



## Social Justice

### Supreme Court Urges to Boost Adoption Pool

#### Tags:

- GS Paper - 2
- Indian Constitution
- Issues Related to Children
- Human Resource
- 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.

#### 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 CCIs 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.