

SPEEDING UP THE ADOPTION PROCESS

Relevant for: Government Policies & Welfare Schemes | Topic: Welfare of Children - Schemes & their performance; Mechanisms, Laws, Institutions & Bodies

Early this January, the Supreme Court observed that the “future of the country depends on our children”. Yet, an affidavit filed by the National Commission for Protection of Child Rights shows that of 203 special adoption agencies audited, merely eight deserved positive reviews. It has been observed that there is an inordinate delay in issuing adoption orders by the courts due to the heavy workload.

As of July 20, 2018, there are 629 cases for adoption pending in various courts across the country. Due to delay in the issuing of adoption orders by the courts, children continue to stay in childcare institutions, even after getting a family.

The [Juvenile Justice \(Care and Protection of Children\) Amendment Bill of 2018](#) seeks to remedy the situation. In the best interest of the child, it proposes to amend the Juvenile Justice Act to empower the District Magistrate, instead of the court, to issue adoption orders. This would ensure timely processing of adoption cases and provide orphaned, abandoned and surrendered children with familial care and protection.

The Juvenile Justice Act of 2015 introduces comprehensive provisions for children in conflict with the law and children in need of care and protection. It was enacted keeping in view the standards prescribed in the Convention on the Rights of the Child, the United Nations Millennium Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990), the Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption (1993) and other related international instruments.

Chapter 8 of this Act deals with adoption. Subsection (1) of Section 56 of the Act says “adoption shall be resorted to for ensuring right to family for the orphaned, abandoned and surrendered children.” Section 63 of the Act states that the adoption is final on the issuance of the adoption order by the court concerned. Subsection (2) of Section 61 of the Act provides that “the adoption proceedings shall be held in camera and the case shall be disposed of by the court within a period of two months from the date of filing the adoption.”

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