

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT
LOK SABHA

STARRED QUESTION NO: 355

ANSWERED ON:10.08.2018

Illegal Adoption

SHIVAJI ADHALRAO PATIL

- (a) whether some institutions and organisations have been propagating/ facilitating illegal adoption outside the domain of the Juvenile Justice Act, 2015, which is tantamount to child trafficking, if so, the details thereof along with the number of institutions/organisations that are involved in unlawful activities across the country, State/UT-wise and the reaction of the Government thereto;
- (b) whether the maternity hospitals and other facilities are potential places for illegal adoption and child trafficking and if so, the steps taken by the Government in this regard;
- (c) whether her Ministry has issued any directions to States/UTs to register Child Care Institutions (CCIs) and link them with the Central Adoption Resource Authority (CARA), if so, the details and the compliance status thereof, State/ UT-wise;
- (d) whether her Ministry has requested the States to issue instructions to conduct inspection of all homes run by Missionaries of Charity (MoC) and if so, the details thereof; and
- (e) whether there is a conflict over the MoCs not allowing adoption by single parents, if so, the details thereof and the steps taken by the Government against the institutions which defy the revised guidelines along with the further measures taken for speedy registration of CCIs and linking them with CARA for proper monitoring?

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

ANSWER

MINISTER OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI MANEKA SANJAY GANDHI)

(a) to (e): A Statement is laid on the Table of the House.

Statement referred to in reply to part (a) to (e) of the Lok Sabha Starred Question No.*355 for answer on 10.08.2018 raised by Shri Adhalrao Patil Shivajirao and Shri Anadarao Adsul regarding "Illegal Adoption"

(a): As per information provided by Central Adoption Resource Authority (CARA), details are at Annexure-I. The Government has been spreading awareness for preventing illegal adoption through print media, radio jingles and television advertisements. Further Women & Child Development Ministries in various states are also placing hoardings and posters discouraging illegal adoptions. Section 80 and 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) stipulates punitive measures for adoption without following prescribed procedures as well as in cases of sale and procurement of children for any purpose. The Specialised Adoption Agencies (SAAs) which were found to be not complying with the Adoption Regulations, 2017 are issued warnings/ show cause notice and fined/suspended as per the provision of Section 65(4) of the JJ Act, 2015, after giving them an opportunity to explain their case.

(b): Apprehending that some of the maternity/nursing homes could be directly placing new born children with adoptive families, Government had issued instruction/ advisory to all States & UTs, vide letter dated 08th September, 2015, which is at Annexure-II. A Public Notice was also published by CARA in the Newspapers on 15th January, 2015. Copies of advertisements are at Annexure-III.

(c): Section 41 read with Section 65 and 66 of the JJ Act and Regulation 58 of the Adoption Regulations, 2017 stipulates mandatory registration of all Child Care Institutions (CCIs) and its linkages to a Specialised Adoption Agency (SAA). This was further ordered by Hon'ble Supreme Court in its Judgement in Writ Petition (Crl) No. 102 of 2007, vide Order dated 5th May, 2017. Letter to this effect has also been written to all the Chief Ministers by the Hon'ble Ministers on 29th September, 2017 which is at Annexure-IV. Further, direction has been passed to all State Governments during the Review Meeting held at 24th October, 2017. Record of discussion circulated to all States & UTs vide letter dated 25th January, 2018 is at Annexure-V. In the light of

the incidence of sale of children by 'Missionaries of Charity' in the State of Jharkhand, the Chief Secretaries of all States/UTs have been requested by Secretary (WCD) ,vide his letter dated 20th July, 2018, to ensure linkage of Child Care Institutions with close by SAAs within a month and to ensure that all children are reflected in CARINGS. Further for speedy execution the Chief Secretaries of all States/UTs have been requested to publish this direction 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. Copy of letter dated 20.7.2018 is at Annexure VI.

(d): Yes. The primary responsibility of execution of the Juvenile Justice Act 2015 (JJ Act) lies with the State Government, which is required to take necessary action in accordance to JJ Act and Adoption Regulation, 2017.

(e): The 'Missionaries of Charity' through their letter dated 31st August, 2015 to CARA communicated that they had decided to suppress all of their 18 Adoption Centres across India due to their inability to comply with "Guidelines Governing Adoption of Children, 2015", notified at that point of time. The letter of 'Missionaries of Charity' dated 31st August, 2015 is at Annexure-VII.
