

General Studies – 2; Topic: Mechanisms, laws, institutions and Bodies constituted for the protection and betterment of the vulnerable sections

Child Adoption in India

1) Introduction

- Adoption means the process through which the adopted child becomes the lawful child of his adoptive parents with all the rights, privileges and responsibilities that are attached to a biological child.
- An inter-ministerial panel headed by external affairs minister Sushma Swaraj has cleared a proposal making district magistrates the final authority to clear child adoption cases.
- It is to quicken the adoption process that is often hit by year-long delays.

2) Reasons

- At present, prospective adoptive parents have to go to civil or family courts to get the final go-ahead after completing all other formalities related to adoption.
- With high pendency of cases in civil and family courts, it is not easy to get a date for hearing.
- Now It requires an amendment to the Juvenile Justice (Care and Protection of Children) Act, 2015 for allowing district magistrate to pass the adoption order.
- 800 to 850 adoption cases are pending in civil and family courts at any given time.
- Though the Juvenile Justice law mandates that courts have to dispose of adoption cases within two months from the date of filing of application, it rarely happen.
- There are cases that have been pending for more than a year also.
- There are cases where it takes over two years to complete the process of adoption.
- There are more district courts, thereby handling lesser number of cases than civil courts.
- Survey shows that there are over 50,000 orphans in the country. The adoption continues to be low because of the delay in getting legal clearances.

3) Benefits

- The move to empower district magistrates (DMs) would bring down the time to approve adoption cases to two months.
- The DM is on the ground implementing the adoption process.
- The Child Welfare Committees, which does the verification of prospective parents, comes under DM.
- So source verification and other processes can get completed much faster under DMs.
- Apart from encouraging more people to adopt, the move will bring huge psychological and physical benefits for the adopted child.
- Children who are adopted at young ages can even gain enough to overcome any nutritional disadvantages they may have suffered in the womb.
- Developing into healthy and productive adults will contribute to India's growth story.

4) What the child rights activists say?

- But child rights activists cautioned that the changing the process was fraught with risks.
- There were adequate checks and balances at the moment. That may not be the case now.
- For making the adoption process more expeditious, we may make children more unprotected in a country where so many children go missing every year.

5) Adoption cases in India

- **Fundamental principles governing adoption**
 - a. The child's best interests shall be of paramount consideration, while processing any adoption placement.
 - b. Preference shall be given to place the child in adoption with Indian citizens and in his own socio-cultural environment, as far as possible.
 - c. All adoptions shall be registered on Child Adoption Resource Information and Guidance System and the confidentiality of the same shall be maintained.
- Most Indian couples prefer child below age of 2 for adoption.
- Differently-abled children are often refused for adoption.
- Maharashtra tops states in number of girls adopted.

6) Central Adoption Resource Authority (CARA)

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

