



Adopt a child legally

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(Mains GS 1 & 2: Indian society and diversity – Salient aspects & Welfare schemes for vulnerable sections of the population by the Centre and the States and the performance of these schemes; mechanisms, laws, institutions and Bodies constituted for the protection and betterment of these vulnerable sections.)

Context:

- Recently some people are offering infants for instant adoption by selling sob stories of how the children have lost their parents to the dreaded virus.
- These unscrupulous people target gullible persons who fall into the trap, little realising that such adoptions are illegal.

Social media appeals for adoption:

- With deaths due to the COVID-19 on the rise, Twitter and Whatsapp have been flooded with citizens sharing details of children who have lost their parents.
- But such social media posts appealing for adoption of children orphaned during COVID-19 are illegal
- Activists warn that such posts are illegal under Section 80 and 81 of the Juvenile Justice (JJ) Act, 2015.
- The Act prohibits offering or receiving children outside the processes laid down under the Act as well as their sale and purchase.
- Such acts are punishable with three to five years in jail or ₹1 lakh in fine.

Protection granted by the law

- According to UNICEF, India has over 30 million orphan and abandoned children.
- Unfortunate parental deaths added unknown numbers of orphans to the list.
- Many children escaped monitoring by the official machinery due to the breakdown of systems.
- Juvenile Justice (Care and Protection of Children) law was enacted in 2015.

- The Juvenile Justice Rules of 2016 and the Adoption Regulations of 2017 followed to create the Central Adoption Resource Authority (CARA) as a statutory body for the regulation, monitoring and control of all intra-country and inter-country adoptions.
- Furthermore, CARA became pivotal in granting a 'no objection' certificate for all inter-country adoptions, pursuant to India becoming a signatory to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoptions.
- India is also a signatory to the UN Convention on the Rights of the Child.
- Thus, protections afforded to children became a legal mandate of all authorities and courts.

Adoption under juvenile justice Act:

- There is a process as per the JJ Act which needs to be followed with children who have been orphaned.
- If someone has information about a child in need of care, then they must contact one of the four agencies.
- These agencies are Childline 1098, or the district Child Welfare Committee (CWC), District Child Protection Officer (DCPO) or the helpline of the State Commission for Protection of Child Rights.
- Following this, the CWC will assess the child and place him or her in the immediate care of a Specialised Adoption Agency.
- When there is a child without a family, the State becomes the guardian.
- Parents who bring home orphaned children without following the process under the JJ Act are likely to undergo heart-ache because if the government comes to know, it will take custody of the child,
- The Juvenile Justice Act is a secular law and all persons are free to adopt children under this law.
- However, persons professing the Hindu religion are free to adopt under the Hindu Adoptions and Maintenance Act of 1956.

Following procedure:

- The eligibility of prospective adoptive parents living in India, duly registered on the Child Adoption Resource Information and Guidance System (CARINGS).
- Upon approval, as per seniority in the adoption list, prospective children are offered and pre-adoption foster care follows.
- The specialised adoption agency then secures court orders approving the adoption.
- All non-resident persons approach authorised adoption agencies in their foreign country of residence for registration under CARINGS.

- Their eligibility is adjudged by authorised foreign adoption agencies through home study reports.
- As per seniority, they are offered profiles of children and child study reports are finalised.
- CARA then issues a pre-adoption 'no objection' certificate for foster care, followed by a court adoption order.
- A final 'no objection' certificate from CARA or a conformity certificate under the adoption convention is mandatory for a passport and visa to leave India.

Steps to curtail illegal child trafficking menace:

- The business of criminal trading of children must be checked with an iron hand.
- CARA must conduct an outreach programme on social media, newspapers and TV, warning everyone not to entertain any illegal adoption offers under any circumstances whatsoever.
- The legal process of adoption must be adequately publicised.
- The National and State Commissions for Protection of Child Rights must step up their roles as vigilantes, as they are empowered by law to take effective action against those engaging in illegal activities.
- Social activists, NGOs and enlightened individuals must report all the incidents that come to their notice.
- Respective State Legal Services Authorities have the infrastructure and machinery to stamp out such unlawful practices brought to their attention.
- The media must publicise and shame all those involved in this disreputable occupation.
- Innocent children deprived of the love and care of their natural parents due to tragedies cannot fall prey to traders of human smuggling.
- At the same time, the police authorities need to be extra vigilant in apprehending criminals.

Institutional mechanism needs to be roll out:

- This is the high time to focus on kinship care.
- The Ministry of Women and Child Development and all concerned State departments should immediately roll out a kinship care programme and make it part of foster care provisions under the JJ Act.
- Activists also emphasised on the need for District Child Protection Units to be activated and assigned the task of surveillance to keep a track of the number of children affected due to COVID-19.
- In fact, Karnataka recently issued an order for appointing a nodal officer to identify all such children who have been orphaned and "to ensure necessary support as well as long term arrangements"

Conclusion:

- Experts appeal that citizens must dial helpline 1098 to pass on information about children in need of care and protection rather than put information on social media platforms.
- Every citizen of the nation has a role to play in eradicating this unhealthy practice.