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AN OVERVIEW

ADOPTION LAWS IN INDIA

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ABSTRACT

Adoption is widely regarded as an excellent means of giving parents a child and the child a place to call home. For underprivileged or abused children, or those who have been abandoned, it's a great alternative to institutional care. Adoptions should only take place when the child will benefit from them, as is common knowledge. Who will raise the child is therefore the most difficult and significant decision that needs to be taken during the adoption process. The child's best interests must always come first, as stated by international human rights legislation, in addition to the seeming requirement to uphold the "best interest" criteria. This is reflected in most countries' adoption laws, including India. Youth are the most valuable human resource in the country. India benefits from having the youngest population in the world. This resource, when managed properly, will promote development and national economic progress. Fostering adoption provides a family and a home for the adopted child. The international society recognizes "adoption" as one of the best and most appropriate substitutes for foster care, as does the Indian legal system. Nonetheless, religion continues to have an impact on child adoption in India. The only current statute pertaining to adoption is the Hindu Adoption and Maintenance Act, 1956. The Guardians and Wards Act of 1890 permits a kid to be treated as a ward instead of an adopted child, even though it only applies to non-Hindus.

Keywords: *Adoption Laws, Statutory Law, Valid Adoption, Contemporary Laws, Central Adoption Resource Authority*

INTRODUCTION

The assembly, which is the presentation of a relationship through which the parental bond is eventually and definitively observed, has shown to be the most beneficial option for people who are not normally associated when there isn't a well-known family. The needs of both young and inexperienced watchmen are satisfied by this event. Both players win when one receives a house and the other receives a younger one. Stated differently, it provides prosperous young people with a place to live and the autonomy to live free from their incompetent guardians. The following sentences define gathering according to the Shadiness Rule Word reference. Foster parenting is showing love and respect to a young child and assisting her in overcoming the obstacles that come with being a well-known adolescent.¹

Similar to CARA, the Focal Gathering Asset Authority offers the following gathering example: By coming together, they are deflecting attention from their older guardians to a new location where their inexperienced gatekeepers are near the appropriate entrances, duties, and recognition. A verified program portrays a certain, extremely aware parent-child dynamic between two people. A young child reared in a loving home is not a dummy for the average adopter; to them, it is a real adoptee.

This organization unintentionally fostered the idea that parental relationships are essential for young people who have lost their conventional parents by highlighting the shift of the traditional father from that of the young adult to that of the secure father. We've come a long way, from the possibility of pateria potestas to the importance of government assistance for young adults. Generally speaking, judgments have been made using one of the defensive interpretations of the idea, and this attitude difference is uncommon. It is possible for a friend or distant relative to adopt a child. A large group can include the extended normal family of an active person whose gatekeepers have either passed away or are unfit to care for the child, or it can include a stepparent who is taking on a replacement role for their idealistic support. It also reminds me of the times when devoted parents made sure their child went to activities with close family members after giving them to a sister or a childless household. The relative party is a healthy cycle, regardless of how long the youngster spends with their biological family on Earth. Moreover, when greeting a family member, inexperienced guards frequently act exceedingly kind and kind.²

¹ Anjani Kant , Women and Law, 80(APH publishing, New Delhi,2003)

² Anna Mamalakis PAPPAS, LEGAL RIGHTS OF CHILDREN IN UNITED STATES OF AMERICA, 90(Sage Publication, New Delhi,1999)

STATUTORY LAWS ON ADOPTION

The many adoption-related rules and regulations, which must all be followed in order to obtain the required gathering, can be frustrating to some adopters. In 1972, the legislature took the initiative to introduce Children's Bill, which laid the groundwork for frequent meetings. The non-Hindu minority's resistance kept the proposal from becoming law in the meantime. Nothing had changed by the time it was brought up again in the lower house in 1980, and the various groups received no thought at all. The aforementioned minorities were not included in India's strict system if they were unable to meet the actual construction or gathering target.³

The Guardian and Ward Act of 1890

The Guardian & Ward Act of 1890, or GAWA, takes the gatekeeper-ward relationship literally. An adult who is older than eighteen cannot be a ward under the previously existing Act. He receives neither the justified excess of a gifted child nor the patriotic accolades of a typical young adult for his deeds. In general, the child is remembered less as an adopted child and more as a ward of the GAWA of 1890. Any child under the age of eighteen would be considered a ward and would be placed under the supervision of a married couple. In this instance, the guardian may very well use a will to distribute his fortune to his beneficiaries upon his death, despite what might appear in a typical court probate procedure. [Source: Ibid] Without limitations, every man or woman can aspire to be the guardian of a future generation of any gender. If instructed to do so by a board, court, or other authority, anyone may be named a guardian. Gatherings of international communities must also abide with the GAWA of 1890. A member of the public must first persuade the kid's traditional guardians to place the child for gathering before being able to adopt an Indian-born child. After that, he must convincingly demonstrate that he is the child's legal guardian. Sometimes, the court rules that the teenager may be kidnapped by the untouchables if the decision is made fewer than two years after the child was placed under the critical guideline. Methuen & Company, London, 1975 [Social Behavior: A Methodical Study 190 by Michael Argyle Act of 1956 Concerning the Acceptance and Maintenance of Hinduism Under Hindu law, a minor who is adopted by someone has the same legal status as if they were born. The recently published act clearly states that it only pertains to Hindus under Section 2. This encompasses all individuals who do not belong to one of the main religious minority, notably Christian, Parsi, Muslim, or Jewish, as well as all members of the social groupings Hindu, Sikh, Buddhist, or Jain. It unites young people, legal and otherwise, who have observed the movement of their people and who were raised believing they are Sikhs, Buddhists, Hindus, or Jains but

³ A.N.SEN , HINDU LAW, 90 (Sri Sai Law Publication, Haryana, 2002)

whose ancestry is unknown. The aforementioned rule addresses many different topics, such as the capacity for acceptance and assumption, the frameworks employed in meetings, the decisions taken there, etc. A different parent cannot be a minor or have a mental illness under this show. A married Hindu needs the approval of their partner in order to adopt a young person. The mate's approval is not needed for the exhibit, even if they have turned insane, abandoned their regular life, or converted to a different faith. The guardian may release the child for an event if they are not present if the court grants permission beforehand⁴

The Hindu Adoption and Maintenance Act of 1956

A Summary of the Laws Governing the Adoption Gathering Process The goal is to identify the originator of the social event practice and to promote a certain development. Scholars from a variety of disciplines have observed how this tradition has changed to represent human development. Even in situations where there was no official familial link, a number of ancient social regimes, including the Babylonian, Roman, Greek, and Hindu ones, saw gatherings as a chance to create genuine bonds. Laws governing the gathering of customs first appeared in what historians assume to be the very early periods of human history, according to records that date back several decades. Examining how social event rules were deliberately evolved from that obvious open door to the several broad sorts of regulation that are currently in place might be both educational and enjoyable. This section's goal is to gather the data and put it in a logical order. You should proceed at your own risk because the audit is predicated on the recently uncovered and interpreted holy texts and teachings of the venerable local businesses that are the subject of this investigation. States and overall aims were not included in the various human processes researched at the time, thus it's possible that generalizations about comparable group behaviors were not drawn that still hold true today. Taking everything into account, it should be challenging to locate a comprehensive analysis of the topic, save for the supposition that it looks at the outdated laws that were in effect at the time. In order to achieve this, the subsequent subsections will examine and evaluate the ways in which the major ancient civilizations' social event regulations have evolved over time.

APPLICATION OF 1968 ACT

The Hindu Adoption and Maintenance Act, 1956, provides a structured legal framework for adoption among Hindus, Buddhists, Jains, and Sikhs in India. Key aspects of its application

⁴ Argyle, Michael, THE SCIENTIFIC STUDY OF SOCIAL BEHAVIOR, 190 (Methuen & Company, London ,1975)

include:

1. **Conditions for Adoption:** The Act specifies the conditions under which a Hindu person can adopt a child. These conditions include being of sound mind, not a minor, and not having a child already. If married, the consent of the spouse is required unless the spouse has renounced the world or has ceased to be a Hindu.
2. **Legal Effect of Adoption:** Once an adoption is legally recognized under this Act, the adopted child severs all ties with their biological family and becomes a legal heir of the adoptive family. The Act ensures that the adopted child enjoys all rights and privileges of a natural-born child in the adoptive family.
3. **Procedure:** The Act lays down the procedure for adoption, including formalities such as registration with the relevant authority. It emphasizes the welfare of the child as paramount in making decisions related to adoption.
4. **Maintenance Obligations:** In addition to adoption, the Act also addresses maintenance obligations, specifying the responsibilities of Hindu males to maintain their dependents out of their own earnings or property.

DEVELOPMENT OF ADOPTION UNER CARA

Under the guidance of the Central Adoption Resource Authority (CARA), adoption practices in India have undergone significant development, marked by enhanced efficiency, transparency, and child-centric approaches. CARA's central role in regulating and overseeing adoption processes has streamlined procedures nationwide, ensuring uniformity and adherence to legal standards across diverse states and regions.

One of the key developments under CARA has been the establishment of a centralized adoption portal, which serves as a comprehensive database for waiting children and prospective adoptive parents. This technological advancement has expedited the matching process, allowing for quicker placements based on compatibility and the specific needs of children. By facilitating direct communication between adoption agencies, prospective parents, and CARA, the portal has minimized delays and improved the overall efficiency of the adoption journey.

Moreover, CARA has prioritized child welfare through stringent guidelines and monitoring mechanisms that safeguard children's rights throughout the adoption process. This includes thorough background checks on prospective adoptive parents, ensuring they meet the criteria for providing a safe and nurturing environment. CARA also mandates post-adoption follow-ups and

support services, which help families navigate the challenges of adoption and ensure the well-being of adopted children in their new homes.

CASE LAWS

In Ajay Bijli and Anr. v. State and Anr⁵ involved one sister, Darshna Kumari. Shri C L Mahajan is the husband of Darshna Kumari. They each have one daughter, and the petitioner, Ajay Bijli, is one of their three sons. To the dismay of the entire family, Darshna Kumari left the married house following a family argument. These factors led to his sister Smt. Following that, Bijli's children received some financial help from the affluent Shri K. M. Bijli. Kumari Darshana. To capitalize on the prestige and position of the late K.M. Although the applicant and any Smt. Bijli's sister's children went by his surname, "BIJLI," he had never welcomed them. child. Kumari Darshana. The petitioner declared himself to be Late KM Bijli's adopted son. In order to ensure correct adjudication, he contended that he ought to be included in the late K. The intention of M. Bijli. The Delhi High Court ruled that the petitioner had not proven that sections 7 and 9 of the HAMA, 1956, had been followed.

Bhooloram and Others v. Ramlal and Others⁶ whether the wife's approval was necessary for adoption under HAMA 1956. The court determined that a woman's agreement is required for an adoption under Section 7 of the HAMA, 1956 to be lawful, provided that she is still legally recognized as a wife. Similarly, unless the conditions specified under Section 107 of the Indian Evidence Act are met, a wife's absence to an undisclosed location cannot be legitimately interpreted as her death. This resulted in yet another problem with how Section 16 of the HAMA 1956 was interpreted. The court determined that in order to establish a presumption of legal adoption based on a registration form presented in court, proof of the signatures of the parties providing and accepting the child for adoption was necessary.

In the case of the widow's adopted son, **Duni Chand. v. Paras Ram**,⁷ issue dealt with the favored successor of the deceased husband's preference over other collaterals. Would the boy the widow took in as a foster child and incorporated into her new family also be her late husband's son? The widow's adopted children are her and her late husband's joint property, the court said, noting that Hindu law authorizes widows to adopt children. The court also decided that the adopted son has

⁵ 1999VIAD(DELHI)574

⁶ 1989 JLJ 387.

⁷ AIR 1970 Delhi 202

complete ownership rights over his deceased father's belongings as of the adoption date.

ISSUES RELATING TO ADOPTION IN INDIA

There isn't a single adoption law in India. Adoption in India, for instance, follows a true cycle, as stated in the Hindu Adoption and Maintenance Act, 1956 (HAMA). This show is only accessible to Hindus. It is made clear that while regular watchmen or guardians may also provide their children for gathering under certain circumstances, primary Hindus may accept teenagers who identify as Hindu. Others, including the Jews, Muslims, Christians, and Parsis, don't understand the significance of a gathering. They can expect that the youth will act as gatekeepers by using the Guards and Ward Show of 1890, preventing it from having the same status as it would have with inexperienced parents. The regulatory framework as a whole does not prioritize teenagers above watchmen. It absolves a child of the responsibility to uphold a respectable home environment.

- a) **No uniform law of adoption in India:** It was observed that some meeting-related activities were abused. It's possible that the adopted child will experience neglect and abuse. Every human development has this to varying degrees. appearing from time to time as child labor, child care, beggars, teenagers used as props for organs, camel hustlers, etc.
- b) **Abuses of adoption** For an adopted child, who is similar to a trademark child born after the meeting, a partition request is made. However, custom requires that the embraced child be offered the following instead of the same proposition offered to the normal child when the responsive father's space is divided between him and his later imagined typical youngster: a) 1/3 of the steady father's Bengali home; b) 1/4 of the open father's endowment in Benaras; and c) 1/5 of the consenting dad's area.
- c) **Financial obligation:** The soon-to-be novice parents must be able to support themselves in order to nurture the adopted child. When the parents join in the Young Person Gathering Resource Information Course System, they invariably lack expertise, and they repeat this behavior when they are examined. Furthermore, the celebration entails extra costs that the inexperienced, new parents will also have to pay for.
- d) **Health Constraints:** A person's wealth level is one of the main barriers to accumulation. The aspiring inexperienced parents must to be exceptionally wealthy, mentally and physically sound, and free from any major ailments. However, every soon-to-be parent needs a responsible, grown-up child. A young person's clinical background is usually far from ideal when they are first taken on.

- e) **Legal complications:** New parents need to make sure they are aware of and abide by all publicly available child-gathering guidelines. Most inexperienced guardians and ordinary parents in India are probably unaware of the Central Gathering Resource Authority's effort for teenagers to gather real necessities.

LEGAL FRAMEWORK FOR ADOPTION IN INDIA

- The Adoption Regulations, 2017 and the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) largely regulate the legal framework for adoption in India.
- Any Indian citizen, Non-Resident Indian (NRI), or foreign citizen living in India may adopt a child, subject to certain limitations.
- CARA oversees adoption processes all around the nation in its capacity as the principal adoption agency for Indian children.
- The Ministry of Women and Child Development is in charge of it. It is required for prospective adoptive parents (PAPs) to register with either CARA or a Specialized Adoption Agency (SAA). They undergo preparation and home study before they are paired with a possible child. Subsequently, the adoption is completed by means of legal procedures and documents.
- The JJ Act lays out the requirements that must be fulfilled in order to qualify for PAP, including age restrictions, marital status, financial stability, health, and fitness for adoption. CWCs are essential to the adoption procedure.
- They supervise several facets of the adoption procedure and guarantee the child's best interests. Reports and follow-up visits are necessary after adoption to guarantee the child's and the adoptive family's wellbeing.
- The JJ Act forbids the selling of juveniles for adoption or trafficking of children. Adoption laws are subject to sanctions and legal action for any violations. To protect the safety and wellbeing of the children being adopted by foreign nationals, or NRIs, extra safeguards and laws must be observed throughout the international adoption process. The adopted child has all rights and privileges as if they were the biological child of the adoptive parents once the adoption process is finished in accordance with the relevant legal regulations.⁸

⁸ C.P. Veena, 'LAW RELATING TO JUVENILE JUSTICE', 120 (C. Jammandas & Co, Educational & Law Publishers, Mumbai 2017)

ACKNOWLEDGMENT IN MUSLIM LAW

A father's confession of his ancestry or fatherhood is regarded as an acknowledgement under Muslim law. Legally speaking, it matters especially with regard to inheritance and parental rights.

An overview of recognition in line with Islamic law is provided below:

- a) **Acknowledgment of Paternity:** Under Islamic law, a father must present proof of paternity in order to establish his legal relationship with his child. This expressed verbally or in writing, the father's acceptance of the child as his own.
- b) **Legal Consequences:** In Muslim law, acknowledging fatherhood carries a number of legal consequences, especially with regard to inheritance rights. When a kid gains their father's affection, they are legally entitled to a portion of his estate. Likewise, the father is now responsible for supporting and taking care of the acknowledged child.
- c) **Modes of Acknowledgment:** Muslim law recognises multiple techniques for determining paternity. A parent may formally state in writing or in front of witnesses that his child is his biological child. The father might formally accept his role as a parent by writing a formal declaration of paternity or acceptance statement. Sometimes a court or other appropriate authority will admit paternity, which is then documented in official documents.
- d) **Presumptions of Paternity:** Muslim law regards a child born into a lawful marriage as legitimate and makes assumptions about paternity. Even in cases where the child is born outside of marriage, the father's acknowledgement has the power to refute these assumptions and establish the child's legal tie with him.
- e) **Proof of Acknowledgment:** To establish paternity and the child's legal rights in court, proof of acknowledgment may be needed. This may be corroborated by written records, witness accounts, or other proof showing the father's recognition of the child.
- f) **The Importance of Appreciation** In Muslim countries, acknowledging fatherhood has social and moral implications in addition to being mandated by legislation. It guarantees the child's rights both inside the family and in society at large and shows the father's acceptance of his role as a parent.

SHAYARA BANO CASE

The Shah Bano case, while significant in addressing maintenance rights for divorced Muslim women in India, did not directly deal with adoption. Adoption in Islamic law differs from practices in other legal systems, as Islam does not allow the adoption of children in the conventional sense. Instead, it permits "kafala," a form of guardianship where children can be cared for but do not

acquire the legal status of biological children or inherit property. In India, personal laws govern matters like adoption among Muslims, and these laws are distinct from secular laws that recognize formal adoption with inheritance rights. The case underscored broader debates about personal laws versus uniform civil code in India, highlighting complexities in balancing religious practices with modern legal principles.⁹

CARA AND ADOPTION

- **Need Of CARA**

The Central Adoption Resource Authority (CARA) serves a pivotal role in the adoption process in India by providing essential oversight, regulation, and support. Established under the Ministry of Women and Child Development, CARA ensures that adoptions adhere to legal frameworks and ethical standards, thereby safeguarding the welfare of children involved. By centralizing adoption procedures, CARA streamlines the process across diverse states and regions, reducing bureaucratic complexities and ensuring consistency in adoption practices. Moreover, CARA maintains a comprehensive database of waiting children and prospective adoptive parents, facilitating effective matches based on specific criteria and needs. Beyond facilitation, CARA offers crucial post-adoption support services, including counseling and guidance for adoptive families, to ensure successful integration and long-term care for adopted children. In essence, CARA's efforts not only promote the rights and welfare of children but also provide a structured pathway for prospective parents to create loving and nurturing homes through legal adoption channels in India.

- **Impact Of CARA for Adoption**

The Central Adoption Resource Authority (CARA) has had a significant impact on adoption practices in India, particularly in ensuring transparency, efficiency, and child welfare. By centralizing and regulating the adoption process, CARA has streamlined procedures across different states and regions, reducing bureaucratic hurdles and ensuring consistency in adoption practices. This has helped in expediting the placement of children in need of homes with suitable adoptive families, thereby reducing waiting times and improving outcomes for children.

CARA's emphasis on ethical adoption practices has minimized the risk of exploitation and trafficking of children, providing a secure framework that protects the rights of both children and adoptive parents. Through its robust guidelines and oversight, CARA ensures that adoptions

⁹ AIR 2017 SUPREME COURT 4609

comply with legal frameworks such as the Juvenile Justice (Care and Protection of Children) Act and the Guidelines Governing Adoption of Children. This legal compliance not only safeguards the rights of adopted children but also provides reassurance to adoptive families regarding the legality and permanency of the adoption process.

CONTEMPORARY LAWS AFTER INDEPENDENCE ON ADOPTION

The Hindu Adoption and Maintenance Act of 1956 (which applies to Hindus, Jains, Sikhs, or Buddhists) and the Guardian and Wards Act of 1890 (which applies to foreign citizens, NRIs, and Indian nationals who are Muslims, Christians, or Jews) are the two main pieces of legislation that allow Indian citizens to adopt abroad. Since India attained independence in 1947, adoption laws have undergone significant revisions. The changing legal landscape around adoption reflects the move away from heavily religiously-based legislation and toward more secular, child-centered policies. India, which has placed a high priority on the security and well-being of children, has passed a number of laws since obtaining its independence in an effort to create a comprehensive framework for adoption. Laws such as the 1956 Hindu Adoption and Maintenance Act, which regulated adoption practices among Sikhs, Buddhists, Jains, and Hindus, serve as examples of this expansion. As the nodal body overseeing adoption activities, the Central Adoption Resource entity (CARA) was created by the Juvenile Justice (Care and Protection of Children) Act of 2000 and its Amendment Act of 2015, among other later laws. We will look at the current laws and regulations that govern adoption in India, emphasizing important clauses, their applicability to various religious communities, and the role of specialist organizations like CARA. All citizens were now able to adopt children, irrespective of their religious affiliation, thanks to these regulations. We will also talk about international adoption laws under the Hague Convention on Intercountry Adoption, as well as acceptance of single-parent and LGBTQ+ adoptions. Lastly, we will examine recent advancements, challenges, and the ongoing adoption discussion. Through an assessment of the statutory framework and its application, we hope to gain a better understanding of the progress made in safeguarding the rights and welfare of adopted children while also highlighting areas where adoption laws in India still need revision and growth.

Guidelines under Juvenile Justice Act

The Central Adoption Resource Authority (CARA), a statutory organization under the Ministry of Women and Child Development, is the nodal agency for child adoption. It established the guidelines that must be adhered to during the adoption process. The specific provisions of the Juvenile Justice Act include these rules. The Juvenile Justice Act mandates that adoption agencies,

childcare centers, and juvenile homes register with the nodal agency. All prior laws and changes are superseded and must be approved again by the Juvenile Justice Act of 2015. Adoption of a turned-over or abandoned orphan must follow CARA laws and occur via approved agencies, per the Juvenile Justice Act. Prior to the passage of the Juvenile Justice Act of 2000, the primary adoption statute in force was the Hindu Adoption and Maintenance Act. Any infringement upon this legislation is deemed unlawful.

It has not been authorized by the Hague Convention on Adoption and is unsuitable for adoptions. Furthermore, it does not permit post-adoptive follow-up by authorized agencies or authorities, nor does it permit evaluation of the mental and physical abilities of prospective adoptive parents. This usually meant that we were the targets of abuse or that adopted children were being used for illicit purposes. Other religions, like Christianity, Islam, or Parsis, cannot adopt under any other legal system than the Guardian and Ward Act because they do not have their own unique adoption rules. Since this is regarded as foster care rather than official adoption, there is no legal provision for the adopted child to inherit from this. The Juvenile Justice Act of 2000 was passed with the intention of putting The Hague Convention's principles into practice. The Juvenile Justice (Care & Protection) Act of 2015 reinforced adoption norms and procedures both domestically and within other faith communities.

Guidelines under the Hindu Adoption and Maintenance Act, 1956

The quest for social justice and gender equality following independence led to the modernization and codification of Hindu civil law. The 1956 Hindu Adoption and Maintenance Act addresses the discriminatory laws of the past and is gender equal. The Hindu Adoption and Maintenance Act addresses gender discrimination, adoption, and the ability to adopt or arrange for adoption.

MODERN ADOPTION LAW IN INDIA WITH SPECIAL REFERNCE TO CARA

Official government sanction for the 1956 display of Hindu meetings was granted by the Hindu Adoption and Maintenance Act, 1956 (henceforth referred to as HAMA). Both official and informal gathering intentions were seen during the social event while the HAMA was passed. The young woman can still be cast for this show even if she is unfit to perform her last duties or officiate funerals. At the time of the social event, there is no plan in place for the Location extreme capacity to be implemented. Generally speaking, real compromises came from the young people who were driven to learn. Raising a child as though it were one's own typical upbringing and

integrating them into one's own family was the aim of the social gathering.

PROCESSOR OF ADOPTION ACCORDING TO CARA

To protect the welfare of adoptive parents (PAPs) and children, the Central Adoption Resource Authority (CARA) in India establishes regulations and regulates adoption practices. According to CARA, the adoption process consists of the following steps:

- a) **Registration:** Through the CARINGS (Child Adoption Resource Information and Guidance System) portal, prospective adoptive parents (PAPs) must register online with CARA or a recognized Specialized Adoption Agency (SAA). They are required to supply the information and records required for registration.
- b) **Preparation and Home Study:** Following registration, PAPs participate in a pre-adoption counseling session and a thorough home study led by a social worker. The home study evaluates the PAPs' living circumstances, financial security, and psychological preparedness in order to determine whether or not they are suitable for adoption.
- c) **Matching and Referral:** CARA or the SAA links PAPs with a child who is legally eligible for adoption, taking into account PAPs' preferences and eligibility requirements. In addition to the PAPs' choices, the matching procedure takes into account the child's age, gender, health, and special requirements.
- d) **Acceptance and Adoption Committee Approval:** After a suitable match is found, the PAPs are given comprehensive details about the child and have the option to approve or reject the referral. The case is brought before the Adoption Committee for approval if they accept.
- e) **Pre-Adoption Foster Care:** certain circumstances, pre-adoption foster care, particularly for younger children or those with special needs, may be set up to help the child bond with the potential adoptive family prior to the adoption being official.
- f) **Court Proceedings and Legal Formalities:** The adoption legal process is started upon the adoption committee's permission. PAPs submit an adoption petition to the relevant court together with the required paperwork and CARA or SAA reports. A court's evaluation and issuance of an adoption order is the formal completion of the adoption process.
- g) **Post-Adoption Follow-up and Reporting:** make sure the adopted child is prospering in his new home, CARA or the SAA arranges follow-up visits and provides frequent reports after the adoption. This assists in resolving any problems and gives the family the assistance they need.

- h) Issuance of Adoption Certificate:** After the post-adoption follow-up time is over and all legal requirements have been met, CARA provides the adoptive parents with an adoption certificate attesting to the adoption's legal status.
- i) CARAs and SAAs protect the child's best interests during the adoption process in addition to assisting PAPs with the adoption procedure and making sure that all moral and legal requirements connected to adoption in India are met.**

JUDICIAL PRONOUNCEMENT

*Binay Ranjan Sahu & Another vs Kusumlata Dei & Others on 29 March, 2023*¹⁰

The judgment and decree issued in T.S. are upheld, and the petition gets approved. We have closed Case No. 109/385 of 2011/1994. This Court decides that the gift deed no. 1669, dated December 28, 1992, and the registered sale deed, dated December 30, 1992, are illegal since Defendant No. 2 is not Jayaram and Kunja Sahu's adopted son. In the preliminary decree of the action, a third of the total is given to the plaintiff and defendants Nos. 3 and 4. Defendants Nos. 1 and 2 filed an appeal because, like their sister, who was designated as a party in the First Appeal following the death of her mother, the original Defendant No. 3, they were offended by the First Appellate Court's previously mentioned verdict. Any party may petition the lower court to start the final decree procedure if, within three months, the parties are unable to reach an agreement on how to split the property. The parties listed below have been referred to following their arraignment before the Trial Court for the sake of convenience, clarity, and to prevent confusion.

*Raj Singh vs Ranbir Singh And Ors Page No. 1/23 on 12 March, 2021*¹¹ case, it is claimed that on June 8, 2003, Ranbir Singh and Sushma Devi gave birth to a male child named "DM" (actual name concealed), who is referred to as "the child" moving forward. The father of the child is the uncle of the petitioner. The child's biological parents, Ranbir Singh and Sushma Devi, plan to give, and the petitioner plans to adopt the child in order to better meet the child's needs. The term "Prospective Adoptive Parent" (PAP) is used to describe the petitioner. In addition, the child has given permission for the adoption in issue and is ready to accept the petitioner as his parent. The child's welfare is the only reason for the adoption in question. All requirements for a JJ Act legal adoption had been met prior to the filing of the current petition. That the petitioner be granted the chance to adopt the child and be recognized as the child's legal parent moving forward is what is

¹⁰ R.S.A. No.125 of 2020

¹¹ GP No. 01/20

being asked for.

Furthermore, it is prayed that the 2017 Adoption Regulations will be adhered to and that the appropriate birth certificate issuing body would be contacted in order to expeditiously provide the child's birth certificate. It is acknowledged that there is a relationship in this specific case between the petitioner, the kid, PAP, and the biological parents—all of whom identify as Hindus. It is also acknowledged that the child was delivered on June 8, 2003. This indicates that the youngster was older than fifteen on the day the current petition was instituted. It is accepted that this is the petitioner's first attempt to adopt the child, and that there had never been any kind of adoption ceremony prior to the current petition's creation. During the proceedings, this court brought up the question of whether the petition could still be maintained in light of the JJ Act. The petitioner's attorney responded by saying that the petition is legally maintainable in its current filed form. I have reviewed the paperwork and had a conversation with the petitioner's lawyer. The current processes are not hostile in any way.

Joyce Pushapalath Karkada Alias Shiri vs M/S Shameela Nina Ravindra Shiri on 12 September, 2013¹²

Adopting children is a very old tradition, having been recognized since the beginning of civil law. Hindu law was not codified and was, therefore, partially reliant on conventions that had legal authority in terms of adoption and succession. The Bengal, Agra, and Assam Civil Courts Act, 1887, applied to civil courts. These courts were required to make decisions on matters of succession, inheritance, marriage, caste, and religious usage or institution if the parties involved were Hindus. If the parties were Muslims, they were required to make decisions based on Mohammedan law. In other cases, they were required to make decisions based on justice, equity, and good conscience. All of the continental European countries with civil law-based legal systems make extensive use of it. Ancient Jews, Greeks, Romans, Assyrians, Egyptians, Hindus, and Assyrians all had a great grasp of adoption, even if it was not regulated by English common law. As a result of legislative actions and statements made at numerous international conventions, the definition of adoption in English law has undergone substantial modification. In the past, adoption was not recognized by common law in the sense that it involved giving up parental rights and responsibilities for a child to a third party and having them taken on by them. This is true, according to informed legal counsel appearing on behalf of the plaintiff-respondent. In compliance with the European Convention on the Adoption of Children, the Adoption Act of 1976 was passed.

¹² APPEAL No.849 OF 2010

It covered rules pertaining to the recognition of adoption, giving the adopted child a certain status, transferring property with peerage, and other related matters.

*Joyce Pushapalath Karkada Alias Shiri vs M/S Shameela Nina Ravindra Shiri on 12 September, 2013*¹³

CONCLUSION

Hindu social gathering customs have often evolved over time to restrict women's visibility. It is improbable that Muslims in India cannot officially adopt a child, nevertheless, as there isn't a single customary law controlling gatherings. A national standard code would attract real youth gatherings in India and improve the social assistance that the government provides to childless couples. A code like this would ensure children's safety, a quality education, and a bright future. Putting aside the challenges posed by the social event cycle, enforcing a daily, consistent code would enable every neglected youth to strive toward preparedness and a regular presence they could hardly have imagined. It is important to emphasize that a young person's path shouldn't determine their actions. Ensuring adequate housing meets the needs of housing a young person for guardians without children and an adolescent without guardians. All established social hierarchies acknowledge this remarkable social link. Gatherings are the official means by which new family interfaces are created, which the legal system and society view as being equivalent to a person's innate connections within a single family connection pack. The general assembly should be viewed as one of the government's youth support initiatives to prevent it from turning into a trade. This kind of event would combine artistic vision with legal frameworks; it would include creating an environment in which the adopted youngsters could produce in a joyful, consistent manner and truly become part of the community. Prior to the passage of the Young Adult Worth (Care and Protection) Act in 2000, events were exclusively open to Hindu attendees. As an organizational support and recuperation tool for all young people covered by its arrangements, the JJ Appearing of 2000 distributed get-togethers even though attempts to open social events for disparate groups through a single standard had actually failed. The JJ Act 2000 failed to answer numerous requests about possible contradictions between the Act and the HAMA, as well as the ramifications of gathering for the targeted young. Even though there are currently two or three roles available, the Adolescent Worth (Care and Security) Act 2015 incorporates measures for the aggravating situations on a defined, indisputable level.

¹³ APPEAL No.849 OF 2010

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