

Domestic Child Adoption in India: The Problem and Prospectives

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Abstract

Article 21 of Indian constitution gives a person right to life which also include right to have family. Therefore, adoption in india is process to complete the family for fulfil right to life. The process of adopting a child in India is intricate and multidimensional, involving social, legal, cultural, and economic aspects. Children who have been left alone, become orphans, or require care and protection can find families through adoption. On the other hand, there are stringent adoption procedure in India which is being undergone tremendous development under legislative policies. Such development has been made for the purpose of making adoption more constructive, so that childless parents can make their family and parentless child find their parents through the adoption mechanism prevailing in India. Child Adoption in India is confronted which major issues and challenges which some or other aspects making adoption process cumbersome and results into the failure of objectivity of the child adoption. Such issues include the pervasiveness of child trafficking, inadequate infrastructure, and gender biasness in adoption etc. Notwithstanding these obstacles, the government and non-governmental organizations have made attempts to improve the wellbeing of adoptable children and expedite the adoption process and still some measures are to be adopted to make child adoption in india a well-established institution.

Keywords: Child, Adoption, Child Trafficking. Hindu Law, Parent, Child Welfare.

I. Introduction

The concept of adoption is concerned it as very difficult to define in words. The concept of adoption has changed over a period of times in its form purposes, and objects because it is natural that as human thought proceeds the concept and organization of social institutions is also advanced and get modified. In most of ancient civilizations and in Southern Indian cultures as well as, the purposes served by adoption differed substantially from those emphasized in modern times (Gowda, 2023). The continuity of male line had been the main goal of adoption among Hindus. The importance of male heir along with the religious and economic consideration made it more popular among the Hindus. During the olden days, only the son could be adopted and welfare of the adoptee was the primary concern than the welfare of the adopted (Gowda, 2023).

In common parlance, adoption means the complete shifting of a child from his birth and native family to a family who is willing to adopt the child. Under the ancient Hindu law, it was for the very first time that the practice of adoption had the sanction from the religion itself (Navtika, 2013). Adoption has always been considered as a wonderful opportunity to provide the child with home and the parents a child. It offers an excellent alternative to institutional care for an abandoned, destitute, or neglected child in an atmosphere of happiness, love & understanding which only a family can provide.

The New Encyclopedia Britannica: Adoption is the act establishing a person as parent to one who is not in fact or in law his child. Thus, adoption signifies as medium through which status or legal relationship of parent and child between persons who are not so related by nature is established or created (R.H. Kersley, 1978). According to World Book Encyclopedia: adoption is a process by which people take a child who was not born to them & raise him or her as a member of their family. Adoption means the process through which the adopted child is permanently separated from his biological parents & becomes the lawful child of his adoptive parents with all the rights, privileges and responsibilities that are attached to be biological child (C. P. Veena, 2017).

II. Historical Background Of Adoption India

The earliest known adoption is beyond our reach and probably was not recorded at all. The relationship of a child with his parents is an obvious biological fact but this relationship has evolved over a period of time (Singh et al., 2022). The biological relationship is not anymore, an important fact in order to become a parent. Earlier the concept of adoption was the other name of Sonship. While the relation of the son to mother is an obvious biological relationship, relationship of father and son was marked by a ritual known as *couvade*. It seems to be the first step towards recognizing the concept of paternity. During this ceremony the father would lie with the child, after his birth. It gave father the right of the child. This ceremony was unconnected with the fact of procreation. The earlier philosophers have mentioned around twelve kinds of sons.

There is a possibility of many more such types of adoption. Some of them are:

(1) *Aurasa*: It is the most significant form of son(s). It is the other word for a legitimate son. The *aurasa* son occupies a very high status in ancient Hindu literature. He was often seen as a way to attain immortality. He is the son begotten by a man himself upon his lawfully wedded wife, the best of all sons. (Buhler)

(2) *Dattaka*: *Mansumriti* defines the *dattaka* or adopted son as the one given voluntarily by the parents to an unfortunate son-less parents with a libation of water. This transplantation was usually allowed only in the same castes and has to be performed as a gift to the other.

(3) *Kritrima*: It qualifies which makes him fit like *aurasa* or close to him. Keeping in mind the qualities, faults and his caste which must be same to that of the one adopting him. The last two types belong to the categories of adopted son, and this practice has been in prevalence since time immemorial.

There are various other categories such as *Kanina* (Son secretly born to an unmarried damsel), *Krita* (Purchased son), *Nishad* (son of a Brahmin by his Shudra wife) and many more. It was held by Privy Council in a case that whatever may have been the original position and status of these twelve or thirteen sons, all of them except the legitimately born and the adopted sons i.e., *Dattaka* and *Kritrima* are long obsolete. *Vashishta* was further amplified by whose key requirement for adoption is that the adopted son in question must bear the qualities and

characteristics of the father who is adopting him. It was upon the son to have the capability of being begotten by his adopter. It means that only that person is eligible to be adopted as a child whose mother when married might have been legally married with the adopted father (Kesari, 2018).

The entire law of adoption has been given by the texts of Manu and Vashishta. Manu stresses on the need of adoption and its performance strictly by the father and the mother, the incapability to bear a son and the caste being same, are the other important and inexcusable factors. Vashishta writes that a woman can also make an adoption, but the requirement is the assent of her lord. He prescribes a declaration to be made before his assembled kinship and to prove his intention of adoption a son as his own by offering prayers in fire. Adoption is a very personal decision for prospective parents, it is very difficult to point out one or two reasons because the reasons for adoption are differ from person to person and family to family. Generally, the couple unable to bear a child after a long time of marriage they go for adoption. A close look at the data on adoptive parents reveals that a majority of them adopt because they cannot have biological children. In most cases, the reason for non-conception is a problem identified with the woman. In only a few instances is it acknowledged that the man is responsible. The reasons for infertility in women are recognized as a lack of ovulation, blocked fallopian tubes, low hormone levels and repeated abortions. In men the reason generally given is low sperm count. The reasons for adoption can be discussed in two ways:

- a) *Conventional reasons*- There are two-fold objects of adoption. The sonless man adopts a son for spiritual benefits. The dattaka-Putra perpetuates the family line and the name of the ancestors of the adopter. So, behind the act of adoption these two objects are hidden. A sonless person solved all secular and religious problems by the adopted son (S. S. Desai, 2010).
- b) *Non-conventional reasons*- Genuine love for children, A couple with two or more children of the same sex, A couple with only one child, to control the population, For the joy without the labour, to help out a friend or a relative, People involved in their careers, Contraceptive Pill, Single person who wants to experience parenthood (Guna Panettieri, 2008).

III. Legislations On Adoption In India

Several Indian statutes are relevant to adoption. One such statute is the Guardians and Wards Act 1890 dating from the Anglo-Indian period. The procedures under this Act are not for ‘adoptions’ as such but rather represented (and possibly still represent) a facility for guardianship orders to be made for persons from communities where their personal laws do not recognise adoptions or for any other relevant purpose (Prakash Shah, 2009). In recent decades this Act, as supplemented by guidelines issued by the Indian Supreme Court, and more elaborate procedures involving state and voluntary bodies, became the primary facility used for so-called inter-country adoptions by prospective ‘adopters’ from abroad of Indian children (Manooja, 1993).

Adoption is the legal and social process of establishing a parent-child bond. Under Section 2(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015, a biological child of one set of parents becomes the child of a single parent or another set of parents. Adoption policies in India have been tainted by societal stereotypes and a lack of concern for children's wellbeing. Laws such as the Juvenile Justice Act of 2000 have been revised to incorporate the notion of secularity, allowing adoptions regardless of the parents' and child's religious and communal beliefs. However, the Act did not achieve equality between biological and adopted children. The Juvenile Justice (Care and Protection of Children Act) 2006 fixed this problem by allowing an adopted kid to be

considered as the parents' legal biological child, with all of the privileges, rights, and relationships that come with it. The legislature, on the other hand, has ignored the civil rights of same-sex couples who wish to start a family by adopting children.

The Ministry of Women and Child Development oversees the Central Adoption Resource Authority (CARA), which is a legislative body. It oversees and regulates both international and domestic adoptions and acts as the major body for Indian child adoption. CARA has been recognised as the primary authority to deal with inter-country adoptions, in accordance with the standards of the Hague Convention on Inter-country Adoption, 1993, which was accepted by the Government of India in 2003.

a) The Constitution of India

The Constitution of India do not directly deal with any kind of adoption. However, it has contained numerous welfare provisions for social security of the children. Everyone has a right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care, and necessary social services. Motherhood and childhood are entitled to special care and assistance. All children whether born in or out of wedlock, shall enjoy the same social protection. The same also ethos in Constitution of India under Article 21. It guarantees that –No person shall be deprived of his life or personal liberty except according to procedure established by law. According to Bhagawati, J., Article 21 –embodies a constitutional value of supreme importance in a democratic society. Krishna Iyer J., has characterizes Article 21 as –the procedural magna carta protective of life and liberty. This right has been held to be the heart of the Constitution, the most organic and progressive provision in our living constitution, the foundation of our laws. It is not direct provision but right to life include right to get marry and right to adopt a child also. The main aim of this Article is that every person leads a complete, meaningful, and dignified life, it cannot be curtailed by state or any person without the procedure established by law. So, under this provision every child has to live with dignity. Further, Article 23 of the Constitution prohibits traffic in human being, beggar and other similar forms of forced labour. This Article strikes at forced labour in whatever form it may manifest itself, because it is violative of human dignity and contrary to basic human values. The practice of forced labour is condemned in almost every international instrument dealing with human rights. Article 24 of the Constitution prohibits employment of children below the 14 years of age in factories and hazardous employment.

This provision is certainly in the interest of public health and safety of life of children. Children are assets of the nation. That is why Article 39 of the Constitution imposes upon the state an obligation to ensure that the health and strength of workers, men and women and the tender age of the children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength. It may be interpreted to include acts of beggary, for it is definitely an avocation unsuited for them.

The Apex Court has stressed on the need for the uniform civil code in the matter of marriage, succession, and adoption etc. In the opinion of the court the fundamental rights relating to religion of members of any community would not be affected thereby. The court has made it clear that the legislation- not religion being the authority under which personal law was permitted to operate and is continuing to operate, the same can be superseded or supplemented by introducing a uniform civil code (Sarl Mudgal v. Union of India, 1995).

b) The Hindu Adoptions and Maintenance Act, 1956

In 1956, India passed the Hindu Adoptions and Maintenance Act (HAMA). It sets forth the legal requirements for Hindu adults who want to adopt a child, as well as their legal obligations to help their various family members. However, under Sections 7 and 8(c) of the HAMA, such authorization is not necessary if the spouse has abandoned the world, is insane, or has abandoned her or his children. Similarly, this provision allows unmarried women and men who are of sound mind and have achieved the age of majority to adopt a child.

According to Section 2(1) of the Act, A Hindu is not just referred to a person who practices Hinduism, but also to Jains, Buddhists, Sikhs, Lingayat, Virashaiva, and members of the Brahmo, Arya Samaj and devotees of Prarthana are also included in the definition of Hindu. In essence, the Hindu Adoption and Maintenance Act extends to everyone living in India who is not a Christian, Muslim, Parsi, or Jew. In Sections 7 and 8, the words ‘_wife’ and ‘_spouse’ are used, suggesting that the Act does not recognize adoption by same-sex couples. Furthermore, the capacity for Hindu females and men to adopt is discussed, creating a grey area when it comes to applying such laws to third-gender couples.

c) The Guardian and Wards Act 1890

The Guardian and wards Act is indirectly invoked by other communities such as Christians, parsis, Muslims etc. to become guardians of the child during minority. The statute does not deal with adoption as such, but, mainly with guardianship. The process makes the child as a ward, not an adopted child. Under this Act, when children turn 21 years of age, they no longer remain wards and assume individual identities. They do not have an automatic right of inheritance. Adoptive parents have a leave whatever they wish to bequeath to their through a will, which can be contested by any blood relative (Choudhari, 2009). In fact the Act provides the law and procedure for determining the custody of the child on dissolution of marriage and also provides for the appointment of guardians over the person or property or both of children by persons who are not the natural parents of the child.

d) The Adoption Regulations, 2017

The Adoption Regulations of 2017, are significantly more restrictive than the HAMA. Unmarried women and men can adopt provided they are emotionally, mentally, and financially sound and do not have any life-threatening condition, similar to HAMA. Apart from that, the Regulations prevent a single male from adopting a girl child but allow a woman to adopt a male child. Contrasted to HAMA's Section 11(iii) which enables a single man to adopt a female child if the two are at least twenty years apart in age.

e) The Juvenile Justice (Care and Protection of Children) Act, 2015

This Act was passed in 2015 to consolidate and modernise the legislation concerning children who have been found breaking the law. The children need protection and care by addressing their fundamental needs through lawful consideration, advancement, assurance, social re-mixing, and treatment. For the child's most progressive growth, these must be linked with child-friendly problem-solving and issue-resolution tactics. Prospective Adoptive Parents (PAPs) are eligible under Section 57 of the JJ Act. According to one of the conditions, -no child shall be put for adoption until the couple has had at least two years of solid marital relationship.¶ Due to

the fact that same-sex marriages are not acknowledged in India, same-sex couples are unable to form a two-year solid marital relationship, making them ineligible to serve as PAPs.

In the Navtej Johar verdict, the Indian judiciary recognized the rights of same-sex couples and decriminalized homophobic legislation. People's societal stigma, on the other hand, continues to be a substantial impediment to same-sex couples in exercising some rights. Even if these rights are acknowledged, they cannot be exercised. While the Supreme Court has denied a plea seeking to recognize civil rights (Arun Kumar Sreeja v. Inspector General of Registration, 2019).

IV. Issues And Challenges In Child Adoption In India-

a) A long-time consumption and Institutional Boredom

The process of adoption is very time taking and it needs to be addressed. In the researchers humble opinion, to streamline the process, we need to ensure that there is awareness about adoption procedures and there are sufficient adoption centres. The adoption process can take an extremely long time, which can cause severe strain and stress to some families. Average waiting times can vary from a few months to years in both national and international adoptions. Much comes into adoption, and the state, as well as adoption agencies and experts, often set very strict criteria in distinct countries. Though long wait times may be necessary for some adoptions, many families wish to find ways to reduce these long waits in any way that they can.

Data shows that while more than 29,000 prospective parents are willing to adopt, just 2,317 children are available for adoption (Pandit, 2020). This suggests a wide gap between PAPs and children, which may increase the length of the adoption process. Although the main focus of the CARINGS mechanism is to quicken the process of adoption, the waiting period is growing longer. Despite a sizable population of orphan children in the country, only a small fraction is available for adoption. This discrepancy occurs because out of approximately 3 crore children abandoned, only 2,61,000 are under institutionalised care accounting for a meagre 0.87% (Bhandare, 2018). However, not all Child Care Institutions [CCI] in India are registered under the law including unregistered ones, there are a total of 8,000 CCIs (Kalra, 2018). There is a great cost of not penalising unregistered CCIs. Children in unregistered institutions are vulnerable to poor care, physical violence, sexual abuse, and trafficking. Since these organisations are not registered, there is no functional mechanism to monitor their activities and hold them accountable.

b) The Return of adoptive child after adoption

Between 2017-19, Central Adoption Resource Authority [CARA] faced an unusual upsurge in adoptive parents returning children after adopting. According to data from CARA's RTI reply, 60% of all children returned were girls, 24% were children with special needs, and many were children older than six (Rao, 2019). The primary reason these 'disruptions' occur is that disabled children and older children take much longer to adjust to their adoptive families.

According to CARA's CEO, Lieutenant Colonel Deepak Kumar, 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. This is a problem specific to domestic adoptions because, unlike foreign countries, India does not have an efficient institutional support system for adoptive parents and children to guide them

through the process. Moreover, children with special needs are usually not treated with compassion and empathy in foster homes and ultimately find it even more challenging to adjust to adoptive families.

The CARINGS system lists ‘hard to place’ children under the ‘immediate placement’ category to help PAPs bypass long waiting times if they are comfortable adopting from the list. Without effective counselling, parents and children are psychologically unprepared, which can be a reason why disruptions are rising. Noting this, Lorraine Campos, assistant director of Palna, one of the oldest adoption homes in Delhi, says that while the CARINGS system may have streamlined the adoption process, it has also taken the compassion out of the process (Khan, 2019).

c) Child With Special Needs and Adoption

In January 2020, CARA held a national consensus to discuss the possibility of improving and streamlining the adoption process. Among other points of discussion, CARA stated that the institution prepared a classification of children with special needs, spanning fourteen sub-categories. The categorisation would enable PAPs to understand the children’s needs better and enhance their chances of adoption (Pandit, 2020a). The need for such categorisation arose due to the falling numbers of adoption of children with special needs. According to the latest available data shared by CARA, 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. At the same time, foreigners adopting children with special needs is steadily rising. According to Kumar, Indian PAPs, faced with a long waiting period for a ‘healthy’ baby, end up adopting children with disabilities as a last resort (Chandra, 2018). The cultural aversion towards children with special needs results in most of them being referred to overseas PAPs. This scenario puts the children at the risk of being permanently shifted to another country, making them more vulnerable than before.

d) Fake Orphans and Child Trafficking Under Adoption Regime

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 (Press Trust of India, 2018). Similar instances are becoming increasingly common as the pool of children available for adoption shrinks and waitlisted parents grow restless. According to CARA’s chief, Deepak Kumar, traffickers try to get hold of babies before parents often unwed mothers make it to government departments to surrender the child. These rackets usually source children from poor or marginalised families, and unwed women coaxed or misled into submitting their children to trafficking organisations. The organisations then create legal paperwork which makes the ‘orphaned’ child available for the market. Such children are referred to as ‘manufactured orphans’ or ‘paper orphans’ (Yeh et al, 2020). Prospective parents, tired of the excruciating wait, pay lakhs of rupees for the manufactured orphans. In 2016, police forces shut two agencies in Maharashtra for selling babies for anywhere between INR 2,00,000 and 6,00,000 (Srivastava, 2016). Without strict adoption regulation and CCIs, child trafficking continues to thrive in the underbelly of the Indian adoption machinery.

e) Very strict rules and regulations

Domestic adoptions conform to strict rules and very strict scrutiny is given to the eligibility of adoptive families. This makes the adoption process very troublesome and most the time the family fails to adopt a child through such rules which leads to a discouragement among the prospective adopters and adoptees.

f) Limited availability

According to the Child Adoption Resource Information and Guidance System (CARINGS), for every 10 adoptive parents in India, only one child is available. There are not enough kids accessible for adoption because the institutionalized care ratio of abandoned children to kids is lopsided. This may result in fewer kids being accessible for adoption, and adoptive parents may not be inclined to adopt a minority group (any) child.

g) Gender bias in adoption

Although it was stated after the enactment of the Act that gender discrimination was eliminated, it still occurs in the real sense. Unless her husband dies or suffers from any disability or renounces the world or so, a married woman cannot adopt, not even with the approval of the husband. On the other side, with the wife's approval, a husband may adopt. In this era of equality, it is time for the law to recognize the same and offer men and females equal privileges with respect to adoption. There is no reason to veto the husband to deny his wife's maternal instincts satisfaction.

h) Same sex couples right of adoption

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 Union government opined that LGBTQI+ relationships could not be compared to the 'Indian family unit concept' of a husband, wife, and children. Further, the government argued that 'In our country, despite statutory recognition of the relationship of marriage between a biological man and a biological woman, marriage necessarily depends upon age-old customs...societal values (Mandhani, 2021).'

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 transgender communities. In some places in Tamil Nadu, people who cannot take care of their children leave them with the transgender community (Muringatheri, 2020). Moreover, provisions under the Surrogacy (Regulation) Bill of 2020 and Assisted Reproductive Technology (Regulation) Bill of 2020 completely exclude LGBTQI+ families, stripping them of their reproductive autonomy. Therefore, the journey for most PAPs belonging to the LGBTQI+ community ends before it can even begin.

i) Other Issues related to adoption-

Although state approved agencies are providing adoption, the fact is that private adoptions are still taking place in some hospitals through agents and with unorganized sectors (Saras Bhaskar et al, 2012). There are following concerns. First, most of the times, adoption agencies are perceived to be 'money makers' and so they are constantly put under 'scanner' by the whistleblowers. There is a lack of consistent and complete data in some states which makes it difficult to conduct research studies. If and when there is a budget downturn, many of the agencies who are normally responsible for collecting data may find it difficult to continue their work. Second,

contrary to the Western countries, Indian culture does not encourage –open adoption. Because India follows –closed adoption. In which Confidentiality about the birth parent/s is not disclosed. As of today, it is observed both in rural and some families in urban areas, adoptive parents are also not comfortable telling their children about the adoption status (Ananthalakshmi et.al., 2001). If a child gathered this information from others, the trust could become a major issue in parent-child relationship. Last, Single parent adoptions are legal, yet there is no study or evidence of any increase in single parents who have adopted children. There are no data available on the success rate of single parent adoption.

V. Conclusion

Despite being a centuries-old concept still in full use today, adoption has undergone significant evolution and grown to be a fantastic choice for individuals to consider. Today, the goal of adoption is more dynamic, even though the practise was first initiated to free the souls from the body by individuals who were seeking spiritual salvation and were unable to have a son naturally. Adopting a child is not done just for the purpose of trying to enter paradise. People make a wide range of decisions, whether it is a self-imposed resolution, the necessity to care for a suffering kid, the desire to have a family, or just to find meaning in life. If the child's welfare is maintained as the top priority, the goal might be as entertaining as it appears. Prior to the formulation of law, usages and conventions were so deeply ingrained in society that they prevented it from evolving and growing.

However, a complicated network of rules and regulations that are meant to safeguard the kid's best interests now control child adoption in India. Adoption can give a youngster who might not have otherwise had the chance to experience family life a loving, permanent home. Nevertheless, the adoption procedure can also be drawn out, difficult, and emotionally taxing due to legal concerns about adoptive parents' eligibility, birth parents' consent, placement and matching, post-adoption support, and international adoption. To manage the adoption process and make sure that all legal criteria are met, it is crucial to collaborate with an experienced adoption agency or lawyer. In recent times, India has achieved noteworthy progress in expediting the adoption procedure, enhancing post-adoption assistance programmes, and acknowledging the equal entitlement of all nationals to adopt children. All children in India deserve the security and affection of a stable permanent family, but there is still work to be done in achieving this goal.

Adoption agencies are currently functioning as formal, state- and federal government-regulated sectors, with the audacity to hope that a child may find a family. Domestic adoption gained momentum after the Indian government began monitoring and regulating international adoption regulations. Adoption has rigorous psychological repercussions in every aspect; yet, working with social professionals and receiving guidance can help families better prepare for the future. The post-adoption recommendation for aftercare is currently available, however it is given to the guardians only upon request. It is advised that post-adoption education be mandated in order to support and counsel guardians as they adjust to being parents. The improvement of the emotional support system regarding the adoption procedure and the psychological impact on childless couples who choose to adopt is another important divide. Given the existing trend, it may be inferred that current adoption treatment will eventually need to be prepared.

We can observe the stark disparity in rights between men and women by looking at the situation in which a woman cannot adopt a child without her husband's agreement. The Hindu Adoption and Maintenance Act of

1955 is the only statute that governs adoptions for Hindus. Even if the law has been made more straightforward and liberated, there are still a number of loopholes that the legislature needs to address. Hindus can only adopt other Hindus; the law is solely based on religious principles; converts forfeit all of their rights; and a converted spouse is not required to seek advice or provide their approval. Although courts have attempted to achieve it on several occasions, the statute does not specifically consider the interests and welfare of the child. A recent ruling by India's highest court addressed whether or not Article 21 of the 1949 Indian Constitution allows for the assertion of rights, including the right to adopt and the right to be adopted. In this case, the Supreme Court ruled that –Article 21 of the Indian Constitution guarantees both the right to adopt and the right to be adopted as fundamental rights (Lakshmi Kant Pandey v. Union of India, 1987).¹

In concluding part, the researcher would like to make the argument that millions of neglected, abandoned, and orphaned children roam the streets in the hopes of being given the life they deserve, fighting daily against the world and themselves while yet trying to achieve at the end of the day. It is noted that the adoption process is still far from reaching its objective; this could be because of cultural taboos and ineffective laws; many of them continue to be deprived of what they rightfully deserve; the children continue to be homeless and abandoned; and the parents continue to want to adopt and begin a new family.

Suggestions

There are following suggestion for improving adoption process in India.

- *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 wellbeing, 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.
- *Strengthening Adoption Laws-* India needs to review and update adoption laws to streamline the process, making it more transparent and efficient. This could involve simplifying paperwork, reducing delays, and addressing any ambiguities or loopholes in the existing legislation.
- *Post-Adoption Services-* Comprehensive post-adoption support services should be established to assist both adoptive parents and adopted children. These services might include counselling, educational support, access to healthcare, and guidance for managing challenges that may arise during the adoption journey.

¹ Lakshmi Kant Pandey v. Union of India, AIR 1987 SC232.

- *Awareness and Education*- Promoting awareness about adoption as a viable option for building families is crucial. This includes educating the public about the benefits, procedures, and legal aspects of adoption. It is essential to encourage positive attitudes towards adoption and dispel misconceptions or stigma associated with it.

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