of children with special needs are dwindling with each passing year.

▪ **Manufactured Orphans and Child Trafficking:**

- 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.
 - Similar instances are becoming increasingly common as the pool of children available for adoption shrinks and waitlisted parents grow restless.
- Also, during the [pandemic](#), cases of threat of [child trafficking](#) and illegal adoption rackets came into play.
 - These rackets usually source children from poor or marginalised families, and unwed women are coaxed or misled into submitting their children to trafficking organisations.

▪ **LGBTQ+ Parenthood and Reproductive Autonomy:**

- Despite the constant evolution of the definition of a family, **the 'ideal' Indian family nucleus still constitutes a husband, a wife and daughter(s) and son(s).**
 - In February 2021, while addressing petitions seeking the legal recognition of [LGBTQI+](#) marriages, the government opined that LGBTQI+ relationships **could not be compared to the "Indian family unit concept"** of a husband, wife and children.
- The **invalidity of LGBTQI+ marriages and relationships in the eyes of the law obstructs LGBTQI+ persons from becoming parents** because the minimum eligibility for a couple to adopt a child is the proof of their marriage.
- To negotiate these unfavourable legalities, illegal adoptions are becoming increasingly common among queer communities.
 - Moreover, provisions under the [Surrogacy \(Regulation\) Bill, 2020](#) and [Assisted Reproductive Technology \(Regulation\) Bill, 2020](#) **completely exclude LGBTQI+ families**, stripping them of their reproductive autonomy.

What are the Laws to Adopt a Child in India?

- The adoption in India takes place under **Hindu Adoptions and Maintenance Act, 1956 (HAMA)** and the **Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act)**.
 - HAMA, 1956 falls in the **domain of Ministry of Law and Justice** and JJ Act, 2015 pertains to the **Ministry of Women and Child Development**.
 - As per the government rules, **Hindus, Buddhists, Jains, and Sikhs** are legalized to adopt kids.
- Until the JJ Act, the **Guardians and Ward Act (GWA), 1980** was the only means for non-Hindu individuals to become guardians of children from their community.
 - However, since the GWA appoints individuals as legal guardians and not natural parents, guardianship is terminated once the ward turns 21 and the ward assumes individual identity.

Way Forward

- **Need to Prioritise Children's Welfare:**
 - The **primary purpose of giving a child in adoption is his welfare and restoring his or her right to family.**
 - CARA and the ministry **must accord attention to the vulnerable and invisible community of children** silently suffering in our institutions.
- **Need to Strengthen the Institutional Mandates:**
 - The adoption ecosystem **needs to transition from a parent-centric perspective to a child-centric approach.**
- **Need to Adopt an Inclusive Approach:**
 - There is a **need to adopt an inclusive approach** that focuses on the needs of a child to create an environment of acceptance, growth, and well being, thus recognising children as equal stakeholders in the adoption process.
- **Adoption Process Needs to Simplified:**
 - The process of adoption **needs to be simplified by taking a close relook** at the various

- regulations guiding the procedure of adoption.
- The ministry **can engage with concerned experts working in this field** to get feedback on the practical difficulties which prospective parents are facing.

Source: TH

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