‘Adoption’, the very concept comes in our mind with a smiling picture of a child, the most beautiful and innocent creation of nature. The concept has a flavor of antiquity. Every living creature whether it belongs to animal or plant kingdom, has been endowed with inherent capacity to produce similar animals or plants through ‘reproduction’. One of the most important purposes of the process of reproduction is to maintain existence and update one’s lineage or the line of inheritance. Besides this purely biological purpose, later on, with the advent of civilizations, secular as well as religious needs gradually started to affect the process of reproduction.

Our old Shastric Hindu law gave paramount importance to the birth of a male child. Birth of a male child in a family was believed to bring with itself the most valuable and precious thing ‘Moksha ’(salvation) not only to his father but to all his paternal forefathers. As our old Hindu law did not permit the wife or a daughter to perform the funeral rites of a man or woman and to perform ‘Pinddan’ (offering funeral cakes and libations of water) and thereby made her unable to redeem the deceased and his forefathers from hell or to save them from the bindings of cycle of rebirth; birth of a girl child was inauspicious. ‘Moksha’(salvation) was so much embedded in the cardiac pulses of the old Hindu people that this need actually gave birth to the concept of ‘adoption’ for those parents who were unfortunately sonless.
After ‘salvation’, comes the concept of ‘inheritance’ which also played important role in the gradual growth and maturity of the concept.

Our religious epics are well acquainted with the examples of babies that were born in one place and brought up elsewhere by non biological parents. ‘Sita’ in the ‘Ramayana’ and ‘Krishna’, ‘Karna’, in the ‘Mahabharata’ are some of the glaring examples. But generally during older days the concept of adoption was confined within the limits of family, gotra, sapinda etc. With the independence of India in the year 1947 and coming of codified and reformed Hindu law on adoption in the year 1956, that is, the Hindu Adoptions and Maintenance Act (HAMA), any person who comes within the definition of the word ‘Hindu’ (as defined in Section 2 of the Hindu Adoptions and Maintenance Act, 1956) is now able to take a child in adoption. Contrary to old Hindu law, now a female Hindu can also validly adopt a child to herself. Also, a girl child is now eligible, unlike the old Hindu law, to be adopted by interested parents.

Although, the said Act brings sea changes in the arena of rules regarding adoption of children but it is suffering from its inherent shortcomings. Till the recent amendment of HAMA, a married Hindu woman could not adopt a child to herself but a married male Hindu could do so. A new legislation, the Personal laws (Amendment) Act, 2010 has also been enacted to this effect. But this Act is also insufficient to meet the latent defects of HAMA and to cope with the changing socio-economic scenario of our society. My Research paper will discuss thoroughly the pros and cons of these Acts. As
both these Acts are applicable to Hindus only, another legislation, the Juvenile Justice (Care and Protection of Children) Act came to the statute book in the year 2000 and its amended form in the year 2006. This Act is a secular one; applicable to all citizens of India, be a Hindu, Muslim, Parsi or Jew. But the Juvenile Justice Act is primarily drafted for rehabilitation and reformation of delinquent juveniles. It may incidentally deal with the concept of adoption but in its entirety it is incapable to withstand the growing needs of the concept.

Since the commencement of the Constitution of India, need of a Uniform Civil Code for all its citizens which would deal uniformly with matters like inheritance, maintenance, marriage, divorce, adoption etc. irrespective of caste, religion or religious beliefs has been a debatable question. Article 44 of Indian Constitution requires the state to strive to secure for the citizens of India a Uniform Civil Code throughout India. The present study compares the need of Uniform Civil Code with particular relation to the adoption of children vis-à-vis the pitiable conditions of non-Hindus who are eager to adopt a child but either due to lack of proper and relevant legislations on adoption or due to rigidities and technical hurdles embedded in the present legislations, feels harassed and compelled to quit the idea of adoption. The present study mainly concentrates on exploring the discriminatory and prejudicial approach of our law makers towards women vis-à-vis their male counterpart in the enjoyment of rights related to inheritance, maintenance, marriage, divorce, adoption etc. With a particular approach, I want to highlight the discriminatory adoption rights given to a married Hindu female
with a so called remedy in the form of Personal laws (Amendment) Act, 2010, which is in itself insufficient, incomplete and pitiable enactment. At the International level also, this study attempts to highlight the fact that denial of adequate adoption rights to married Hindu women is infringement of the basic human rights which explicitly includes the right to form family.