

FROM THE DESK OF THE MEMBER OF THE J.J. COMMITTEE

I feel privileged to write the second e-letter and have chosen the topic of adoption. Adoption is a complex issue, though defined in the various Acts there are miles to go to achieve the actual purpose. The concept of adoption traces its origin from Vedic Era, more particularly being recognized in ancient Hindu Law. The basic concept under the ancient Hindu Law predominantly was a mythological desire to have a son with the sole object to get the successor and perform the last rites so that the deceased could avail Moksha i.e. the eternal bliss. The law on adoption was first codified in 1956 by legislating Hindu Adoption and Maintenance Act which defines not only the rights of the adoptive parents to adopt the Hindu child but also lays down the procedures relating to adoption. Though adoption was codified yet the concept of the ancient Hindu Law prevalent amongst the Hindu community was preserved.

The performance of Dattahoma and offering of the child by the biological parents to the adoptive parents were the essential requisites for completion of adoption. The unique feature in the said Act can be seen from the restrictions being imposed on the eventuality of an adoption by the male Hindu to a female Hindu so on and so forth. There was a considerable debate in the society as such codified Act was restricted to the Hindu society. As a secular country it was thought that the other communities should also get the benefits of adoption. Before the codification of the said Act, there was a discourse globally, more particularly, post World War-

I because of the increasing demand of the child adoption due to sharp drop in population caused by war, epidemic like influenza in 1918 and providing a conducive environment not only heredity for the development of the child. The charter of the United Nation was duly ratified by India in the name of Convention of Rights of Child which is commonly known as Hague Convention on Inter-Country Adoption of Children.

Though Guardians and Wards Act, 1890 was in vogue which, though secular, defines the child as a ward and not as an adopted child, as the law parents who took charge of the child shall remain as a guardian and not as parents. To meet the increasing demands globally, the first seed of secular adoption was sown in 2000 while Juvenile Justice (Care and Protection) Act, 2000 was introduced under the umbrella of Rehabilitation and Social Reintegration. The purpose and object was further advanced by introducing suitable amendments in the year 2006, followed by year 2015 a new chapter was introduced dedicated to adoption and an Adoption Regulation, 2017. There has been an introduction of online portal for registration of prospective adoptive parents duly maintained by the Central Adoption Resource Authority (CARA). The eligibility of prospective adoptive parents has expanded the horizon and different composite age criteria have been introduced in relation to the age of a child for being adopted. Yet the desired object could not be achieved which led to formation of various agencies, more

particularly, for intra country and inter country adoptions. The Government of India introduced CARA guidelines regulating, fostering and guiding the procedure for adoption and safeguarding its misuse.

The salient feature of the secular Act of 2000 aimed at the adoption of orphan, abandoned and surrendered children apart from relative adoption and adoption by step parents. Though several guidelines have been framed to prevent the misuse in case of inter country adoption which is still at the are several nebulous stage and needs checks and balances and vigilance in the post adoption period. There are several abuses pertaining to child trafficking and child abuses in the guise of adoption and the society needs greater participation and more care and caution to prevent child trafficking and child abuse.

A child is not born nor abandoned by his choice. Every child has a right to live with dignity and deserves all amenities available to other privileged children. It is a collective responsibility of every citizen of the country and the State to take proper care and frame exhaustive guidelines not only at pre-adoption stage but ensure a constant exercise to be undertaken so that the child gets a homely atmosphere and receives same love, affection and care at par with the other privileged children.

Recently the Government of India has framed an Adoption Regulation, 2017 which may tacitly appears as a milestone yet miles to go.



Several internet portals are launched by the Government and non-Government organizations where the prospective parents may apply for adoption of a child which is still at the nascent stage and I hope and trust that the same would be beneficial in future. There success stories so far as the State of West Bengal is concerned on adoption and I cannot resist but to quote the observation of Justice P.N. Bhagwati in one of his celebrated judgments and it is said:

"No child can grow his full stature, outside the framework of a family."

I feel that it is a need of an hour that all the stakeholders, be it the Judge or the various organizations to deal adoption with compassion realizing the gravity of sensitiveness involved therein.

I wish and pray that no child shall be deprived of a family and the homely treatment as it is their right to grow with utmost care, love and affection and proved to be a good citizen.

HARISH TANDON

MEMBER OF THE JUVENILE
JUSTICE COMMITTEE

CALCUTTA HIGH COURT

CATEGORIES OF ADOPTION

- In-Country Adoption.
- Inter-Country Adoption.
- Relative Adoption.

In case of In-country Relative Adoption, the prospective adoptive parents have to register for such adoptions in Child Adoption Resource Information and Guidance System and handover relevant documents to **District Child Protection Unit to upload in Child Adoption Resource Information and Guidance System**

In case of Adoption of child/children by step-parent, the biological and step parents have to register in Child Adoption Resource Information and Guidance System and provide relevant documents by uploading the same online through CARINGS.

Specializes Adoption Agencies (SAAs)

District	Name	District	Name
Kolkata	1. Indian Society for Sponsorship and Adoption (ISSA)	Uttar Dinajpur	13. Purba Netaji Pally Rural Development Society (PNRDS)
	2. Society for Indian Children's Welfare (SICW)	Coochbehar	14. New Bharti Club
	3. Indian Society for Rehabilitation of Children (ISRC)	Purulia	15. Bhatbandh Mahila Samity (BMS)
Bankura	4. Chamtagora Adibashi Mahila Samity (CAMS)	Hooghly	16. Satya Bharti
Birbhum	5. Suri Center for Child Welfare	Howrah	17. KARUNA W.B Children Welfare Society
Purba Medinipur	6. Nintouri Tamluk Unnyan Samity		18. Keuti Purba Dharani Biplabi Sangha
Jhargram	7. Vivekananda Lok Shiksha Niketan		19. Gondal Para Seva Bharati (no child due to poor infrastructure during last 2 years)
Malda	8. Nivedita Gramin Karma Mandir	Murshidabad	20. Beldanga Bhagirathi Seva Sadan
	9. Haiderpur Shelter of Malda	Dakshin Dinajpur	21. Domkal Vilash Kendra
South 24 Pgs	10. Haripur Amra Sabai Unnyan Samity (HASUS)		22. Nawpara Teor Samaj Kalyan Samity (NTSKS)
Purba Burdwan Paschim Burdwan	11. Asansol Burdwan Seva Kendra (ABSK)	Nadia	23. Ranghat Lions Trust (Started functioning from 09.03.2018)
	12. Durgapur Indira Pragati Society	North 24 Pgs	24. Nikti Rehabilitation Centre (Yet to start)

SAA – CCI LINKAGE

Efforts have been taken to establish **SAA-CCI Linkage** to bring more orphan/abandoned children in adoption domain. In these system older adoptable who have crossed 6 years but under the age of 18 years and staying in the Child Care Institutions are brought

under the purview adoption process So far **124** such children have been identified and uploaded in CARINGS in the beginning of 2018. 1 girl child sends to pre adoption foster care at Chandan Nagar Hooghly from Vidyasagar Balika Bhavan (Paschim Medinipur).

CRADLE BABY CENTRE

Department of Woman & Child Development and Social Welfare, Govt. of W.B. is in the process of tying up with the health department for placements of Cradles (Palnas) at PHCs, SHCs, Nursing Homes, Hospitals, Maternity Homes and other public places to ensure safe abandonment of children, whom biological

parent(s) want to relinquish due to social & emotional factors beyond their control and not willing to come forward to surrender them.

All the functioning SAAs have already setup cradle centre with in the premises to receive abandoned children.

SENSITIZATION PROGRAMME WITH Ld. DISTRICT JUDGES

Sensitization work shop on adoption is being held with all Ld. District Judges to reduce the number of pending adoption cases in **ADOPTIVE PARENTS MEET**

competent courts of West Bengal for the last 2 years. This is being carried out with the help of W. Bengal Judicial Academy.

Since 2015, every year Adoptive Parents Meet have been organised to monitor the condition of adopted children to create a platform where the adoptee parents share the experiences of their journey with

the prospective adoptive parents and other stakeholders of adoption and also.

Process Relating to In-Country Adoption

Step 1	• Self registration by PAPs online in CARINGS
Step 2	• Uploading Documents by PAPs in CARINGS
Step 3	• Conducting and approval of Home Study Report
Step 4	• Child Referral and Reservation through CARINGS
Step 5	• Approval by Adoption Committee
Step 6	• Child Acceptance by PAPs
Step 7	• Pre-Adoption Foster Care
Step 8	• Court Order and Birth Certificate
Step 9	• Post- Adoption Follow-up till 2 years

Process Relating Inter-Country Adoption

Step 1	• Registration of PAPs in CARINGS by AFAA/CA
Step 2	• Uploading of Documents by AFAA/CA
Step 3	• Initial approval by CARA
Step 4	• Child Referral and Reservation through CARINGS
Step 5	• Child Acceptance by PAPs
Step 6	• NOC by CARA
Step 7	• Pre-Adoption Foster Care
Step 8	• Court Order, Conformity Certificate, Passport & Visa for the child
Step 9	• Child Arrival, Citizenship, Post- Adoption Follow-up till 2 years

PROCEDURE RELATED TO ORPHAN OR ABANDONED CHILD

- ❖ Produced before the Committee within twenty-four hours (excluding the time necessary for the journey)
- ❖ Issue an order in **Form 18 for short term placement and interim care of the child, publication of the particulars and photograph of an orphan or abandoned child** by DCPU in **national newspapers** within seventy two hours from the time of receiving the child
- ❖ In case where the child is from another State, the publication shall be done in the known place of origin of the child in the local language publications shall be facilitated by State Adoption Resource Agency concerned
- ❖ Time frame for publication is within two or four months in the case of an abandoned child less than two or four years of age respectively
- ❖ within two or four months in the case of an abandoned child less than two or four years of age respectively
- ❖ Where the parents of the child are traced, the procedure for restoration of the child shall be as per **rule 82** of these rules

PROCEDURE RELATED TO SURRENDERED CHILD

- ❖ When a parent or guardian, wishes to **surrender a child under sub-section (1) of section 35 of the Act**, such parent or guardian shall make an application to the **Committee in Form 23**.
- ❖ If a child born to a married couple is to be surrendered, both parents shall sign the Deed of Surrender and in case one of them is dead, death certificate is required to be furnished in respect of the deceased parent.
- ❖ If a child born to a married couple is to be surrendered by one biological parent and the whereabouts of the other parent are not known, the child shall be treated as abandoned child and further procedures in accordance with regulation 6 of these regulations shall be followed.
- ❖ In case of a child born out of wedlock, only the mother can surrender the child and if the mother is a minor, the Deed of Surrender shall be signed by an accompanying adult as the witness. If the surrender is by a person other than the biological parents who is not appointed as a guardian by a court of law, the child shall be treated as abandoned child and further procedures in accordance with regulation 6 shall be followed.
- ❖ The Specialised Adoption Agency and the Child Welfare Committee shall ensure that a copy of the Deed of Surrender is given to the surrendering parents or person. The Specialised Adoption Agency and the Child Welfare Committee shall ensure that the surrendering parents or the legal guardian is made aware that they can reclaim the surrendered child only within a period of sixty days from the date of surrender.
- ❖ No public notice or advertisement shall be issued in the case of a surrendered child.
- ❖ The Child Welfare Committee shall issue an order signed by at least three members declaring the surrendered child as legally free for adoption after the expiry of sixty days from the date of surrender, in the format at Schedule I.

At present there are 23 operational Specialized Adoption Agencies in the state. All of them are NGO run. Approval has also been received from the Govt. of India to start Govt. run SAAs in six (6) districts of W.B. namely Alipurduar, Jalpaiguri, Howrah, Hooghly, Paschim Medinipur, Purulia which will be operationalized in the current financial year. The details are as follows:

Details of Children in SAA's															
Sl. No.	Name of Agency	District	TOTAL NO. OF CHILDREN PRESENT IN THE HOME								CHILD CATEGORIES				
			M (0-2 Yr.)	F (0-2 Yr.)	M (2-4 Yr.)	F (2-4 Yr.)	M (4-6 Yr.)	F (4-6 Yr.)	M (6 Yr. above)	F (6 Yr. above)	NUMBU	SPICAR (MID)	CHILDREN WITH DISABILITIES	ORPHANS	OWP
1	Chattagrama Adibasi Mahila Samity	Bankura	1	2	1	2	2	1	0	0	4	3	3	0	4
2	Nimroui Tamuk Umayan Samity	Purba Medinipur	0	2	2	1	0	1	0	1	5	2	7	0	0
3	Vivekananda Lokshiksha Niketan	Malda	1	7	0	2	0	0	0	0	9	1	9	1	0
4	Haldipur Shelter of Maida	Malda	7	3	0	0	0	0	0	7	3	10	0	0	
5	Nivedita Gramin Karma Mandir	Paschim Medinipur	1	5	0	0	1	1	0	0	8	0	8	0	0
6	Haripur Amra Sabai Umayan Samity	South 24 paraganas	7	6	4	3	1	3	0	3	22	4	33	3	0
7	The Indian Society for Sponsorship and Adoption	Kolkata	9	11	11	11	4	1	1	1	28	19	41	6	0
8	Indian Society for Rehabilitation of Children		1	6	0	2	0	0	3	0	4	6	10	2	0
9	Society for Indian Children's Welfare		12	4	2	3	0	1	0	7	3	26	24	5	0
10	New Bharati Club	Cooch Behar	2	2	0	4	0	0	0	0	6	2	6	0	2
11	Gondal Para Seva Bharati	Howrah	0	0	0	0	0	0	0	0	0	0	0	0	0
12	Karuna WB Children Welfare Society		3	7	2	4	1	3	2	0	15	7	22	0	0
13	Keuti Purba Dharani Biplabi Sangha		4	2	0	2	2	1	3	1	10	5	15	0	0
14	Asamole Burdwan Seva Kendra	Purba Burdwan	2	1	2	1	3	2	0	0	9	2	6	1	4
15	Durgapur Indira Pragati Society	Paschim Burdwan	4	1	1	2	2	0	0	0	5	5	9	1	0
16	Saty Bharati Hooghly	Hooghly	4	2	0	3	1	1	0	0	10	1	11	0	0
17	Domkal Vikash Kendra	Murshidabad	1	4	0	1	0	0	0	0	5	1	5	1	0
18	Bahanga Bhagirathi Seva Sadan		2	1	0	1	0	0	0	0	4	0	4	0	0
19	Purba Netaji Pally Rural Development Society	Uttar Dinajpur	2	1	0	2	2	0	0	0	5	2	7	0	0
20	Bhar Bandh Mahila Samity	Purdia	2	6	5	5	1	2	1	0	21	1	20	2	0
21	Nowpara Teor Samaj Kalyan Samity	Dakshin Dinajpur	3	4	1	1	0	0	0	0	8	1	6	3	0
22	Suri Centre for Child Welfare	Birbhum	1	3	0	1	0	1	1	0	5	2	6	1	0
			65	81	31	51	20	18	11	13	197	93	262	26	12
	21 SAA	16 District					290				290		290		

ADOPTION STATUS IN WEST BENGAL												
Sl. No.	Name of Agency	District	2013-2014		2014-2015		2015-2016		2016-2017		2017-2018	
			Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
1	Chattagrama Adibasi Mahila Samity	Bankura	19	0	9	0	10	0	11	0	2	1
2	Nimroui Tamuk Umayan Samity	Purba Medinipur	0	0	0	0	0	0	0	0	0	0
3	Vivekananda Lokshiksha Niketan	Malda	0	0	0	0	0	0	4	0	5	0
4	Haldipur Shelter of Maida	Malda	14	0	24	0	28	0	7	0	5	0
5	Nivedita Gramin Karma Mandir	Paschim Medinipur / Jhargram	3	0	9	0	9	0	1	0	12	0
6	Haripur Amra Sabai Umayan Samity	South 24 Paraganas	0	0	0	0	4	0	5	1	0	0
7	Joka Millemium		0	0	9	0	4	0	2	2	0	0
8	The Indian Society for Sponsorship and Adoption	Kolkata	13		14		7		16	1	17	9
9	Indian Society for Rehabilitation of Children		10	57	3	47	8	16	4	0	7	1
10	Society for Indian Children's Welfare		5		1		1		12	3	9	7
11	RKV mission	North 24 Pgs	12	0	0	0	0	0	0	0	0	0
12	New Bharati Club	Cooch Behar	0	0	0	0	3	0	4	0	7	1
13	Gondal Para Seva Bharati		0	0	0	0	0	0	5	0	0	0
14	Karuna WB Children Welfare Society	Howrah	0	0	0	0	37	0	14	3	20	4
14	Keuti Purba Dharani Biplabi Sangha		0	0	0	0	0	0	0	0	13	4
16	Asamole Burdwan Seva Kendra	Purba Burdwan	0	0	0	0	0	0	10	1	6	0
17	Durgapur Indira Pragati Society	Paschim Burdwan	0	0	0	0	1	0	9	0	18	2
18	Saty Bharati Hooghly	Hooghly	0	0	0	0	3	0	2	0	8	0
19	Domkal Vikash Kendra	Murshidabad	0	0	0	0	0	0	1	0	4	0
20	Bahanga Bhagirathi Seva Sadan		0	0	0	0	0	0	0	0	2	0
21	Purba Netaji Pally Rural Development Society	Uttar Dinajpur	0	0	0	0	2	0	6	0	3	3
22	Bhar Bandh Mahila Samity	Purdia	0	0	2	0	0	0	3	0	1	0
23	Nowpara Teor Samaj Kalyan Samity	Dakshin Dinajpur	0	0	0	0	0	0	3	0	2	2
24	Suri Centre for Child Welfare	Birbhum	24	0	24	0	18	0	7	0	4	0
26	Scotland Poverty Eradication centre	North 24 Pgs	63	0	0	0	0	0	0	0	0	0
26	Missionary of Charity		107	0	0	0	0	0	0	0	0	0
27	North Bengal Peoples Development Centre	Jalpaiguri	11	0	44	0	31	0	19	0	0	0
28	Missionary of Charity	Darjeeling	100	0	20	0	0	0	0	0	0	0
			401	57	159	47	166	15	145	11	142	34
			458		206		181		156		176	

- The names of agencies marked in red have been closed down and are no longer operational.