

## CHILD ADOPTION IN INDIA – ISSUES AND CHALLENGES

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### ABSTRACT

Adoption as a development of a family has drawn overall research since three decades. India as one of the antiquated nations in the Asian mainland has experienced real changes in the field of adoption. From a casually embracing male child for performing last customs after the demise of the received guardians, India has demonstrated dynamic changes. Amid the social change in the 1950's, India centered around discovering home for relinquished, dejected, ill-conceived and surrendered children. These children were regulated and in the long run set for residential and between nation adoption.(Dudley) The residential adoption in India picked up its energy just in late 1980's. From that point forward, vital changes have occurred in the field of adoption. In this phenomenological approach, we utilized meetings in conjunction with audit of writing what's more, books on adoption. After a short authentic viewpoint from Indian and Western part, we concentrated on three territories in this field. Firstly advancement of arrangements and lawful rules in India what's more, its effect on adoption as a composed division, Current difficulties and future patterns of household adoption.(Friesendorf)

**KEY WORDS:** Child welfare, domestic adoption, intercountry adoption, Indian adoption policy

### INTRODUCTION

"Adoption is the foundation of a parent-child relationship through a lawful and social process other than the birth procedure. It is a procedure by which a child of one arrangement of guardians turns into the child of another arrangement of guardians or parent. Indian adoption

approaches are etched, by quite a long while of continuous endeavors by social change lobbyists and child welfare associations. This is clear from the laws and approaches put forward by the Government of India. A later policy in the Section IV of the Juvenile Justice Act of 2000 executed the idea of mainstream adoption whereby, with no reference to the network or religious influences of the guardians or the child concerned, a privilege seems, by all accounts, to be conceded to all subjects to embrace, and all children to be embraced.(Friesendorf; Stoll) While this was a positive change, this idea still did not give the lawful and true blue status to the child equivalent to that of a natural, honest to goodness child. Afterward, the Juvenile Equity (Care and Protection of Children Act of 2006) cleared the issue, where the adoption was characterized as the procedure through which the received child is for all time isolated from the organic guardians and turns into the genuine child of the new parents with all rights, benefits and duties that are connected to the relationship. This demonstration presented the articulation child needing consideration and security. Through this paper, our motivation is to address the past, display, and the eventual fate of adoption in India. For that, one should first get it more about the verifiable point of view of Indian adoption.(Friesendorf; Stoll; Biswas-Diener)

### **RESEARCH QUESTION**

Has the changes in adoption policies and legal guidelines affect adoption of children in India?

### **OBJECTIVE**

1. To study developmental of policies and legal guidelines and its impact on adoption.
2. To study adoption scenario in South India.
3. To study current challenges and future trends of domestic adoption.

### **HYPOTHESIS**

**Ha:** Adoption in India is on the rise.

### **REVIEW OF LITERATURE**

In the book, "Adoption in India: Policies & Experiences" by Vinita Bhargava, it researches child adoption in India and challenges prevalent in theories of adoption. In the book, "Sociology of Adoption" by Elfreeda Momin, it states that Cultural Norms and practices related to adoption varies from society to society. The book, "Child Rights in India Challenges and Social Action" by Geeta Chopra, is a comprehensive compendium on child rights in India from a child development perspective.

## **STUDY DESIGN**

The research paper uses the descriptive method of study the secondary sources are given more importance in this paper. The secondary sources of information used are the articles of research journals working papers thesis and books of famous sociologist and e-sources are referred.

## **HISTORICAL PERSPECTIVE OF INDIAN ADOPTION**

In India, adoption has been practiced for thousands of years. Hinduism being the major religion practiced in India, epics and history has records of saints and royals who were adopted and who did adopt. Ramayana and Mahabharata are the two such great epics of Hinduism which bear references to adoption. Historically, where a lack of male offspring happened, couples went in for embracing a male child to assign him as legal beneficiary. As per Hindu convention, children are vital and a dead parent's spirit can just accomplish paradise on the off chance that that individual has a child to light the memorial service fire, and salvation can be accomplished through children who offer tribal love. To see more, a concise portrayal on adoption practices of two old civic establishments in the historical backdrop of mankind is thought about in the following area to discover the purposes behind adoption.(Bhargava)

## **SOCIAL CHANGES IN INDIAN ADOPTION**

Children who became orphans due to abandonment, poverty and wars created a reason for the authorities to look into their wellbeing. Initially such children were automatically included into their families by the next kin, from either side of the family. This transformation of the children's welfare created a pathway to Indians adopting unrelated children during the 1920's. Because there was no awareness about documentation, the number of unrelated children being adopted during this time is not available.(Tolfree)

## **ADOPTION LAWS IN INDIA**

Adoption policies and social transformation could have developed because of the way that India amid those circumstances was led by the British. The primary Children's Act was established in the Madras and Bombay Presidencies in 1920, giving the express the duty to care for dejected and ignored children. The fundamental motivation behind drafting this enactment was to give care and assurance to children. Additionally changes that went with Independent India since 1947 achieved changes in the social enactment and arrangements. These progressions

additionally positively affected family arrangements concerning children's prosperity. ("Parental Contact with Children Fostered and in Residential Care after the Children Act 1989")

### **CURRENT CHANGES AND ATTITUDES TOWARDS DOMESTIC ADOPTION**

The state of mind towards adoption in India has changed altogether in two decades. Forthcoming new parents are starting to comprehend the legitimate and social procedures of adoption and perceive the need to experience sorted out child welfare associations. (National Academies of Sciences, Engineering, and Medicine et al.) It is intriguing to take note of that over the most recent couple of years, children coming into organizations, either in the type of relinquishment or surrendering has diminished extensively. This is caused by Family Arranging and administering Medical Termination of Pregnancy. Instruction, globalization and contemporary musings have realized attitudinal changes in a more extensive point of view. In rural parts of Tamil Nadu at least, the girl child remains a casualty. Interestingly enough, the records of ICCW show that between 2001-2009, of all domestic adopted children, 78% were female children, and 22% male children. This clearly indicates that the female children are still being abandoned or surrendered more often than the male children. Prospective parents with high education and a higher economic status are self-assured to adopt girl children and they do not perceive a girl child to be an economic burden. (National Academies of Sciences, Engineering, and Medicine et al.; Ananthalakshmi) On the contrary, the researcher finds that some families in certain region with better economic status still consider raising a girl child as a burden because they do not want to spend money for her marriage, (Dr. Lakshmi T and Rajeshkumar S) and do not want to deal with teenage love interests. The conservative belief is still present in certain regions that a male child could be an investment. ("Prevention Is Still the Best Medicine: 'Child Health Day' Finds Utah Kids Healthy, But Could Be Better")

### **CHALLENGES IN DOMESTIC 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.

- 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.
- As opposed to the Western nations, Indian culture does not empower "open adoption". Since India takes after "shut adoption", classification about the birth parent/s isn't uncovered. Starting today, it is watched both in country and a few families in urban regions, new parents are additionally not open to enlightening their children concerning the adoption status. If a child accumulated this data from others, the trust could turn into a noteworthy issue in parent child relationship.
- 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.
- Clinical experience of the creator is that over liberality and over defense are two wonders that are normal in assenting child rearing. Despite everything they think about that, these children who have landed because of unique conditions require extraordinary methods for taking care of which may be not the same as organic child raising practices.

#### **FUTURE OF DOMESTIC ADOPTION**

Family courts should move towards 'child well disposed' arrangements to finish the adoption process and stay away from time slip by. The Judicial Academy should give periodical preparing to the District Court Judges on delicate treatment of adoption cases. NGO's and Child Welfare Agencies need to give vital direction to bring up children with uncommon requirements. Since same sex couple adoption is picking up force, soon arrangements should be set up. Starting at now, Indian Government is legitimizing same sex marriage in a few States. With expanded attention to mental ramifications in the adoption procedure, we may figure that preparation and instruction for adoption guiding ability will be a field that will increase significantly more consideration in the following decade.(Thukral and Ali)

#### **GUIDELINES FOR ADOPTION**

CARA has issued separate policy guidelines for inter- country and in- country adoptions. The main policy adopted is placement agencies involved in adoption should strictly follow and comply with the guidelines of CARA and register with respective state governments. No Objection Certificate [NOC] from CARA is made mandatory in case of all inter- country adoption, before placement agency process the application in competent Judicial Courts.

**POSITION UNDER HINDU LAW**

Hindus are allowed to legally adopt a child. Other communities could only act as legal guardians of the children. (Bajpai) Under Shastric Hindu Law, two main aim of adoption are as follows:

- This aim is religious i.e. to obtain a son who will take part in the funeral ceremonies of the father.
- This aim is secular i.e. to carry out family's name

It was believed that a person who died without leaving a son behind would go to hell. Hence, this was a reason to adopt a son. (Trishala A , Lakshmi T and Rajeshkumar S)

Under Shastric Hindu Law only a male child can be adopted and has to be from the same caste as his adoptive parents. In India, now several changes to the law regarding adoption have been made under the Hindu Adoption and Maintenance Act, 1956. The most important changes that this act brought are that it reduced the aim of adoption to secular only and also gave women equal rights to a man i.e. now, under this act both boys and girls may be adopted. The problem of having same caste has also been eradicated by this act. (Mayne)

**POSITION UNDER MUSLIM LAW**

Under Muslim law adoption is not recognized. Muslims have no adoption law and thereby have to approach a court under Guardianship and Wards Act, 1890. When a Muslim adopts a child under this act, it is considered to taken under foster care under the act. Before the Shariat Act, 1937, adoption among Muslim was recognized by custom. Under the Oudh Act, 1869, Section 29, a Muslim talukadar was permitted to adopt. (Bhargava)

**RESULT**

- There has been a huge development of policies and legal guidelines in the sphere of adoption.
- The government has been really quick and effective in providing help for the adoption procedure and the government had provided many adoption policies.
- The development and policies and legal guidelines had a huge impact on adoption and it brought out various problems of adoption and simultaneously provided the solutions to those problems too.

## CONCLUSION

This investigation gives data on adoption as a development of family in South India. Adoption offices are presently working as sorted out parts intently observed by the state and local government. Residential adoption has picked up its force once the legislature of India got engaged with observing and managing between nation adoption laws. General number of children being deserted or surrendered has significantly diminished due to legitimate restorative end of pregnancy administered by the Family Planning of India, and the change of the Indian economy. Adoption is an individual decision; new parents require help with inquiries in regards to child rearing, families, managing network and school.

Post adoption advising as aftercare is as of now accessible however is offered to the guardians just on ask. It is suggested that post adoption directing is ordered to help and guide guardians with the change in their parts and adapting to parenthood. Another imperative segment is that the emotional well-being network should be sharpened about adoption process and the mental effect of couple who are childless and who experience adoption. In light of the present pattern, it might be inferred that there will come a need in future to present adoption treatment preparing.

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