

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT
LOK SABHA

UNSTARRED QUESTION NO: 1634

ANSWERED ON:27.07.2018

Selling of Children

PASHUPATI NATH SINGH

- (a) whether the Government has taken cognizance of incidents of selling of children from Children Homes in Jharkhand;
- (b) if so, the details thereof and the action taken/likely to be taken by the Government against them; and
- (c) whether the Government proposes to blacklist such Children Homes and if so, the details thereof and if not, the reasons therefor?

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:-

ANSWER

MINISTER OF STATE IN THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT
(DR. VIRENDRA KUMAR)

(a)& (b): One incidence has come to notice in respect of 'Missionaries of Charity' in the State of Jharkhand. The primary responsibility of execution of the Act lies with the State Government, who are required to take necessary action in accordance to JJ Act and Adoption Regulation, 2017. The relevant Sections of the Act relating to registration of Child Care Institutions (CCIs), which includes SAAs, and penalty for non-registration are enumerated in Section 41 and 42 of JJ Act respectively. Section 41 requires that all institutions, which are meant, either wholly or partially, for housing children in need of care and protection or children in conflict with law, shall, be registered under this Act, within a period of six months from the date of commencement of this Act, regardless of whether they are receiving grants from the Central Government or the State Government. And Section 42 of JJ Act 2015 states that any person or persons in-charge of an institution failing to comply with the provisions of sub-section (1) of section 41 shall be punished with imprisonment which may extend to one year or a fine of not less than one lakh rupees or both, provided that every thirty days delay in applying for registration shall be considered as a separate offence. Further Section 80 of the Act is about Punitive measures for adoption without following prescribed procedures. This says that If any person or organisation offers or gives or receives, any orphan, abandoned or surrendered child, for the purpose of adoption without following the provisions or procedures as provided in this Act, such person or organisation shall be punishable with imprisonment of either description for a term which may extend upto three years, or with fine of one lakh rupees, or with both, provided in case where the offence is committed by a recognised adoption agency, in addition to the above punishment awarded to the persons in-charge of, and responsible for the conduct

of the day-to-day affairs of the adoption agency, the registration of such agency under section 41 and its recognition under section 65 shall also be withdrawn for a minimum period of one year.

(c): In the event of any such irregularities the State is required to take action accordingly. Further the concerned State Adoption Resource Agencies (SARA)/State Governments are requested to enquire into the matter of reported irregularity, if any, and take action as per the Act and the Regulations, when such instances comes to the notice of Central Government. Thereafter in specific instances of violation of the Act and the Regulations, Show Cause Notices are being issued to the SAA and depending upon the gravity of violation either fine is levied on SAA or their recognition is suspended/revoked. Detail of the SAAs closed, State-wise, is annexed as Annexure II. Besides in the light of incidence of 'Missionaries of Charity' in the State of Jharkhand, the State/UTs have been requested to ensure that all the registered institutions are linked to Specialized Adoption Agencies and are reflected in CARINGS, within a period of one month and to publish, this direction, for speedy execution, in the local newspaper to ensure compliance by the institutions within the stipulated period, failing which action may be taken against the non-complying institutions; to issue instructions for conducting inspection of all homes run by Missionaries of Charity in their State and for immediate identification of other such potential institutions/organisations which could be involved in unlawful activities; to conduct regular inspections of all institutions as prescribed under the Act; to ensure linkage of all the CCIs with the

closest SAA within one month to provide opportunity for lawful adoption to the children, legally free for adoption, residing in those CCIs; to keep a close watch on the maternity homes and facilities which may act as a potential sources for illegal adoption and child trafficking; to create awareness amongst the public to help prevent such incidences. Copy of letter No CW-II-26/33/2018-CW-II dated 20.7.2018 is annexed as Annexure III.
