

TAKE ACTION AGAINST ILLEGAL ADOPTION: SC

Relevant for: Developmental Issues | Topic: Rights & Welfare of Children - Schemes & their Performance, Mechanisms, Laws Institutions and Bodies

The Supreme Court has directed the States and the Union Territories to take stringent action against private individuals and NGOs who invite people to illegally adopt children orphaned by the COVID-19 pandemic.

A Bench of Justices L. Nageswara Rao and Aniruddha Bose, in an 18-page order published on Tuesday, directed the government to step in and prevent private entities from revealing the identities of affected children, usually on social media, and inviting people to adopt them.

“The State Governments/Union Territories are directed to prevent any NGO from collecting funds in the names of the affected children by disclosing their identity and inviting interested persons to adopt them. No adoption of affected children should be permitted contrary to the provisions of the Juvenile Justice Act, 2015,” the court ordered.

CARA involvement

It was illegal to invite strangers to adopt children, already traumatised by their personal losses, without the involvement of the Central Adoption Resource Authority (CARA), a statutory body under the Women and Child Development Ministry, it said. “Invitation to persons for adoption of orphans is contrary to law as no adoption of a child can be permitted without the involvement of CARA. Stringent action shall be taken by the State Governments/Union Territories against agencies/individuals who are responsible for indulging in this illegal activity,” it observed.

The order came after the National Commission for Protection of Child Rights (NCPCR), on Monday, raised the alarm on a spate of complaints about illegal adoption of COVID-19 orphans through private individual and organisations. “Social media posts are circulating that children are up for adoption. This is plainly illegal and violates the Juvenile Justice Act,” advocate Shobha Gupta, for intervenor ‘We the Women of India’, made an impassioned plea.

NCPCR statistics show that 3,621 children were orphaned, 26,176 children lost either parent and 274 abandoned between April 1, 2021 to June 5, 2021. The court is hearing a *suo motu* case on the plight of children impacted by the pandemic.

Child trafficking

Advocate Gaurav Agrawal, *amicus curiae*, said cases of child trafficking have been going up. The government should intervene to care and protect children orphaned, abandoned or whose families have lost their earning members.

The court said lack of knowledge about the rights of children under the Juvenile Justice Act had led to many falling victim to efforts at illegal adoption. It directed the Centre, States and the Union Territories to give wide publicity to the provisions of the 2015 Act at regular intervals so as to make the general public, children and their parents or guardians aware of such provisions. It ordered the States and the Union Territories to continue with their efforts to identify children in need of care and protection after March 2020 and upload their details on the NCPCR database in order to provide them welfare schemes.

END

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