The Hindu Adoption and Maintenance Act, 1956

1. Short title and extent
(1) This Act may be called the Hindu Adoptions and Maintenance Act, 1956.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. Application of Act
(1) This Act applies-

(a) To any person, who is a Hindu by religion in any of its forms or developments, including a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samaj,

(b) To any person who is a Buddhist, Jain or Sikh by religion, a

(c) To any other person who is not a Muslim, Christian, Paris or Jew by religion, unless it is proved that any such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Act had not been passed.

Explanation. -The following persons are Hindus, Buddhists, Jain as or Sikhs by religion, as the case may be:

(a) Any child, legitimate or illegitimate, both of whose parents are Hindus, Buddhists, Jainas or Sikhs by religion;

(b) Any child, legitimate or illegitimate, one of whose parents is a Hindu, Buddhist, Jaina or Sikh by religion and who is brought up
as a member of the tribe, community, group or family to which such parent belongs or belonged;

(bb) Any child, legitimate or illegitimate, who has been abandoned both by his father and mother or whose parentage is not known and who in either case is brought up as a Hindu, Buddhist, Jaina or Sikh; and

(c) Any person who is convert or reconvert to the Hindu, Buddhist, Jaina or Sikh religion.

(2) Notwithstanding anything contained in subsection (1), nothing contained in this Act shall apply to the members of any Scheduled Tribe within the meaning of clause (25) of Article 366 of the Constitution unless the Central Government, by notification in the Official Gazette, otherwise directs.

(3) The expression "Hindu" in any portion of this Act shall be construed as if it included a person who, though not a Hindu by religion, is, nevertheless, a person to whom this Act applies by virtue of the provisions contained in this section.

3. Definitions.
In this Act, unless the context otherwise requires-

(a) The expressions "custom" and "usage" signify any rule which, having been continuously and uniformly observed for a long time, has obtained the force of law among Hindus in any local area, tribe, community, group or family:

Provided that the rule is certain and not unreasonable or opposed to public policy: and

Provided further that, in the case of a rule applicable only to a family, it has not been discontinued by the family;

(b) "Maintenance" includes-

(i) In all cases, provision for food, clothing, residence, education and medical attendance and treatment;

(ii) In the case of an unmarried daughter, also the reasonable expenses of an incident to her marriage;

(c) "Minor" means a person who has not completed his or her age of eighteen years.
4. **Overriding effect of Act.**

Save as otherwise expressly provided in this Act-

(a) Any text, rule or interpretation of Hindu law or any Custom or usage as part of that law in force immediately before the commencement of this Act shall cease to have effect with respect to any matter for which provision is made in this Act;

(b) Any other law in force immediately before the commencement of this Act shall cease to apply to Hindus in so far as it is inconsistent with any of the provisions contained in this Act.

5. **Adoptions to be regulated by this Chapter.**

(1) No adoption shall be made after the commencement of this Act by or to a Hindu except in accordance with the provisions contained in this Chapter, and any adoption made in contravention of the said provisions shall be void.

(2) An adoption, which is void, shall neither create any rights in the adoptive family in favour of any person, which he or she could not have acquired except by reason of the adoption, nor destroy the rights of any person in the family of his or her birth.

6. **Requisites of a valid adoption.**

No adoption shall be valid unless-

(i) The person adopting has the capacity, and also the right, to take in adoption;
(ii) The person giving in adoption has the capacity to do so;
(iii) The person adopted is capable of being taken in adoption; and
(iv) The adoption is made in compliance with the other conditions mentioned in this Chapter.

7. **Capacity of a male Hindu to take in adoption.**

Any male Hindu who is of sound mind and is not a minor has the capacity to take a son or a daughter in adoption:

Provided that, if he has a wife living, he shall not adopt except with the consent of his wife unless the wife has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind.

Explanation. - If a person has more than one wife living at the time of adoption the consent of all the wives is necessary unless the
consent of any one of them is unnecessary for any of the reasons specified in the preceding proviso.

8. **Capacity of a female Hindu to take in adoption.**
Any female Hindu-

(a) Who is of sound mind,

(b) Who is not a minor, and

(c) Who is not married, or if married, whose marriage has been dissolved or whose husband is dead or has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind, has the capacity to take a son or daughter in adoption.

9. **Persons capable of giving in adoption.**
(1) No person except the father or mother or the guardian of a child shall have the capacity to give the child in adoption.

(2) Subject to the provisions of sub-section (3) and sub-section (4), the father, if alive, shall alone have the right to give in adoption, but such right shall not be exercised save with the consent of the mother unless the another has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind.

(3) The mother may give the child in adoption if the father is dead or has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind.

(4) Where both the father and mother are dead or have completely and finally renounced the world or have abandoned the child or have been declared by a court of competent jurisdiction to be of unsound mind or where the parentage of the child is not known, the guardian of the child may give the child in adoption with the previous permission of the court to any person including the guardian himself.

(5) Before granting permission to a guardian under sub-section (4), the court shall be satisfied that the adoption will be for the welfare of the child, due consideration being for this purpose given to the wishes of the child having regard to the age and understanding of the child and that the applicant for permission has not received or
agreed to receive and that no person has made or given or agreed to make or give to the applicant any payment or reward in consideration of the adoption except such as the court may sanction.

Explanation. -For the purposes of this section-

(i) The expressions "father" and "mother" do not include all adoptive father and an adoptive mother,

(ia) "Guardian" means a person having the care of the person or a child or of both his person and property and includes-

(a) A guardian appointed by the will of the child's father or mother; and

(b) A guardian appointed or declared by a court; and

(ii) "Court" means the city civil court or a district court within the local limits of whose jurisdiction the child to be adopted ordinarily resides.

10. Persons who may be adopted.
No person shall be capable of being taken in adoption unless the following conditions are fulfilled, namely:-

(i) He or she is a Hindu;

(ii) He or she has not already been adopted;

(iii) He or she has not been married, unless there is a custom or usage applicable to the parties which permits persons who are married being taken in adoption;

(iv) He or she has not completed the age of fifteen years, unless there is a custom or usage applicable to the parties which permits persons who have completed the age of fifteen years being taken in adoption.

11. Other conditions for a valid adoption.
In every adoption, the following conditions must be complied with:

(i) if the adoption is of a son, the adoptive father or mother by whom the adoption is made must not have a Hindu son, son's son or son's son's son (whether by legitimate blood relationship or by adoption) living at the time of adoption;
(ii) If the adoption is of a daughter, the adoptive father or mother by whom the adoption is made must not have a Hindu daughter or sons daughter (whether by legitimate blood relationship or by adoption) living at the time of adoption;

(iii) If the adoption is by a male and the person to be adopted is a female, the adoptive father is at least twenty-one years older than the person to be adopted;

(iv) If the adoption is by a female and the person to be adopted is a male, the adoptive mother is at least twenty-one years older than the person to be adopted;

(v) The same child may not be adopted simultaneously by two or more persons;

(vi) The child to be adopted must be actually given and taken in adoption by the parents or guardian concerned or under their authority with intent to transfer the child from the family of its birth or in the case of an abandoned child or child whose parentage is not known, from the place or family where it has, been brought up to the family of its adoption:

Provided that the performance of data-human shall not be essential to the validity of adoption.

12. Effects of adoption
An adopted child shall be deemed to be the child of his or her adoptive father or mother for all purposes with effect from the date of the adoption and from such date all the ties of the child in the family of his or her birth shall be deemed to be served and replaced by those created by the adoption in the adoptive family:

Provided that

(a) The child cannot marry any person whom he or she could not have married if he or she had continued in the family of his or her birth;

(b) Any property which vested in the adopted child before the adoption shall continue to vest in such person subject to the obligations, if any, attaching to the ownership of such property, including the obligation to maintain relatives in the family of his or her birth;
(c) The adopted child shall not divest any person of any estate, which vested in him or her before the adoption.

13. Right of adoptive parents to dispose of their properties.
Subject to any agreement to the contrary, an adoption does not deprive the adoptive father or mother of the power to dispose of his or her property by transfer inter vivo or by will.

14. Determination of adoptive mother in certain cases
(1) Where a Hindu who has a wife living adopts a child, she shall be deemed to be the adoptive mother.

(2) Where an adoption has been made with the consent of more than one wife, the senior most in marriage among them shall be deemed to be the adoptive mother and the others to be step-mothers.

(3) Where a widower or a bachelor adopts a child, any wife whom he subsequently marries shall be deemed to be the step-mother of the adopted child.

(4) Where a widow or an unmarried woman adopts a child, any husband whom she marries subsequently shall be deemed to be the step-father of the adopted child.

15. Valid adoption not to be cancelled.
No adoption which has been validly made can be cancelled by the adoptive father or mother of any other person, nor can be adopted child renounce his or her status as such and return to the family of his or her birth.

16. Presumption as to registered documents relating to adoption.
Whenever any document registered under any law for the time being in force is produced before any court purporting to record an adoption made and is signed by the person giving and the person taking the child in adoption, the court shall presume that the adoption has been made in compliance with the provisions of this Act unless and until it is disproved.
17. Prohibition of certain payments.
(1) No person shall receive or agree to receive any payment or other reward in consideration of the adoption of any person, and no person shall make or give or agree to make or give to any other person any payment or reward the receipt of which is prohibited by this section.

(2) If any person contravenes the provisions of subsection (1), he shall be punishable with imprisonment, which may extend to six months, or with fine, or with both.

(3) No prosecution under this section shall be instituted without the previous sanction of the State Government or an officer authorised by the State Government in this behalf.

(1) Subject to the provisions of this section, a Hindu wife, whether married before or after the commencement of this Act, shall be entitled to be maintained by her husband during her lifetime.

(2) A Hindu wife shall be entitled to live separately from her husband without forfeiting her claim to maintenance-

(a) If he is guilty of desertion, that is to say, of abandoning her without reasonable cause and without her consent or against her wish, or willfully neglecting her;

(b) If he has treated her with such cruelty as to cause a reasonable apprehension in her mind that it will be harmful or injurious to live with her husband;

(c) If he is suffering from a virulent form of leprosy;

(d) If he has any other wife living;

(e) If he keeps a concubine in the same house in which his wife is living or habitually resides with a concubine elsewhere;

(f) If he has ceased to be a Hindu by conversion to another religion;

(g) If there is any other cause justifying living separately.

(3) A Hindu wife shall not be entitled to separate residence and maintenance from her husband if she is unchaste or ceases to be a Hindu by conversion to another religion.
(1) A Hindu wife, whether carried before or after the commencement of this Act, shall be entitled to be maintained after the death of her husband by her father-in-law:
Provided and to the extent that she is unable to maintain herself out of her own earnings of other property or, where she has no property of her own, is unable to obtain maintenance-
(a) From the estate of her husband or her father mother, or
(b) From her son or daughter, if any, or his or her estate.
(2) Any obligation under sub-section (1) shall not be enforceable if the father-in-law has not the means to do so from any coparcenary property in his possession out of which the daughter-in-law has not obtained any share, and any such obligation shall cease on the re-marriage of the daughter-in-law.

(1) Subject to the provisions of this section a Hindu is bound, during his or her lifetime, to maintain his or her legitimate or illegitimate children and his or her aged or infirm parents.
(2) A legitimate or illegitimate child may claim maintenance from his or her father or mother so long as the child is a minor.
(3) The obligation of a person to maintain his or her aged or infirm parent or a daughter who is unmarried extends in so far as the parent or the unmarried daughter, as the case may be, is unable to maintain himself or herself out of his or her own earnings or other property.
Explanation. - In this section "parent" includes a childless stepmother.

For the purposes of this Chapter "dependents" mean the following relatives of the deceased:
(i) His or her father;
(ii) His or her mother;
(iii) His widow, so long as she does not re-marry;
(iv) His or her son or the son of his predeceased son or the son of a predeceased son of his predeceased son, so long as he is a minor;

Provided and to the extent that he is unable to obtain maintenance, in the case of a grandson from his father's or mother's estate, and in the case of a great grandson, from the estate of his father or mother or father's father or father's mother;

(v) His or her unmarried daughter, or the unmarried daughter of his predeceased son or the unmarried daughter of a predeceased son of his predeceased son, so long as she remains unmarried:

Provided and to the extent that she is unable to obtain maintenance, in the case of a grand-daughter from her father's or mother's estate and in the case of a great-grand-daughter from the estate of her father or mother or father's father or father's mother;

(vi) His widowed daughter: provided and to the extent that she is unable to obtain maintenance-

(a) From the estate of her husband, or

(b) From her son or daughter in any, or his or her estate; or

(c) From her father-in-law or his father or the estate of either of them;

(vii) Any widow of his son or of a son of his predeceased soil, so long as she does not remarry:

Provided and to the extent that she is unable to obtain maintenance from her husband's estate, or from her son or daughter, if any, or his or her estate, or in the case of a grandson's widow, also from her father-in-law's estate;

(viii) His or her minor illegitimate son, so long as he remains a minor;

(ix) His or her illegitimate daughter, so long as she remains unmarried.

22. Maintenance of dependents.

(1) Subject to the provisions of subsection (2) the heirs of a deceased Hindu are bound to maintain the dependents of the deceased out of the estate inherited by them from the deceased.
(2) Where a dependent has not obtained, by testamentary or intestate-succession, any share in the estate of a Hindu dying after the commencement of this Act, the dependent shall be entitled, subject to the provisions of this Act, to maintenance from those who take the estate.

(3) The liability of each of the persons who takes the estate shall be in proportion to the value of the share or part of the estate taken by him or

(4) Notwithstanding anything contained in sub-section (2) or sub-section (3), no person who is himself or herself a dependent shall be liable to contribute to the maintenance of others, if he or she has obtained a share or part, the value of which is, or would, if the liability to contribute were enforced, become less than what would be awarded to him or her by way of maintenance under this Act.

23. **Amount of maintenance.**

(1) It shall be in the discretion of the Court to determine whether any, and if so what, maintenance shall be awarded under the provisions of this Act, and in doing so, the court shall have due regard to the considerations set out in sub-section (2), or sub-section (3), as the case may be, so far as they are applicable.

(2) In determining the amount of maintenance, if any, to be awarded to a wife, children or aged or infirm parents under this Act, regard shall be had to-

(a) The position and status of the parties;

(b) The reasonable wants of the claimant;

(c) If the claimant is living separately, whether the claimant is justified in doing so;

(d) The value of the claimant's property and any income derived from such property, or from the claimant's own earnings or from any other source;

(e) The number of persons entitled to maintenance under this Act.

(3) In determining the amount of maintenance, if any, to be awarded to a dependent under this Act, regard shall be had to-
(a) The net value of the estate of the deceased after providing for the payment of his debts;

(b) The provision, if any, made under a will of the deceased in respect of the dependant;

(c) The degree of relationship between the two;

(d) The reasonable wants of the dependent;

(e) The past relations between the dependent and the deceased;

(f) The value of the property of the dependent and any income derived from such property, or from his or her earnings or from any other source;

(g) The number of dependents entitled to maintenance under this Act.

24. Claimant to maintenance should be a Hindu.
No person shall be entitled to claim maintenance under this Chapter if he or she has ceased to be a Hindu by conversion to another religion.

25. Amount of maintenance may be altered on change of circumstances.
The amount of maintenance, whether fixed by a decree of court or by agreement, either before or after the commencement of this Act, may be altered subsequently if there is a material change in the circumstances justifying such alteration.

26. Debts to have priority.
Subject to the provisions contained in Section 27 debts of every description contracted or payable by the deceased shall have priority over the claims of his dependents for maintenance under this Act.

27. Maintenance when to be a charge.
A dependant's claim for maintenance under this Act shall not be a charge on the estate of the deceased or any portion thereof, unless one has been created by the will of the deceased, by a decree of court, by agreement between the dependent and the owner of the estate or portion, or otherwise.
28. Effect of transfer of property on right to maintenance.
Where a dependent has a right to receive maintenance out of an estate, and such estate or any part thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right or if the transfer is gratuitous; but not against the transferee for consideration and without notice of the right.

29. Repeals.

30. Savings.
Nothing contained in this Act shall affect any adoption made before the commencement of this Act, and the validity and effect of any such adoption shall be determined as if this Act had not been passed.
Guardian and Wards Act, 1890

An Act to consolidate and amend the law relating to Guardian and Wards.

Whereas it is expedient to consolidate and amend the law relating to guardian valid ward;

It is hereby enacted as follows:

2. Repealed by the Repealing Act, 1938 (I of 1938)


This Act shall be read subject to every enactment heretobefore or hereafter passed relating to any Court of Wards by any competent Legislature, authority or person in, any State To which this Act extends; and nothing in this Act shall be construed to effect or in any way derogate from, the jurisdiction or authority of any Court of Wards, or to take away any power possessed by any High Court

4. Definitions.

In this Act, unless there is something repugnant in the subject or context, -

(1) "Minor" means a person who, under the provisions of the Indian Majority Act, 1875 (9of 1875), is to be deemed not to have attained his majority;
(2) "Guardian" means a person having the care of the person of a minor or of his property or of both his person and property;
(3) "Ward" means a minor for whose person or property or both there, is a guardian;
(4) "District Court" has the meaning assigned to that expression in
the Code of Civil Procedure, 1882 (14 of 1882), and includes a High Court in the exercise of its ordinary original civil jurisdiction;

(5) "The Court" means-

(a) The District Court having jurisdiction to entertain all application under this Act for an order appointing or declaring a person to be a guardian; or

(b) Where a guardian has been appointed or declared in pursuance of any such application-

(i) The Court which, or the Court of the officer who, appointed or declared the guardian or is under this Act deemed to have appointed or declared the guardian; or

(ii) In any matter relating to the person of the ward the District Court having jurisdiction in the place where the ward for the time being ordinarily resides; or

(c) In respect of any proceeding transferred under Sec. 4-A the Court of the officer to whom such proceeding has been transferred;

(6) "Collector" means the chief officer in charge of the revenue-administration of a district and includes any officer whom the State Government, by notification in the official Gazette may, by name or in virtue of his office, appoint to be a Collector in any local or with respect to any class of persons, for all or any of the purposes of this Act;

(7) * * *]; and

(8) "Prescribed" means prescribed by rules made by the High Court under this Act.

4A. Power to confer jurisdiction on subordinate judicial officers and to transfer proceedings to such officers.

(1) The High Court may, by general or special order, empower any officer exercising original civil jurisdiction subordinate to a District Court, or authorize the Judge of any District Court to empower any such officer subordinate to him, to dispose of any proceedings under this Act transferred to such officer under the provisions of this section.

(2) The judge of a district Court may, by order in writing, transfer at any stage any proceeding under this Act pending in his Court for disposal to any officer subordinate to him empowered under sub-section (1);
(3) The Judge of a district court may at any stage transfer to his own Court or to any officer subordinate to him empowered under sub-section (1) any proceeding under this Act pending in the Court of any other such officer.

(4) When any proceedings are transferred under this section in any case in which a guardian has been appointed or declared, the Judge of the District Court may, by order in writing, declare that the Court of the Judge or officer to whom they are transferred shall, for all or any of the purposes of this Act, be deemed to be the Court which appointed or declared the guardian.

5. Power of parents to appoint in case of European British subjects.
[Rep. by the Part B States (Laws) Act, 1951 (3 of 1951),].

6. Saving of power to appoint in other cases.
In the case of a minor nothing in this Act shall be construed to take away or derogate from any power to appoint a guardian of his person or property or both, which is valid by the law to which the minor is subject.

7. Power of the Court to make order as to guardianship.

(1) Where the Court is satisfied that it is for the welfare of a minor that an order should be made-

(a) Appointing a guardian of his person or property or both, or

(b) Declaring a person to be such a guardian the Court may make an order accordingly.

(2) An order under this section shall imply the removal of any guardian who has not been appointed by will or other instrument or appointed or declared by the Court.

(3) Where a guardian has been appointed by will or other instrument or appointed or declared by the Court, an order under this section appointing or declaring another person to be guardian in his stead shall not be made until the powers of the guardian appointed or declared as aforesaid have ceased under the provisions of this Act.

8. Persons entitled to apply for order.
An order shall not be made under the last foregoing section except on the application of
(a) The person desirous of being, or claiming to be, the guardian of
the minor; or
(b) Any relative or friend of the minor; or
(c) The Collector of the district or other local area within which the
minor ordinarily resides or in which he has property; or
(d) The collector having authority with respect to the class to which
the minor belongs.

9. Court having jurisdiction to entertain application.

(1) If the application is with respect to the guardianship of the
person of the minor, it shall be made to the District Court having
jurisdiction in the place where the minor ordinarily resides.

(2) If the application is with respect to the guardianship of the
property of the minor, it may be made either to the District Court
having jurisdiction in the place where the minor ordinarily resides
or to a district court having jurisdiction in a place where he has
property.

(3) If an application with respect to the guardianship of the
property of a minor is made to a District Court other than that
having jurisdiction in the place where the minor ordinarily resides,
the Court may return the application if in its opinion the
application would be disposed of more justly or conveniently by
any other District Court having jurisdiction.

10. Form of application.

(1) If the application is not made by the Collector, it shall be by
petition signed and verified in manner prescribed by the Code of
Civil Procedure, 1882 (14 of 1882), for the singing and verification
of plaint, and stating, so far as can be ascertained,-

(a) The name, sex, religion, date of birth and ordinary residence of
the minor;
(b) Where the minor is a female, whether she is married and if so,
the name and age of her husband;
(e) The nature, situation and approximate value of the property, if
any, of the minor;
(d) The name and residence of the person having the custody or
possession of the person or property of the minor;
(e) What near relations the minor has and where they reside;
(f) Whether a guardian of, the person or property or both, of the
minor has been appointed by any person entitled or claiming to be
entitled by the law to which the minor is subject to make such an
appointment;
(g) Whether an application has at any time been made to the Court or to any other Court with respect to the guardianship of the person or property or both, of the minor and if so, when, to what Court and with what result;
(h) Whether the application is for the appointment or declaration of a guardian of the person of the minor, or of his property, or of both;
(i) Where the application is to appoint a guardian, the qualifications of the proposed guardian; (j) Where the application is to declare a person to be a guardian, the grounds on which that person claims;
(k) The causes which have led to the making of the application; and
(l) Such other particulars, if any, as may be prescribed or as the nature of the application renders it necessary to state.

(2) If the application is made by the Collector, it shall be by letter addressed to the Court and forwarded by post or in such other manner as may be found convenient, and shall state as far as possible the particulars mentioned in sub-section (1).

(3) The application must be accompanied by a declaration of the willingness of the proposed guardian to act, and the declaration must be signed by him and attested by at least two witnesses.

11. Procedure on admission of applications.
(1) If the Court is satisfied that there is ground for proceeding on the application, it shall fix a day for the hearing thereof and cause notice of the application and of the date fixed for the hearing-

(a) To be served in the manner directed in the Code of Civil Procedure, 1882 (14 of 1882) on-

(i) The parents of the minor if they are residing in any State to which this Act extends;
(ii) The person, if any, named in the petition or letter as having the custody or possession of the person or property of the minor;
(iii) The person proposed in the application or letter to be appointed or declared guardian, unless that person is himself the applicant, and
(iv) Any other person to whom, in the opinion of the Court special notice of the applicant should be given; and
(b) To be posted on some conspicuous part of the courthouse and of the residence of the minor, and otherwise published in such manner as the Court, subject to any rules made by the High Court under this Act, thinks fit.

(2) The State Government may, by general or special order, require that when any part of the property described in a petition under Sec. 10, sub-section (1), is land of which a Court of Wards could assume the superintendence, the Court shall also cause a notice as aforesaid to be served on the Collector in whose district the minor ordinarily resides and on every collector in whose district any portion of the land is situated, and the Collector may cause the notice to be published in any manner he deems fit.

(3) No charge shall be made by the Court or the Collector for the service or publication of any notice served or published under subsection (2).

12. Power to make interlocutory order for production of minor and interim protection of person and property.

(1) The Court may direct that the person, if any, having the custody of the minor, shall produce him or cause him to be produced at such place and time and before such person as it appoints, and may make such order for the temporary custody and protection of the person or property of the minor as it thinks proper.

(2) If the minor is a female who ought not to be compelled to appear in public, the direction under sub-section (1) for her production shall require her to be produced in accordance with the customs and manners of the country.

(3) Nothing in this section shall authorise-

(a) The Court to place a female minor in the temporary custody of a person claiming to be her guardian on the ground of his being her husband, unless she is already in his custody with the consent of her parents, if any, or

(b) Any person to whom the temporary custody and protection of the property of a minor is entrusted to dispossess otherwise than by due course of law Daily person in possession of any of the property.
13. **Hearing of evidence before making of order.**
On the day fixed for the hearing of the application or as soon afterwards as may be, the Court shall hear such evidence as may be adduced in support of or in opposition to the application.

14. **Simultaneous proceedings in different Courts.**
(1) If proceedings for the appointment or declaration of a guardian of a minor are taken in more Courts than one each of those courts shall, on being apprised of the proceedings in the other Court or Courts, stay the proceedings before itself.

(2) If the Courts are both or all subordinate to the same High Court, they shall report the case to the High Court, and the High Court shall determine in which of the Courts the proceedings with respect to the appointment or declination of a guardian of the minor shall be had.

(3) In any other case in which proceedings are stayed under subsection (1), the Courts shall report the case to and be guided by such orders as they may receive from their respective State Governments.

15. **Appointment or declaration of several guardians.**
(1) If the law to which the minor is subject admits of his having two or more joint guardians of his person or property or both, the Court may, if it thinks fit, appoint or declare them.

(2) Separate guardians may be appointed or declared of, the person and of the property of a minor.

(3) If a minor has several properties, the Court may, if it thinks fit, appoint or declare a separate guardian for any one or more of the properties.

16. **Appointment or declaration of guardian for property beyond jurisdiction of the Court.**
If the Court appoints or declares a guardian for any property situate beyond the local limits of its jurisdiction, the Court having jurisdiction in the place where the property is situate shall, on production of a certified copy of the order appointing or declaring the guardian accept him as duly appointed or declared and give effect to the order.
17. Matters to be considered by the Court in appointing guardian.
(1) In appointing or declaring the guardian of a minor, the Court shall, subject to the provisions of this section, be guided by what, consistently with the law to which the minor is subject, appears in the circumstances to be for the welfare of the minor.

(2) In considering what will be for the welfare of the minor, the Court shall have regard to the age, sex and religion of the minor, the character and capacity of the proposed guardian and his nearness of kin to the minor, the wishes, if any, of a deceased parent, and any existing or previous relations of the proposed guardian with the minor or his property.

(3) If minor is old enough to form an intelligent preference, the Court may consider that preference.

(4) [* * *]

(5) The Court shall not appoint or declare any person to be a guardian against his will.

18. Appointment or declaration of Collector in virtue of office.
Where a collector is appointed or declared by the Court in virtue of his office to be guardian of the person or property or both, of a minor, the order appointing or declaring him shall be deemed to authorise and require the person for the time being holding the office to act as guardian of the minor with respect to his person or property or both, as the case may be.

19. Guardian not to be appointed by the Court in certain cases.
Nothing in this Chapter shall authorize the Court to appoint or declare a guardian of the property of a minor whose property is under the superintendence of a Court of Wards or to appoint or declare a guardian of the person-

(a) Of a minor who is married female and whose husband is not, in the opinion of Court, unfit to the Guardian of her person; or
(b) Of a minor whose father is living and is not in the opinion of the Court, unfit to be guardian of the person of the minor; or
(c) Of a minor whose property is under the superintendence of a Court of Wards competent to appoint a guardians of the person of the minor.
20. Fiduciary relation of guardian to ward.

(1) A guardian stands in a fiduciary relation to his ward, and, saves as provided by the will or other instrument, if any, by which he was appointed, or by his Act, he must not make any profit out of his office.

(2) The fiduciary relation of a guardian to his ward extends, to and affects purchases by the guardian of the property of the ward, and by the ward of the property of the guardian, immediately or soon after the ward has ceased to be a minor and generally all transactions between them while the influence of the guardian still lasts or is recent.

21. Capacity of minors to act as guardians.

A minor is incompetent to act as guardian of any minor except his own wife or child or where he is the managing member of an undivided Hindu family, the wife or child of another minor member of that family.

22. Remuneration of guardian.

(1) A guardian appointed or declared by the Court shall be entitled to such allowance, if any, as the Court thinks fit for his care and pains in the execution of his duties.

(2) When an officer of the Government, as such officer, is so appointed or declared to be guardian, such fees shall be paid to the Government out of the property of the ward as the State Government, by general or special order, directs.

23. Control of Collector as guardian.

A Collector appointed or declared by the Court to be guardian of the person or property or both, of a minor shall, in all matters connected with the guardianship of his ward, be subject to the control of the State Government or of such authority as that Government, by notification in the official Gazette, appoints in this behalf.

24. Duties of guardian of the person.

A guardian of the person of a ward is charged with the custody of the ward and must look to his support, health and education, and such other matters as the law to which the ward is subject requires.
25. Title of guardian to custody of ward.
(1) If a ward leaves or is removed from the custody of a guardian of his person, the Court, if it is of opinion that it will be for the welfare of the ward to return to the custody of his guardian, may make all order for his return and for the purpose of enforcing the order may cause the ward to be arrested and to be delivered into the custody of the guardian.

(2) For the purpose of arresting the ward, the Court may exercise the power conferred on a Magistrate of the first class by Section 100 of the Code of Criminal Procedure, .1882 [10 of 1882].

(3) The residence of a ward against the will of his guardian with a person who is not his guardian does not of itself terminate the guardianship.

26. Removal of ward from jurisdictions.
(1) A guardian of the person appointed or declared by the Court, unless he is the Collector or is a guardian appointed by will or other instrument, shall not, without the leave of the Court by which he was appointed or declared, remove the ward from the limits of its jurisdiction except for such purposes as may be prescribed.

(2) The leave granted by the Court under sub-section (1) may be special or general and may be defined by the order granting it.

27. Duties of guardian of property.
A guardian of the property of a ward is bound to deal therewith as carefully as a man of ordinary prudence would deal with it, if it were his own and subject to the provisions of this Chapter, he may do all acts which are reasonable and proper for the realization, protection or benefit of the property.

Where a guardian has been appointed by will or other instrument, his power to mortgage or charge, or transfer by sale, gift, exchange or otherwise, immovable property belonging to his ward is subject to any restriction which may be imposed by the instrument, unless he has under this Act been declared guardian and the Court which made the declaration permits him by all order in writing, notwithstanding the restriction, to dispose of any immovable property specified in the order in a manner permitted by the order.
29. Limitation of powers of guardian of property appointed or declared by the Court.
Where a person other than a collector, or a guardian appointed by will or other instrument, has been appointed or declared by the Court to be guardian of the property of a ward, he shall not, without the previous permission of the Court, -

(a) Mortgage or charge, or transfer by sale, gift, exchange or otherwise, any part of the immovable property of his ward, or

(b) Lease any part of that property for a term exceeding five years or for any term extending more than one year beyond the date on which the ward will cease to be a minor.

30. Void ability of transfers made in contravention of Section 28 or Section 29.
A disposal of immovable property by a guardian in contravention of either of the two last foregoing sections is voidable at the instance of any other person affected thereby.

31. Practice with respect to permitting transfers under Section 29.
(1) Permission to the guardian to do any of the acts mentioned in Section 29 shall not be granted by the Court except in case of necessity or for an evident advantage to the ward.

(2) The order granting the permission shall recite the necessity or advantage, as the case may be, describe the property with respect to which the act permitted is to be done, and specify such conditions, if any, as the Court may see fit to attach the permission; and it shall be recorded, dated and signed by the Judge of the Court with his own hand, or, when from any cause he is prevented from recording the order with his own hand, shall be taken down in writing from his dictation and be dated and signed by him.

(3) The Court may in its discretion attach to the permission the following among other conditions, namely:

(a) That a sale shall not be completed without the sanction of the Court;
(b) That a sale shall be made to the highest bidder by public auction before the Court or some person specially appointed by the Court for that purpose, at a time and place to be specified by the Court, after such proclamation of the intended sale as the Court subject to any rules made under this Act by High Court, directs;
(c) That a lease shall not be made in consideration of a premium or shall be made for such term of years and subject to such rents and covenants as the Court directs,
(d) That the whole or any part of the proceeds of the act permitted shall be paid into the Court by the guardian, to be disbursed therefrom or to be invested by the Court on prescribed securities or to be otherwise disposed of as the Court directs.

(4) Before granting permission to a guardian to do an act mentioned in Section 29, the Court may cause notice of the application for the permission to be given to any relative or friend of the ward who should, in its opinion, receive notice thereof, mid shall hear and record the statement of any person who appears in opposition to the application.

32. Variation of powers of guardian of property appointed or declared by the Court.
Where a guardian of the property of a ward has been appointed or declared by the Court and such guardian is not the Collector, the Court may, from time to time by order, define, restrict or extend his powers with respect to the property of the ward in such manner and to such extent as it may consider to be for the advantage of the ward and consistent with the law to which the ward is subject.

33. Right of guardian so appointed or declared to apply to the Court for opinion in management of property of ward.
(1) A guardian appointed or declared by the Court may apply by petition to the Court, which appointed or declared him for its opinion, advice or direction on any present question respecting the management or administration of the property of his ward.

(2) If the Court considers the question to be proper for summary disposal, it shall cause a copy of the petition to be served on, and the hearing thereof may be attended by, such of the persons interested in the application as the Court thinks fit.

(3) The guardian stating in good faith the facts in the petition and acting upon the opinion, advice or direction given by the Court shall be deemed, so far as regards his own responsibility, to have performed his duty as guardian in the subject-matter of the application.
34. Obligations on guardian of property appointed or declared by the Court.
Where a guardian of the property of a ward has been appointed or declared by the court and such guardian is not the collector, he shall, -

(a) If so required by the Court, give a bond, as nearly as may be in the prescribed form, to the Judge of the Court to ensure for the benefit of the Judge for the time being, with or without sureties, as may be prescribed engaging duly to account for what he may receive in respect of the property of the ward;
(b) If so required by the Court, deliver to the Court, within six months from the date of his appointment or declaration by the Court, or within such other time as the Court directs, a statement of the immovable property belonging to the ward, of the money and other movable property which he has received on behalf of the ward up to the date of delivering the statement, and of the debts due on that date to or from the ward;
(c) If so required by the Court, exhibit his accounts in the Court at such times and in such form as the Court from time to time directs;
(d) If so required by the Court, pay into the Court at such time as the Court directs the balance due from him on those accounts, or so much thereof as the Court directs; and
(e) Apply for the maintenance, education and advancement of the ward and of such persons as are dependent on him, and for the celebration of ceremonies to which the ward or any of those persons may be a party, such, portion of the income of the property of the ward as the Court from time to time directs, and, if the Court so directs, the whole or any part of that property.

34A. Power to award remuneration for auditing accounts.
When accounts are exhibited by a guardian of the property of a ward in pursuance of a requisition made under clause (c) of Section 34 or otherwise, the Court may appoint a person to audit the accounts, and may direct that remuneration for the work be paid out of the income of the property.

35. Suit against guardian where administration-bond was taken.
Where a guardian appointed or declared by the Court has given a bond duly to account for what he may receive in respect of the property of his ward, the Court may, on application made by petition and on being satisfied that the engagement of the bond
has not been kept, and upon such terms as to security, or providing that any money received be paid into the Court, or otherwise as the Court thinks fit, assign the bond to some proper person, who shall thereupon be entitled to sue on the bond in his own name as if the bond had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon, as trustee for the ward, in respect of any breach thereof.

36. Suit against guardian where administration-bond was not taken.
(1) Where a guardian appointed or declared by the Court has not given a bond as aforesaid, any person, with the leave of the court, may, as next friend, at any time during the continuance of the minority of the ward, and upon such terms as aforesaid, institute a suit against the guardian, or, in case of his death, against his representative, for an account of what the guardian has received in respect of the property of the ward, and may recover in the suit, as trustee for the ward, such amount as may be found to be payable by the guardian or his representative, as the case may be.

(2) The provisions of sub-section (1) shall, so far as they relate to a suit against a guardian, be subject to the provisions of section [440 of the Code of Civil Procedure as amended by this Act, 1882 (14 of 1882)].

37. General liability of guardian as trustee.
Nothing in either of the two last foregoing sections shall be construed to deprive a ward or his representative of any remedy against his guardian, or the representative of the guardian, which, not being expressly provided in either of those sections, any other beneficiary or his representative would have against his trustee or the representative of the trustee.

38. Right of survivorship among, joint guardians.
On the death of one of two or more joint guardians, the guardianship continues to the survivor or survivors until the Court makes a further appointment.

The Court may, on the application of any person interested, or of its own motion, remove a guardian appointed or declared by the Court, or a guardian appointed by will or other instrument, for any of the following causes, namely:
(a) For abuse of his trust;
(b) For continued failure to perform the duties of his trust;
(c) For incapacity to perform the duties of his trust;
(d) For ill-treatment, or neglect to take proper care, of his ward;
(e) For contumacious disregard of any provision of this Act or of any order of the Court;
(f) For conviction of an offence implying, in the opinion of the Court, a defect of character which unfits him to be the guardian of his ward;
(g) For having an interest adverse to the faithful performance of his duties;
(h) For ceasing to reside within the local limits of the jurisdiction of the Court;
(i) In the case of a guardian of the property, for bankruptcy or insolvency;
(j) By reason of the guardianship of the guardian ceasing, or being liable to cease, under the law to which the minor is subject:

Provided that a guardian appointed by will or other instrument, whether he has been declared under this Act or not, shall not be removed-

(a) For the cause mentioned in clause (g) unless the adverse interest accrued after the death of the person who appointed him, or it is shown that that person made and mainained the appointment in ignorance of the existence of the adverse interest, or
(b) For the cause mentioned in clause (h) unless such guardian has taken up such a residence as in the opinion of the Court, renders it impracticable for him to discharge the functions of guardian.

40. Discharge of guardian.

(1) If a guardian appointed or declared by the Court desires to resign his office, he may apply to the Court to be discharged.

(2) If the Court finds that there is sufficient reason for the application, it shall discharge him, and if the guardian making the application is the Collector and the State Government approves of his applying to be discharged, the Court shall in any case discharge him.
41. Cessation of authority of guardian.

(1) The powers of a guardian of the person cease-

(a) By his death, removal or discharge;
(b) By the Court of Wards assuming superintendence of the person of the ward;
(c) By the ward ceasing to be a minor;
(d) In the case of a female ward, by her marriage to a husband who is not unfit to be guardian of her person or, if the guardian was appointed or declared by the Court, by her marriage to a husband who is not, in the opinion of the Court, so unfit; or
(e) In the case of a ward whose father was unfit to be guardian of the person of the ward, by the father ceasing to be so or if the father was deemed by the Court to be so unfit, by his ceasing to be so in the opinion of the Court.

(2) The powers of a guardian of the property cease-

(a) By his death, removal or discharge;
(b) By the Court of Wards assuming superintendence of the property of the ward; or
(c) By the ward ceasing to be a minor.

(3) When for any cause the powers of a guardian cease, the Court may require him or, if he is dead, his representative to deliver as it directs any property in his possession or control belonging to the ward or any accounts in his possession or control relating, to any past or present property of the ward.

(4) When he has delivered the property or accounts as required by the Court, the Court may declare him to be discharged from his liabilities save as regards any fraud, which may subsequently be discovered.

42. Appointment of successor to guardian dead, discharged or removed.

When a guardian appointed or declared by the Court is discharged, or, under the law to which the ward is subject, ceases to be entitled to act, or when any such guardian or a guardian appointed by will or other instrument is removed or dies, the Court, of its own motion or on application under Chapter 11, may, if the ward is still a minor, appoint or declare another guardian of his person or property, or both, as the case may be.
43. **Orders for regulating conduct or proceedings of guardians, and enforcement of those orders.**

(1) The Court may, on the application of any person interested or of its own motion, make an order regulating the conduct or proceedings of any guardian appointed or declared by the Court.

(2) Where there are more guardians than one of a ward and they are unable to agree upon a question affecting his welfare, any of them may apply to the Court for its direction and the Court may make such order respecting the matter in difference as it thinks fit.

(3) Except where it appears that the object of making an order under subsection (1) or subsection (2) would be defeated by the delay, the Court shall, before making the order, direct notice of the application therefore or of the intention of the Court to make it, as the case may be, to be given, in a case under sub-section (1), to the guardian or in a case under sub-section (2), to the guardian who has not made the application.

(4) In case of disobedience to an order made under subsection (1) or subsection (2), the order may be enforced in the same manner as an injunction granted under Section 492 or Section 493 of the Code of Civil Procedure, 1982 (14 of 1882), in a case under sub-section (1), as if the ward were the plaintiff and the guardian were the defendant or, in a case under sub-section (2), as if the guardian who made the application were the plaintiff and the other guardian were the defendant.

(5) Except in a case under sub-section (2), nothing in this section shall apply to a Collector who is, as such, a guardian.

44. **Penalty for removal of ward from jurisdiction.**

If, for the purpose or with the effect of preventing the Court from exercising its authority with respect to a ward a guardian appointed or declared by the Court removes the ward from the limits of the jurisdiction of the Court in contravention of the provisions of Section 20, he shall be liable, by order of the Court, to fine not exceeding one thousand rupees, or to imprisonment in the civil jail for a term which may extend to six months.

45. **Penalty for contumacy.**

(1) In the following cases, namely:

(a) If a person having the custody of a minor fails to produce him or cause him to be produced in compliance with a direction under
Section 12, subsection (1), or to do his utmost to compel the minor to return to the custody of his guardian in obedience to an order under Section 25, subsection (1); or
(b) If a guardian appointed or declared by the Court fails to deliver to the Court within the time allowed by or under clause (b) or Section 34, a statement required under that clause, or to exhibit accounts in compliance with a requisition under clause (c) of that section, or to pay into the Court the balance due from him on those accounts in compliance with a requisition under clause (d) of that section;
(c) If a person, who has ceased to be a guardian, or the respective of such a person, fails to deliver any property or accounts in compliance with a requisition under Section 41, subsection (3), The person, guardian or representative, as the case may be, shall be liable by order of the Court, to fine not exceeding one hundred rupees, and in case of resistance to further fine not exceeding ten rupees for each day after the first during which the default continues, and not exceeding five hundred rupees in the aggregate, and to detention in the civil jail until he undertakes to produce the minor cause him to be produced, or to compel his return, or to deliver the statement, or to exhibit the accounts, or to pay the balance, or to deliver the property or accounts, as the case may be.

(2) If a person who has been released from detention on giving an undertaking under subsection (1) fails to carry out the undertaking within the time allowed by the Court,, the Court may cause him to be arrested and recommitted to the civil jail.

46. Reports by Collectors and subordinate Courts.
(1) The Court may call upon the Collector, or upon any Court subordinate to the Court, for a report on any matter arising in any proceeding under this Act and treat the report as evidence.

(2) For the purpose of preparing the report the Collector or the Judge of the subordinate Court, as the case may be, shall make such inquiry as he deems necessary, and may for the purposes of the inquiry exercise any power of compelling the attendance of a witness to give evidence or produce a document which is conferred on a Court by the Code of Civil Procedure, 1882 (14 of 1882).

47. Orders appeal able.
An appeal shall lie to the High Court from an order made by a Court,
(a) Under Section 7, appointing or declaring or refusing to appoint or declare a guardian; or
(b) Under Section 9, sub-section (3), returning an application; or
(c) Under Section 25, making or refusing to make an order for the return of a ward to the custody of his guardian; or
(d) Under Section 26, refusing leave for the removal of a ward from the limits of the jurisdiction of the Court, or imposing conditions with respect thereto; or
(e) Under Section 28 or Section 29, refusing permission to a guardian to do an act referred to in the Section; or
(f) Under Section 32, defining, restricting or extending the powers of a guardian; or
(g) Under Section 39, removing a guardian; or
(h) Under Section 40, refusing to discharge a guardian; or
(i) Under Section 43, regulating the conduct or proceedings of a guardian or settling a matter in difference between joint guardians or enforcing the order; or
(j) Under Section 44 or Section 45, imposing a penalty.

48. Finality of other orders.
Save as provided by the last foregoing section and by Section 622 of the Code of Civil Procedure, 1882 (14 of 1882), an order made under this Act shall be final, and shall not be liable to be contested by suit or otherwise.

49. Costs.
The costs of any proceeding under this Act, including the costs of maintaining a guardian or other person in the civil jail, shall, subject to any rules made by the High Court under this Act be in the discretion of the Court in which the proceeding is, had.

50. Power of High Court to make rules.
(1) In addition to any other power to make rules conferred expressly or impliedly by this Act, the High Court may from time to time make rules consistent with this Act-

(a) As to the matters respecting which, and the time at which, reports should be called for from Collectors and subordinate Courts;
(b) As to the allowances to be granted to, and the security to be required from guardians, and the cases in which such allowances should be granted;
(c) As to the procedure to be followed with respect to applications of guardians for permission to do acts referred to in Section 28 and 29;
(d) As to the circumstances in which such requisitions as are mentioned in clause (a), (b), (c) and (d) of Section 34 should be made;
(e) As to the preservation of statements and accounts delivered and exhibited by guardians;
(f) As to the inspection of those statements and accounts by persons interested;
(ff) As to the audit of accounts under Section 34-A, the class of persons who should be appointed to audit accounts, and the scales of remuneration to be granted to them.
(g) As to the custody of money, and securities for money, belonging to wards;
(h) As to the securities on which money belonging to wards may be invested;
(i) As to the education of wards for whom guardians, not being Collectors, have been appointed or declared by the Court; and generally, for the guidance of the Courts in carrying out the purposes of this Act.

(2) Rules under clauses (a) and (i) of subsection (1) shall not effect until they have been approved by the State Government, nor shall any rule under this section have effect until it has been published in the official Gazette.

51. Applicability of Act or guardians already appointed by Court
A guardian appointed by, or holding a certificate of administration from, a Civil Court under any enactment repealed by this Act shall, save as may be prescribed, be subject to the provisions of this Act, and of the rules made under it, as if he had been appointed or declared by the Court under Chapter II.

52. Amendment of Indian Majority Act,
[Rep by the Repealing Act, 1938 (1 of 1938)].

[Rep. By the Code of Civil Procedure, 1908 (5 of 1908)]

SCH. THE SCHEDULE.
Enactments repealed. -[Rep. by the Repealing Act, 1938 (1 of 1938)].
Excerpts from the Juvenile Justice (Care and Protection of Children) Act, 2000

Chapter III – Child in Need of Care and Protection

(1) The State Government may, by notification in Official Gazette, constitute for every district or group of districts, specified in the notification, one or more Child Welfare Committees for exercising the powers and discharge the duties conferred on such Committees in relation to child in need of care and protection under this Act

(2) The Committee shall consist of a Chairperson and four other members as the State Government may think fit to appoint, of whom at least one shall be a woman and another, an expert on matters concerning children

(3) The qualifications of the Chairperson and the members, and the tenure for which they may be appointed shall be such as may be prescribed

(4) The appointment of any member of the Committee may be terminated, after holding inquiry, by the State Government, if-

   (i) He has been found guilty of misuse of power vested under this Act;

   (ii) He has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or he has not been granted full pardon in respect of such offence;

   (iii) He fails to attend the proceedings of the Committee for
consecutive three months without any valid reason or he fails to attend less than three-fourth of the sittings in a year.

(5) The Committee shall function as a Bench of Magistrates and shall have the powers conferred by the Code of Criminal Procedure, 1973 (2 of 1974) on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of the first class.

30. Procedure, etc., in relation to Committee.
(1) The Committee shall meet at such times and shall observe such rules of procedure in regard to the transition of business at its meetings, as may be prescribed.

(2) A child in need of care and protection may be produced before an individual member for being placed in safe custody or otherwise when the Committee is not in session.

(3) In the event of any difference of opinion among the members of the Committee at the time of any interim decision, the opinion of the majority shall prevail but where there is no such majority the opinion of the Chairperson shall prevail.

(4) Subject to the provisions of sub-section (1), the Committee may act, notwithstanding the absence of any member of the Committee, and no order made by the Committee shall be invalid by reason only of the absence of any member during any stage of the proceeding.

(1) The Committee shall have the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of the children as well as to provide for their basic needs and protection of human right.

(2) Where a Committee has been constituted for any area, such Committee shall, notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, have the power to deal exclusively with all proceedings under this Act relating to children in need of care and protection.
32. **Production before Committee.**

(1) Any child in need of care and protection may be produced before the Committee by one of the following persons—

(i) Any police officer or special juvenile police unit or a designated police officer;

(ii) Any public servant;

(iii) Child line, a registered voluntary organisation or by such other voluntary organisation or an agency as may be recognised by the State Government;

(iv) Any social worker or a public spirited citizen authorised by the State Government; or

(v) By the child himself.

(2) The State Government may make rules consistent with this Act to provide for the manner of making the report to the police and to the Committee and the manner of sending and entrusting the child to children's home pending the inquiry.

33. **Inquiry.**

(1) On receipt of a report under section 32, the Committee or any police officer or special juvenile police unit or the designated police officer shall hold an inquiry in the prescribed or agency as mentioned in sub-section (1) of section 32, may pass an order to send the child to the children's home for speedy inquiry by a social worker or child welfare officer. Manner and the Committee, on its own or on the report from any person

(2) The inquiry under this section shall be completed within four months of the receipt of the order or within such shorter period as may be fixed by the Committee: Provided that the time for the submission of the inquiry report may be extended by such period as the Committee may, having regard to the circumstances and for the reasons recorded in writing, determine

(3) After the completion of the inquiry if the Committee is of the opinion that the said child has no family or ostensible support, it may allow the child to remain in the children's home or shelter home till suitable rehabilitation is found for him or till he attains the age of eighteen years
34. Children's homes.
(1) The State Government may establish and maintain either by itself or in association with the voluntary organisations, children's homes, in every district or group of districts, as the case may be, for the reception of child in need of care and protection during the pendency of any inquiry and subsequently for their care, treatment, education, training, development and rehabilitation.

(2) The State Government may, by rules made under this Act, provide for the management of children's homes including the standards and the nature of services to be provided by them, and the circumstances under which, and the manner in which, the certification of a children's home or recognition to a voluntary organisation may be granted or withdrawn.

35. Inspection.
(1) The State Government may appoint inspection committees for the children's homes (hereinafter referred to as the inspection committees) for the State, a district and city, as the case may be, for such period and for such purposes as may be prescribed.

(2) The inspection committee of a State, district or of a city shall consist of such number of representatives from the State Government, local authority, Committee, voluntary organisations and such other medical experts and social workers as may be prescribed.

36. Social auditing.
The Central Government or State Government may monitor and evaluate the functioning of the Children's homes at such period and through such persons and institutions as may be specified by that Government.

37. Shelter homes.
(1) The State Government may recognise, reputed and capable voluntary organisations and provide them assistance to set up and administer as many shelter homes for juveniles or children as may be required.

(2) The shelter homes referred in sub-section (1) shall function as drop-in-centres for the children in the need of urgent support who have been brought to such homes through such persons as are referred to in sub-section (1) of section 32.
(3) As far as possible, the shelter homes shall have such facilities as may be prescribed by the rules.

38. Transfer.
(1) If during the inquiry it is found that the child hails from the place outside the jurisdiction of the Committee, the Committee shall order the transfer of the child to the competent child Authority having jurisdiction over the place of residence of the

(2) Such juvenile or the child shall be escorted by the staff of the home in which he is lodged originally

(3) The State Government may make rules to provide for the travelling allowance to be paid to the child

(1) Restoration of and protection to a child shall be the prime objective of any children's home or the shelter home
(2) The children's home or a shelter home, as the case may be, shall take such steps as are considered necessary for the restoration of and protection to a child deprived of his family environment temporarily or permanently where such child is under the care and protection of a children's home or a shelter home, as the case may be
(3) The Committee shall have the powers to restore any child in need of care and protection to his parent, guardian, fit person or fit institution, as the case may be, and give them suitable directions

Explanation. For the purposes of this section "restoration of child" means restoration to- (a) parents; (b) adopted parents; (c) foster parents.

40. Process of rehabilitation and social reintegration.
The rehabilitation and social reintegration of a child shall begin during the stay of the child in a children's home or special home and the rehabilitation and social reintegration of children shall be carried out alternatively by

(i) Adoption,
(ii) Foster care,
(iii) Sponsorship, and
(iv) Sending the child to an after-care organisation.

41. Adoption.
(1) The primary responsibility for providing care and protection to children shall be that of his family
(2) Adoption shall be resorted to for the rehabilitation of such children as are orphaned, abandoned, neglected and abused through institutional and non-institutional methods.

(3) In keeping with the provisions of the various guidelines for adoption issued from time to time by the State Government, the Board shall be empowered to give children in adoption and carry out such investigations as are required for giving children in adoption in accordance with the guidelines issued by the State Government from time to time in this regard.

(4) The children's homes or the State Government run institutions for orphans shall be recognised as adoption agencies both for scrutiny and placement of such children for adoption in accordance with the guidelines issued under sub-section (3).

(5) No child shall be offered for adoption-

   (a) Until two members of the Committee declare the child legally free for placement in the case of abandoned children,

   (b) Till the two months period for reconsideration by the parent is over in the case of surrendered children, and

   (c) Without his consent in the case of a child who can understand and express his consent.

(6) The Board may allow a child to be given in adoption-

   (a) To a single parent, and

   (b) To parents to adopt a child of a different sex irrespective of the number of living biological sons or daughters.

42. Foster care.

(1) The foster care may be used for temporary placement of those infants who are ultimately to be given for adoption.

(2) In foster care, the child may be placed in another family for a short or extended period of time, depending upon the circumstances where the child's own parent usually visit regularly and eventually after the rehabilitation, where the children may return to their own homes.

(3) The State Government may make rules for the purposes of carrying out the scheme of foster care programme of children.
43. **Sponsorship.**

(1) The sponsorship programme may provide supplementary support to families, to children's homes and to special homes to meet medical, nutritional, educational and other needs of the children with a view to improving their quality of life.

(2) The State Government may make rules for the purposes of carrying out various schemes of sponsorship of children, such as individual-to-individual sponsorship, group sponsorship or community sponsorship.

44. **After-care organization.**

The State Government may, by rules made under this Act, provide:

(a) For the establishment or recognition of after-care organisations and the functions that may be performed by them under this Act;

(b) For a scheme of after-care programme to be followed by such after-care organisations for the purpose of taking care of juveniles or the children after they leave special homes, children homes and for the purpose of enabling them to lead an honest, industrious and useful life;

(c) For the preparation or submission of a report by the probation officer or any other officer appointed by that Government in respect of each juvenile or the child prior to his discharge from a special home, children's home, regarding the necessity and nature of after-care of such juvenile or of a child, the period of such after-care, supervision thereof and for the submission of report by the probation officer or any other officer appointed for the purpose, on the progress of each juvenile or the child;

(d) For the standards and the nature of services to be maintained by such after-care organisations;

(e) For such other matters as may be necessary for the purpose of carrying out the scheme of after-care programme for the juvenile or the child: Provided that any rule made under this section shall not provide for such juvenile or child to stay in the after-care organisation for more than three years: Provided further that a juvenile or child over seventeen years of age but less than eighteen years of age.
would stay in the after-care organisation till he attains the age of twenty years.

45. **Linkages and co-ordination.**
The State Government may make rules to ensure effective linkages between various governmental, non-governmental, corporate and other community agencies for facilitating the rehabilitation and social reintegration of the child.
The States signatory to the present Convention,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Recalling that each State should take, as a matter or priority, appropriate measures to enable the child to remain in the care of his or her family of origin,

Recognizing that inter-country adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of origin,

Convinced of the necessity to take measures to ensure that inter-country adoptions are made in the best interests of the child and with respect for his or her fundamental rights, and to prevent the abduction, the sale of, or traffic in children,

Desiring to establish common provisions to this effect, taking into account the principles set forth in international instruments in particular the United Nations Declaration on Social and Legal
Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally (General Assembly Resolution 41/85, of 3 December 1986),

Have agreed upon the following provisions –

**Chapter I – Scope of the Convention**

**Article 1**

The objects of the present Convention are –

a) to establish safeguards to ensure that inter-country adoptions take place in the best interests of the child and with respect for this or her fundamental rights as recognized in international law;

b) to establish a system of cooperation amongst contracting States to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children;

c) to secure the recognition in Contracting States of adoption made in accordance with the Convention.

**Article 2**

(1) The Convention shall apply where a child habitually resident in one contracting State (the State of origin) has been, is being, or is to be moved to another Contracting State (the receiving State) either after his or her adoption in the State or origin by spouses or a person habitually resident in the receiving State, or for the purposes of such an adoption in the receiving State or in the State of origin.

(2) The convention covers only adoptions which create a permanent parent-child relationship.
Article 3
The Convention ceases to apply if the agreements mentioned in Article 17, sub-paragraph c, have not been given before the child attains the age of eighteen years.

Chapter II – Requirements for Inter-country Adoptions

Article 4
An adoption within the scope of the Convention shall take place only if the competent authorities of the State or origin -
(a) have established that the child is adoptable;
(b) have determined, after possibilities for placement of the child within the State of origin have been given due consideration, that an inter-country adoption is in the child’s best interests;
(c) have ensured that –
   (1) the persons, institutions and authorities whose consent is necessary for adoption, have been counseled as may be necessary and duly informed of the effects of their consent, in particular whether or not an adoption will result in the termination of the legal relationship between the child and his or her family or origin.
   (2) such persons, institutions and authorities have given their consent freely, in the required legal form, and expressed or evidenced in writing,
   (3) the consents have not been induced by payment or compensation of any kind and have not been withdrawn, and
   (4) the consent of the mother, where required, has been given only after the birth of child; and
(d) have ensured, having regard to the age and degree of maturity of the child, that
(1) He or she has been counseled and duly informed of the effects of the adoption and of his or her consent to the adoption, where such consent is required,

(2) Consideration has been given to the child's wishes and opinions,

(3) The child's consent to the adoption, where such consent is required, has been given freely, in the required legal forms, and expressed or evidenced in writing, and

(4) Such consent has not been induced by payment or compensation of any kind.

Article 5
An adoption within the scope of the Convention shall take place only if the competent authorities of the receiving State—
(a) Have determined that the prospective adoptive parents are eligible and suitable to adopt;

(b) Have ensured that the prospective adoptive parents have been counseled as may be necessary; and

(c) Have determined that the child is or will be authorized to enter and reside permanently in that State.

Chapter II - Central Authorities and Accredited Bodies
Article 6
(1) A Contracting State shall designate a Central Authority to discharge the duties which are imposed by the Convention upon such authorities.

(2) Federal States, States with more than one system of law or states having autonomous territorial units shall be free to appoint more than one Central Authority and to specify the territorial or personal extent of their functions. Where a State has appointed more than one Central Authority, it
shall designate the Central Authority to which any communication may be addressed for transmission to the appropriate Central Authority within that State.

Article 7

(1) Central Authorities shall cooperate with each other and promote cooperation amongst the competent authorities in their States to protect children and to achieve the other objects of the Convention.

(2) They shall take directly all appropriate measures to -

(a) provide information as to the laws of their States concerning adoption and other general information, such as statistics and standard forms;

(b) keep one another informed about the operation of the convention and, as far as possible, eliminate any obstacles to its application.

Article 8

Central Authorities shall take, directly or through public authorities or other bodies duly accredited in their State, all appropriate measures, to prevent improper financial or other gain in connection with an adoption and to deter all practices contrary to the objects of the Convention.

Article 9

Central Authorities shall take, directly or through public authorities or other bodies duly accredited in their state, all appropriate measures, in particular to -

(a) collect, preserve and exchange information about the situation of the child and the prospective adoptive parents, so far as is necessary to complete the adoption;
facilitate, follow and expedite proceedings with a view to obtaining the adoption;

(c) promote the development of adoption counseling and post-adoption services in their States;

(d) provide each other with general evaluation reports about experience with inter-country adoption;

(e) reply, in so far as is permitted by the law of their State, to justified requests from other Central Authorities or public authorities for information about a particular adoption situation.

**Article 10**

Accreditation shall only be granted to and maintained by bodies demonstrating their competence to carry out properly the tasks with which they may be entrusted.

**Article 11**

An accredited body shall-

(a) pursue only non-profit objectives according to such conditions and within such limits as may be established by the competent authorities of the State of accreditation;

(b) be directed and staffed by persons qualified by their ethical standards and by training or experience to work in the field of inter-country adoption; and

(c) be subject to supervision by competent authorities of that State as to its composition, operation and financial situation.

**Article 12**

A body accredited is one Contracting State may act in another Contracting State only if the competent authorities of both States have authorized it to do so.
Article 13
The designation of the Central Authorities and, where appropriate, the extent of their functions, as well as the names and address of the accredited bodies shall be communicated by each Contracting State to the Permanent Bureau of the Hague Conference on Private International Law.

Chapter IV - Procedural Requirements in Inter-Country Adoption

Article 14
Persons habitually resident in a Contracting state, who wish to adopt a child habitually resident in another Contracting State, shall apply to the Central Authority in the State of their habitual residence.

Article 15
(1) If the Central Authority of the receiving State is satisfied that the applicants are eligible and suited to adopt, it shall prepare a report including information about their identity, eligibility and suitability to adopt, background, family and medical history, social environment, reasons for adoption, ability to undertake an inter-country adoption, as well as the characteristics of the children from whom they would be qualified to care.

(2) It shall transmit the report to the Central Authority of the State of origin.

Article 16
(1) If the Central Authority of the State of origin is satisfied that the child is adoptable, it shall -
(a) prepare a report including information about his or her identity, adoptability, background, social environment, family history, medical history including that of the child’s family, and any special needs of the child;
(b) give due consideration to the child’s upbringing and to his or her ethnic, religious and cultural background;
(c) ensure that consensus have been obtained in accordance with Article 4; and
(d) determine, on the basis in particular of the reports relating to the child and the prospective adoptive parents, whether the envisaged placement is in the best interests of the child.

(2) It shall transmit to the Central Authority of the receiving states its report on the child, proof that the necessary consent have been obtained and the reasons for its determination on the placement, taking care not to reveal the identity of the mother and the father if, in the State of origin, these identities may not be disclosed.

Article 17
Any decision in the State of origin that a child should be entrusted to prospective adoptive parents may only be made if-
(a) the Central authority of that State has ensured that the prospective adoptive parents agree;
(b) the Central Authority of the receiving state has approved such decision, where such approval is required by the law of that State or by the Central Authority of the State of origin;
(c) the Central Authorities of both States have agreed that the adoption may proceed; and

(d) it has been determined, in accordance with Article 5, that the prospective adoptive parents are eligible and suited to adopt and that the child is or will be authorized to enter and reside permanently in the receiving State.

**Article 18**

The Central Authorities of both States shall take all necessary steps to obtain permission for the child to leave the State of origin and to enter and reside permanently in the receiving State.

**Article 19**

(1) The transfer of the child to the receiving State may only be carried out if the requirements of article 17 have been satisfied.

(2) The Central Authorities of both States shall ensure that this transfer takes place in secure and appropriate circumstances and, if possible, in the company of the adoptive parents.

(3) If the transfer of the child does not take place, the reports referred to in Articles 15 and 16 are to be sent back to the authorities who forwarded them.

**Article 20**

The Central Authorities shall keep each other informed about the adoption process and the measures taken to complete it, as well as about the progress of the placement if a probationary period is required.
Article 21

(1) Where the adoption is to take place after the transfer of the child to the receiving State and it appears to the Central Authority of that State that the continued placement of the child with the prospective adoptive parents is not in the child's best interests, such central Authority shall take the measures necessary to protect the child, in particular -

(a) to cause the child to be withdrawn from the prospective adoptive parents and to arrange temporary care;

(b) in consultation with the Central Authority of the State of origin, to arrange without delay a new placement of the child with a view to adoption or, if this is not appropriate, to arrange alternative long-term care; an adoption shall not take place until the Central Authority of the State of origin has been duly informed concerning the new prospective adoptive parents;

(c) as a last resort, to arrange the return of the child, if his or her interests so require.

(2) Having regard in particular to the age and degree of maturity of the child, he or she shall be consulted and, where appropriate, his or her consent obtained in relation to measures to be taken under this Article.

Article 22

(1) The functions of a Central Authority under this Chapter may be performed by public authorities or by bodies accredited under Chapter III, to the extent permitted by the law of its State.

(2) Any Contracting state may declare to the depositary of the Convention that the functions of the Central Authority under
Articles 15 to 21 may be performed in that State, to the extent permitted by the law and subject to the supervision of the competent authorities of that State, also by bodies or persons who –

(a) meet the requirements of integrity, professional competence, experience and accountability of that State;

and

(b) are qualified by their ethical standards and by training or experience to work in the field of inter-country adoption.

(3) A Contracting State which makes the declaration provided for in paragraph 2 shall keep the Permanent Bureau of the Hague Conference on Private International Law informed of the names and addressed of these bodies and persons.

(4) Any Contracting State may declare to the depositary of the Convention that adoptions of children habitually resident in its territory may only take place if the functions of the Central Authorities are performed in accordance with paragraph 1.

Notwithstanding anything any declaration made under paragraph 2, the reports provided for in Articles 15 and 16 shall, in every case, be prepared under the responsibility of the Central Authority or other authorities or bodies in accordance with paragraph 1.
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Revised Guidelines Inter-country Adoptions 2006

Chapter - I
Introduction

1.1 Aims and objects

The objective of the Guidelines is to provide a sound basis for inter-country adoption within the framework of the norms and principles laid down by the Hon'ble Supreme court of India in the serious of Judgements delivered in L.K. Pandey Vs. Union of India and others between 1984 and 1991 and various other courts from time to time and to take all other measures necessary for the promotion of in-country adoption of children as well as welfare of children in general.

1.2 The goal is to find a family for as many orphan children as possible and to safeguard their interests as visualized in the UN Convention on Child Rights and Hague Convention on Inter-Country Adoption (both ratified by India)

1.3 The Government of India, in pursuance of its constitutional mandate, has evolved a national police for the welfare of children. The thrust of this policy is summed up in the following words:

"The Nations children are a supremely important asset. Their nurture and solicitude are our responsibility. Children programmes should find a prominent part in our national
plans for the development of human resources, so that our children grow up to become robust citizens, physically fit, mentally alert and morally healthy, endowed with the skills and motivation needed by society. Equal opportunities for development to all children during the period of growth should be our aim, for this would serve our larger purpose of reducing inequality and ensuring social justice."

1.4 The National Policy for the Welfare of children also stresses the vital role which the voluntary organisations have to play in the field of education, health, recreation and social welfare services for children and declares that it shall be the endeavour of the state to encourage and strengthen such voluntary organisations.

1.5 India has signed the Hague Convention on Inter-country Adoption – 1993 on 9 January 2003 and ratified the same on 6 June, 2003 with a view to strengthening International Cooperation and Protection of Indian Children placed in inter-country adoption. For the purpose of implementation of the Convention in our country, Ministry of Social Justice and Empowerment is functioning as the Administrative Ministry and Central Adoption Resource Authority (CARA) as the Central Authority.

1.6 Need of Family support for the Development of Children

It is the responsibility of the community and of the State to provide both institutional and non-institutional support to orphans and destitute children. The Government of India considers adoption as the best non-institutional support for rehabilitation of such children because only a family environment can provide them the best opportunity to fulfill their potential.

1.7 Review of Adoption Procedure

The "revised Guidelines for the Adoption of Indian Children – 1995" were issued by the Government of India on 21st May 1995 and it has now been decided to further revise these Guidelines keeping in view the developments such as the ratification of the Hague Convention on Inter-country Adoption – 1993 by India on 06.06.2003 etc. since then.
Before finalization of the Guidelines, suggestions and opinions were sought from the State Government/UTs., Recognised Indian Placement agencies, Adoption Coordinating Agencies and Adoption Coordinating Agencies and Adoption Scrutinizing Agencies.

The "Guidelines for Inter-country Adoption of Indian Children – 2006" will supersede all previous Guidelines issued in this regard by the Ministry of Social Justice and Empowerment, Govt. of India, New Delhi.

Chapter –II

Authorities and Agencies

2.1 Government of India

In the Government of India all policy matters relating to adoption are dealt with by the Ministry of Social Justice and Empowerment. Under the aegis of the ministry, the Central Adoption Resource Authority (hereinafter called CARA) functions as a nodal body and the Central Authority for adoption matters. It is a body registered under the Societies Registration act, 1860 on 18th March, 1999 with its headquarter in New Delhi. The functions of CARA are listed at Annexure – a

2.2 Central Authorities

Government departments or any other duly authorized body notified by their Government to function as Central Authorities of foreign countries under the Hague Convention on Inter-country Adoption – 1993 will be treated as Central Authorities by CARA.

2.3 Foreign Adoption Agencies enlisted by CARA shall be called Enlisted Foreign Adoption Agencies (EFAAs)

CARA will approve/authorize and maintain a list of all Enlisted Foreign Adoption Agencies (EFAAs) who can forward applications of foreign adoptive parents including NRIs (Non Resident Indians) to it for approval.
2.4 Recognised Indian Agencies for Inter-country Adoption (RIPA)

CARA will recognize/accredit Indian Placement Agencies for Inter-country Adoption (RIAP). It shall publish once a year a list of RIAPs in leading national and vernacular newspapers. CARA shall send this list once a year to the High Courts in the country for circulation to the District Courts. RIAPs shall function as accredited bodies as per the Hague Convention of 1993.

2.5 Adoption Coordinating Agencies (ACAs)

There shall be a centralized agency namely Adoption Coordinating agency (ACA) earlier known as Voluntary Coordinating Agency (VCA) in the State or even in a large city where there are several recognised placement and child welfare agencies to promote in-country adoption and issue clearance in case of all inter-country adoptions.

2.6 Adoption Scrutiny Agencies (ASAs)

It is open to the Court to seek assistance from the Indian Council for Child Welfare or the Indian Council for Social welfare or any of its branches/any independent, reputed and officially recognized Child/Social Welfare Agency for scrutinizing the adoption applications with a view to ensure the welfare of the child.

2.7 Indian Diplomatic Missions

Indian Diplomatic missions abroad, will liaison with concerned Central/Public Authorities to ensure safeguards of children of Indian origin adopted by foreign parents against neglect, maltreatment, exploitation or abuse. They will receive a statement of all Indian children cleared for adoption by foreign nationals (including NRIs/PIOs) from CARA once a year. Indian missions will be encouraged to interact with the Foreign Enlisted Agencies and Central Authorities in their area of jurisdiction and arrange get together of the adopted children and their parents.

2.8 CARA may levy any recognition/renewal processing fee or any other charges with the approval of the Ministry of Social Justice and Empowerment from time to time.
CHAPTER – III

ROLE OF STATE GOVERNMENT/UNION TERRITORIES

3.1 Licensing of Children Homes

The State Government (the term “State Government” to include Union Territory Administration wherever applicable) will license/recognize all such children’s homes engaged in adoption programmes of destitute, abandoned or abandoned or orphaned children under the relevant Act/Statute/rules or order as operative in the State or UT.

3.2 The State Government will license/Recognise Indian adoption agencies for in-country adoption as per the procedure laid down in Guidelines for In-country Adoptions 2004 and shall forward applications of Indian agencies seeking recognition for inter-country adoption to the Central Adoption Resource Authority after proper verification. State Government should not recommend either new recognition or renewals if they have not permitted the concerned agency to undertake in-country adoption. All agencies will also have to be licensed/registered under the relevant Act of the state to qualify for recognition.

3.3 List of Adoption Agencies

From among the above Homes, the State Government will separately maintain a list of all such Homes or agencies handling in-country and inter-country adoptions and will maintain a list of all children who are declared legally free for adoption by the competent authorities in these institutions.

3.4 Role and Functions of State Governments:

(i) Monitor the adoption programme and the activities of all adoption agencies, RIPAs and ACAs within its jurisdiction.

(ii) Encourage and promote placement of such children in adoption or guardianship with families within the country.

(iii) If there is no ACA in particular State, until the ACA is set-up, the Department of the concerned State Govt. may function as ACA.

(iv) Enforce the Orphanages and Other Charitable homes (Supervision and Control) Act, 1960 and/or Juvenile Justice
(Care and Protection of Children) Act, 2000 and/or formulate suitable alternate rules in order to maintain certain minimum standards for child care in child welfare institutions. Homes not licensed/recognised by the State government will not be allowed to carry out the function of adoption.

(v) Receive all applications from adoption agencies for fresh recognition as well as renewal of recognition for inter-country adoption. After due verification, it will give its clear recommendation along with inspection report or otherwise with supporting documents to CARA.

(vi) Form an Advisory Committee on adoption which shall have the following as members:

<table>
<thead>
<tr>
<th></th>
<th>Secretary, Women and Child Development Deptt. Social Welfare/Panchayat Raj</th>
<th>1</th>
<th>Chairman</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b)</td>
<td>Director, Welfare/Social Welfare/Women and Child Development</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>(c)</td>
<td>Two representatives of adoption placement agencies</td>
<td>2</td>
<td>Members</td>
</tr>
<tr>
<td>(d)</td>
<td>One representative of ACAs</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>(e)</td>
<td>One representative of Adoption Scrutinizing Agencies</td>
<td>1</td>
<td>Member</td>
</tr>
<tr>
<td>(f)</td>
<td>Three experts in the field of Social and Child Welfare</td>
<td>3</td>
<td>Members</td>
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The Committee will meet periodically to discuss child welfare measures, specifically ways and means to promote in-country adoption of children and take all such decisions pertaining to policy issues on adoption. The tenure of such a committee shall be three years.

(vii) The State Government should also set-up an Adoption Cell in the Directorate of Social Welfare to coordinate, monitor and develop the work of adoption and render all assistance to the Advisory Committee on Adoption.
(viii) Ensure that the provisions of the Supreme Court judgement, the State JJ Rules based on JJ Act, 2000 and the Guidelines for In-country Adoption 2004, are adhered to.

(ix) State Government shall receive data on new arrivals and death of the children form the adoption agencies and shall furnish annual data on adoption to CARA.

(x) State Governments may direct all the CWs/JJBs working in the States to submit periodical data to ACA and Adoption Cell relating to adoption matters.

3.5 Inspection of Adoption Agencies

CARA/State Government will periodically and at least once a year, inspect all Licensed and recognized Adoption Placement agencies as also their papers, documents and activities connected with the service for children, in order to verify the following:-

(i) That adoption as an activity is being pursued by the organization as a welfare measure in the interest of children and not as a commercial activity.

(ii) That proper records are being maintained for children admitted to the Homes.

(iii) That the children admitted are provided with quality child care and basic minimum facilities for their care, education and development in the Institution of Foster Homes.

(iv) That lists of persons interested in adopting a child or taking a child under guardianship are being maintained by the organisation regularly.

(v) That the accounts of the organization are being maintained and audited annually without delay and that the auditors reports confirm that the accounts are fair and accurate; that any organization which is in receipt of foreign funding is duly registered with the Ministry of Home Affairs and has otherwise complied with the provisions of the Foreign Contributions (Regulation) Act, 1976.

(vi) That the organisation is receiving regular progress reports about the well-being of children given in adoption.
(vii) That qualified staff having social work experience are employed by the agency/organization to supervise the care of children or they have access to such staff.

(viii) That in case of children placed in pre-adoption care/foster care with prospective adoptive parents, the cases have been legalized.

(ix) A separate register is kept for children given in pre-adoption foster care in all cases.

(x) That a Central register of prospective adoptive parents in maintained.

3.6 Monitoring of Performance

The State Government shall call for information and data every quarter from all RIPAs and Licensed Adoption Placement agencies (LAPs) engaged in adoption in order to monitor the functioning of these agencies. The data shall be called for in a proforma to be prescribed by the Central Adoption resource Authority. An annual report and audited statement of accounts shall be received from all Adoption Agencies.

3.7 The State Government shall take all such measures as are deemed necessary to actively encourage in-country adoption of children in preference to inter-country adoption. Special care/efforts shall be made for rehabilitation of children in institutions through placement by adoption.

3.8 The State Government may take appropriate legal action against persons and institutions including Nursing Homes and Hospitals involved in illegal adoption work.

3.9 Suspension/termination of recognition of RIPA

In case of a report of violation of guidelines by a Recognised Indian Placement Agency, the State Government shall inform CARA for taking appropriate action. In case of suspension/withdrawal of recognition by CRA, suitable alternative rehabilitation plans have to ensured by the State Government for children awaiting adoption through other Recognised Indian Placement Agencies.
CHAPER - IV

PROCEDURE FOR INTER-COUNTRY ADOPTION

The Supreme Court of India has laid down that every application from a foreigner/NRI/PIO (as applicable) desiring to adopt a child must be sponsored by a social or child welfare agency recognised or licensed by the Government or Department of the Foreign Govt. to sponsor such cases in the country in which the foreigner is resident. The foreign agency should also be an agency authorised by CARA, Ministry of Social Justice and Empowerment, Govt. of India. No application by a foreigner/NRI/PIO for taking a child in adoption should be entertained directly by any social or child welfare agency in India.

4.1 Criteria for Foreign Prospective Adoptive Parent/s (FPAP)

- Married couple with 5 years of a stable relationship, age, financial and health status with reasonable income to support the child should be evident in the Home Study Report.

- Prospective adoptive parents having composite age of 90 years or less can adopt infants and young children. These provisions may be suitably relaxed in exceptional cases, such as older children and children with special needs, for reasons clearly stated in the Home Study Report. However, in no case should the age of any of the prospective adoptive parents exceed 55 years.

- Single persons (never married, widowed, divorced) up to 45 years can also adopt.

- Age difference of the adoptive parents and child should be 21 years or more.

- A FPAP in no case should be less than 30 years and more than 55 years.

- A second adoption from India will be considered only when the legal adoption of the first child is completed.

- Same sex couples are not eligible to adopt.
The following procedure will be followed in all cases of inter-country adoptions:

**Step 1) Enlisted Foreign Adoption Agency (EFAA)**

- The applicants will have to contact or register with an Enlisted Foreign Adoption Agency (EFAA)/Central Authority/Govt. Deptt. in their country, in which they are resident, which will prepare the home Study Report (HSR) etc. The validity of "Home Study Report" will be for a period of two years. HSR prepared before two years will be updated at referral.

- The applicants should obtain the permission of the competent authority for adopting a child from India. Where such Central Authorities or Government Departments are not available, then the applications may be sent by the enlisted agency with requisite documents including documentary proof that the applicant is permitted to adopt from India.

- The adoption application dossier should contain all documents prescribed in Annexure-b. All documents are to be notarized. The signature of the notary is either to be attested by the Indian Embassy/High commission or the appropriate Govt. Department of the receiving country. If the documents are in any language other than English, then the originals must be accompanied by attested translations.

- A copy of the application of the prospective adoptive parents along with the copies of the HSR and other documents will have to be forwarded to RIPA by the Enlisted Foreign Adoption Agency (EFAA) or Central Authority of that country.

**Step II) Role of Recognised Indian Placement Agency (RIPA)**

- On receipt of the documents, the Indian Agency will make efforts to match a child who is legally free for inter-country adoption with the applicant.

- In case no suitable match is possible within 3 months, the RIPA will inform the EFAA and CARA with the reasons therefore.
Step III) Child being declared free for inter-country adoption - Clearance by ACA

- Before a RIPA proposes to place a child in the inter-country adoption, it must apply to the CA for assistance for Indian placement.

- The child should be legally free for adoption. ACA will find a suitable Indian prospective adoptive parent within 30 days, filing which it will issue clearance certificate for inter-country adoption.

- ACA will issue clearance for inter-country adoption within 10 days in case of older children above 6 years, siblings or twins and Special Needs Children as per the additional guidelines issued in this regard.

- In case the ACA cannot find suitable Indian aren't/parents within 30 days, it will be incumbent upon the ACA to issue a Clearance Certificate on the 31st day.

- If ACA Clearance is not given on 31st day, the clearance of ACA will be assumed unless ACA has sought clarification within the stipulation period of 30 days.

- NRI parent(s) (at least one parent) HOLDING Indian Passport will be exempted ACA Clearance, but they have to follow all other procedures as per the Guidelines.


- After a successful matching, the RIPA will forward the complete dossier as per Annexure c to CRA for issuance of “No Objection Certificate”.

Step V) Issue of No Objection Certificate (NOC) by CARA

- RIPA shall make application or CARA NOC in case of foreign/PIO parents only after ACA Clearance Certificate is obtained.

- CARA will issue the ‘NOC’ within 15 days from the date of receipt of the adoption dossier if complete in all respect.
• If any query or clarification is sought by CARA, it will be replied to by the RIPA within 10 days.

• No Indian Placement Agency can file an application in the competent court for inter-country adoption without a "No Objection Certificate" from CARA.

**Step VI) Filing of Petition in the Court**

• On receipt of the NOC form CARA, the RIPA shall file a petition for adoption/guardianship in the competent court within 15 days.

• The competent court may issue an appropriate order for the placement of the child with FPAP.

• As per the Hon'ble Supreme Court directions, the concerned Court may dispose the case within 2 months.

**Step VII) Passport and Visa**

• RIPA has to apply in the Regional Passport Office for obtaining an Indian Passport in favour of the child.

• The concerned Regional Passport Officer may issue the Passport within 10 days.

• Thereafter the VISA entry permit may be issued by the Consulate/Embassy/High Commission of the concerned country of the child.

**Step VIII) Child travels to adoptive country**

• The adoptive parent/Parents will have to come to India and accompany the child back to their country.

**4.2 Criteria for eligible children:**

• The child must be legally free for adoption.

• Clearance from ACA/State Government is mandatory for all children except wherever exempted under the Guidelines.

• Siblings/twins/triplets cannot be separated except in exceptional cases.
• Two unrelated children cannot be proposed to a foreign family at a time.
• A child may as far as possible be placed in adoption before it reached the age of 12.
• The consent of the child has to be obtained wherever applicable.

4.3 Where there is no Enlisted Foreign Adoption Agency (EFAA)

In the case of an Indian National resident in a country where there is no Enlisted Agency, CARA may allow an organisation or individual recommended by the Indian Embassy to do the Home Study Report (HSR), undertaking as prescribed in the Guidelines and other documentation. The said application may be forwarded with the approval of the Indian Embassy to CARA.

Wherever there is no Foreign Adoption Agency enlisted by CARA in any country, the concerned Government Department/Ministry or any authorized body of that country may forward the original application and related documents of the prospective adoptive parents to CARA through the Indian Embassy/High commission. In case of resident non-citizens where the host Govt. may not be willing to sponsor the cases, the documentation may be done through the Embassy of the country to which the applicant belongs. Home studies however, will have to be prepared by a qualified Agency/Social Worker in all cases. In case CARA receives the papers it will send those papers to any of the Recognised Indian Placement Agencies (RIPA) for further processing the case only after HSR has been approved by it. The procedure to be adopted thereafter shall be the same as indicated.

4.4 Foreign nationals living in India

In case of foreigners who have been living in India for one year or more, the HSR and other connected documents may be prepared by the RIPA which is processing the application of such foreigners for the guardianship of the child. An undertaking should be given by the concerned Embassy/High Commission that the child will be legally adopted in that country and also mention an agency/orgn. who would send the progress report and take care of the child in case of any disruption s and when the child taken abroad. However, a certificate is required from the competent authority in
the country of permanent residence of the FPAP indicating that the child shall be allowed to enter the country and get adopted in due course.

4.5 Rights of the child taken abroad

When the Court makes an order appointing adoptive parents as the guardians of the child, the order shall contain an undertaking of the adoptive parents that they shall protect and safeguard the best interest of the child and that the child would be legally adopted in the receiving State not later than two years from the date of order. On such adoption in the receiving State, subject to the laws of the country the child would have all rights recognized under International Law.

CHAPTER - V

RECOGNISED INDIAN PLACEMENT AGENCY (RIPA)

5.1 Only such voluntary agencies/institutions as are primarily engaged in child welfare programmes for the growth and development of children can undertake processing of adoption cases as a part of their total activities and may apply for recognition for inter-country adoption to CARA through the State Government. Only Recognised Agencies can undertake Inter-country Adoption. RIPAs will be known as accredited bodies for the purpose of processing inter-country adoption applications.

5.2 Listing with Authorities

Every institution and child welfare agency engaged in care and custody of children or in adoption work or any other activity relating to orphaned, abandoned, destitute, neglected or relinquished children shall immediately be listed by the concerned State Government and such list shall be forwarded to CARA.

5.3 Criteria for recognition of Indian Placement Agency (RIPA)

No agency will engaged in placement of inter-country adoption unless it is licensed by the State government and recognized by CARA. Any Indian agency desirous of undertaking inter-country adoption work shall apply for recognition to the Central Adoption
Resource Authority, through the State Government concerned and only such agencies are recognised by the Central Adoption Resource Authority, shall be entitled to undertake processing of inter-country adoption work. Such agencies shall be termed "Recognised Indian Placement Agencies". The general criteria for granting recognition should be as follows:

(a) It is a society registered under the Societies Registration Act, 1860 or a Trust created under the Charitable trusts Act, or an organisation registered under an appropriate law which has worked for the welfare of Women and Children during the preceding five years;

(b) Only such voluntary agencies primarily engaged in child welfare programmes which undertake adoption as a part of their total activities may apply for recognition for inter-country adoption to the Central Adoptive Resource Authority.

(c) The organisation should be duly licensed/recognized by the State Government under the Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960 and/or Juvenile Justice (Care and Protection of Children) Act, 2000 and/or any alternate rules or order to maintain certain minimum standards for child care in child welfare institutions. The organization should have been functioning for a period of three years in the field of in-country adoption at the time of applying for inter-country recognition. This will be relaxable, for organisations working in the North East region and J & K, in meritorious cases.

(d) The organization should also have a certificate or recognition form concerned state Govt. for doing in-country adoption in accordance with section 41(4) or the JJ Act 200 and corresponding states JJ Rules.

(e) Where the adoption programme is part of a larger organisation there should be a sub-committee to run the adoption programme and closely monitor the same. This Committee shall have at least some professional members with experience in the field of Child Development/Social Welfare/Law.

(f) It should have appropriate residential institution/Home for the protection and care of children including infants.
(g) It should run on a non-commercial and non-profit basis.

(h) The Chief Executive of the organisation should be willing to sign a written undertaking to follow the Guidelines laid down by the Supreme Court of India, those prescribed by the Government of India and the conditions imposed, if any, by CRA at the time of recognition and renewal.

(i) Recognition of the agency should be recommended by the State Government concerned.

(j) It should have required professional staff to run the adoption agency.

Recognition to an Indian agency shall be granted normally for a period of three years, subject to the conditions laid down in these Guidelines. The decision of CARA shall be final in this regard.

5.4 List of Prospective Adoptive Parents

Every Recognized/Licensed Indian Placement Agency shall regularly maintain a list of all registered prospective Indian adoptive parents containing their names, addresses, and other relevant data. NRIs holding Indian passports can be registered with the Agencies.

5.5 Steps to be followed by RIPA

Step 1) Intake of Children

- All names of children admitted, including surrendered children, to a Recognised Indian Placement Agency should be entered in the admission register with all the available information in the format prescribed by the CARA. A list of all children and newly arrived children should be sent to the ACA/Adoption Cell of the State Govt. or other Competent Authority on monthly basis. In case of the death of any child in the Agency, the same has to be immediately intimated to the State Govt./Concerned Authority.

- Every recognized/licensed Indian Placement Agency will maintain a separate file for each child with the child's complete case history. Further, the specific details of surrender, the belongings of the child left by the biological mother and other required information related to the child
should be maintained/prescribed/documentated. No Agency will be allowed to process cases of children belonging to other agencies including non-recognized agencies unless the concerned child has been transferred legally and physically to its custody for a minimum period of one month.

- On admission of a child in the agency, the latter has to inform the CWC/local authority within 24 hours.

**Step 2) Child becoming legally free for adoption**

- When RIPA receives a child, its first responsibility is to trace the biological parents and restore the child. The biological parent/parents should be counseled and duly informed by the agency concerned of the effect of their consent for adoption and the alternatives available for the care and maintenance of the child. No Agency will directly or through agents, attempt to induce biological parents with monetary and other incentives to surrender their children.

**Step 3) Priority to in-country Adoption**

- All the adoption agencies will give priority to in-country adoptions so that every child gets an opportunity to find a family within its own cultural milieu. RIPA should exhaust all possibilities to place a child within the country within a period of 30 days.

- Each Recognised Indian Placement Agency is required to adhere to the following order of priority while considering the adoption of Indian children:

  1. Indian citizens living in India.
  2. Indian citizens living abroad.
  3. Both parents of Indian origin abroad.* (PIO)
  4. One parent of Indian origin abroad.* (PIO)

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* NRI means Indian citizens who hold Indian passports and are presently residing abroad.
** Persons of Indian Origin (PIO) means a foreign citizen (not being a citizen of Pakistan, Bangladesh and other countries as may be specified by the Central Govt. from time to time) if:
  (a) He/she at any time held an Indian Passport; or
  (b) He/she or either of his parents or grand parents or great grand parents was born in and permanently resident in India as defined in the govt. of India Act, 1935 and other
Foreign families.

(Definition of NRIO and PIO for the purpose is given at **)  

**Step 4) Documentation of efforts**

- Every recognized Indian Placement Agency shall give full details of the child to the prospective adoptive parents (except the names and addresses of the biological parents), where known to the agency. Every Recognised Indian Placement Agency will keep a complete record in chronological order of the efforts made for locating Indian parents. The reasons for non-placement of a child in in-country adoption should be recorded. The names and contact numbers of Indian families who have not accepted the child should be made available to CRA, ACA and the State Government whenever required.

- When all efforts to place the child with Indian parents fail per priority one, then the procedure as laid down in Chapter IV will be followed.

**5.6 Quarterly Data to be furnished to Authorities**

Every recognized Indian Adoption Placement Agency will furnish quarterly data to the State Government in which the agency is operating and a quarterly statement to the Central Adoption Resource Authority, in such proforma as may be prescribed by Central Adoption Resource Authority in respect of children given to Indians and others for adoption from time to time.

**5.7 Surrender of a Child**

The surrender document should be executed at the free will of the biological parents/parent with no compulsion, payment or compensation of any kind by the adoption agency. If the biological parent/s state a preference for the religious up-bringing of the child, their wishes should be respected as far as possible. But ultimately the interest of the child should be the sole guiding factor before the child is placed in adoption.
5.8 The parent/s should be informed by the agency of his/her/their right to reclaim the child within 60 days from the date of surrender. He/She/They should be made aware that after the period of 6 days the surrender documents will become irrevocable and the child will be considered free for adoption and the RIPA will be free to place the child in adoption or guardianship within or outside India.

5.9 The surrender document should be executed on prescribed stamped paper in the presence of two responsible witnesses of whom one should be responsible person who is not an employee of the organisation. The documents shall also be signed by a Notary/Oath Commissioner. The recognised/licensed Indian placement agency should be able to produce these witnesses if necessity arises. The responsibility for ensuring the authenticity of the surrender document would rest on the agency. In case of a minor surrendering a child, his signature of parents/relatives of the minor should be obtained, one of whom should be the person accompanying the minor. The State Govt. may cross check all surrender documents. During the surrender process, the RIPA should ensure that:

(i) If a child is surrendered, both parents sign the relinquishment document and in case a parent/s is dead, proof of death is furnished. Where a death certificate is not available, a certificate form the Sarpanch/Panchayat/Govt. Authority should be made available.

(ii) In case of a single mother, only she herself and none else, surrenders the child.

(iii) Where both biological parents of the child are dead, he or she cannot be surrendered by relatives and will be treated as an abandoned child and the requisite procedure will follow.

(iv) When a child is born to a married couple but is surrendered by one biological parent and the whereabouts of the other are not known, it will be treated as an abandoned child and the requisite procedure will be followed.

(v) If the document of surrender is considered invalid/incomplete, the same procedure is followed as far as abandoned child.
(vi) CARA will reserve the right to refer any Surrender Deed for the state Governments verification.

5.10 Abandoned Child

The procedures for declaring an abandoned child free of adoption will be as per the relevant provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000 and concerned state Rules in this regard.

5.11 Reporting

A monthly statement on status of children, number of Indian adoptions and lists of all registered prospective adoptive parents will be sent to ACA and the concerned department of the State Government. All RIPAs shall send their Annual Reports, audited statement of accounts and a copy of FCRA to CARA which should include statement on adoption fees, donations and data on adopted during the period.

5.12 Transfer of Children

The procedure of transfer of child will be followed as applicable in JJ Act, 2000 or concerned State JJ Rules in this regard. All transfer cases should be informed to the concerned ACA. All such children transferred to the Recognised Indian Placement agency (recognised by CARA, GOI) from an unrecognised agency, whether within the State or from outside, should be in the physical custody of the Recognised Indian Placement Agency for a period of not less than one month before any action for the adoption of the child broad is initiated. This is applicable in case of transfer of children from branches of the same organisation also.

5.13 Transfer of the child should be accompanied by available documents pertaining to its admission, preliminary case history, documentary evidence to prove that the child is legally free for adoption, and a letter of transfer. In addition, the photograph of the child, CSR, PER and other relevant documents should be sent. The Recognised Indian Placement Agency should verify all the facts before accepting the child, as it is legally responsible for its placement.

5.14 In the case of inter-state transfer of children, the following procedures should be followed:
(a) Children from any orphanage/agency can be transferred to another State with the permission of the State Government.

(b) The child should be registered with the nearest ACA and ACA will make all possible efforts to find suitable Indian parents within the stipulated period.

(c) If there is no ACA in the State of origin then ACA registration has to be done in the State to which the child has been transferred.

5.15 Follow-up

RIPA will regularly receive follow up reports from EFAA and inform about any disruption or negative report about any child to CARA. It shall also monitor progress reports of children placed in in-country adoption as per In-country Guidelines.

5.16 Records

The following records and registers should be maintained by every RIPA/Licensed Indian Placement Agency.

(i) Master Admission Register as prescribed.

(ii) A separate file on each child in the prescribed format, giving the full details/history. Relevant legal documents of every adoption and child’s background/history should be maintained at least for a period of 18 years, for future reference. The file should have other relevant information i.e. immunization chart, medical history etc.

(iii) Separate register of prospective Indian, NRI an Foreign adoptive parents with details.

(iv) Separate follow-up register for children placed both in Domestic and Inter-country adoption.

(v) Quarterly reports in the prescribed format as forwarded to the State Government, Central Adoption Resource Authority and ACA.

(vi) The annual report of the organization clearly reflecting its adoption and other social and child welfare activities.
(vii) An audited statement of accounts, together with a copy of FCRA account submitted to the Home Ministry.

(viii) Other records stipulated under the Societies Registration Act, 1860 or the relevant State Law relating to public trusts.

5.17 Recovery of Costs in case of inter-country Adoption

(a) The organisation will pursue only non-profit objectives. Under no circumstances should it derive improper financial gain from any activity related to inter-country or inter-country or in-country adoption. In inter-country adoption, an adoption fee of a fixed amount of US$3500 or its equivalent in Indian rupees will be payable by the adoptive parents to the Recognised Indian Placement Agencies through EFAA or a central authority. This fee will include the cost involved in providing quality child care, medical and legal services, passport, visa, payment towards professional staff, monitoring, correspondence, preparation of child study reports, medical reports, etc. This outer limit of recoverable expenses may be reviewed by CARA/Govt. of India once in a period of five years depending upon escalation of the expenses including cost of living. In case of disruption or failure of adoption, the cost of repatriating the child to India, will be borne by the Enlisted Foreign Adoption Agency, if no alternative placement for the child is effected in the foreigner's country with the concurrence of the Recognised Indian Placement Agency.

(b) No donation shall be received by a Recognised Indian Placement Agency from a Foreign Prospective Adoptive Parent/Parents or Enlisted foreign Adoption Agency.

(i) If it comes to CARA's notice that any RIPA charges more than the prescribed fees or tries to financially exploit the sponsoring agency/adoptive parents, CARA may after giving an opportunity to such agency to explain its position, suspend or withdraw its recognition as well as recommend criminal prosecution to the State Govt. as per law i.e. in terms of the principles of accountability of the person found defaulter. Similarly, if any Enlisted Foreign Adoption Agency induces a Recognised Adoption Placement Agency by giving offers of more money than the prescribed fees for processing a case of inter-country
adoption of an Indian child, CARA may after giving an opportunity to such agency to explain its point of view, de-enlist the foreign agency along with recommendation to prosecute the defaulters as per law of that country.

(ii) There should not be any agreement between Indian and Foreign Agencies on number of children to be offered for adoption to foreign families. Similarly, no such agreement on donations and fees will be entered between such agencies.

5.18 Renewal of recognition of RIPA

RIPA should apply for renewal of recognition, 6 months prior to the date of expiry of the previous recognition. The original application should be sent by the agency to the appropriate authority of the State Government and a copy of it should simultaneously be forwarded directly to CARA. The State Government will forward the original application to CARA along with its comments within a period of two months from the date of receipt of the complete application. If the State Government does not respond within three months from the date of receipt of application, CARA may conduct a joint inspection and consider the renewal of recognition. Recognition would normally be renewable for a period of three years subject to the following conditions:

(a) Recommendations/vies of the concerned State Government accompanied by the inspection report of the Agency.

(b) Satisfactory performance in relation to in-country adoption will be an important factor to assess and consider further renewal of recognition of any RIPA. The agencies shall sufficiently exhibit their involvement in the area of in-country adoption. The Agencies will place 50% or more children in adoption to Indians in India.

(c) Regular submission of Annual report, quarterly reports of the Agencies and audited statement of accounts as prescribed, adoption charges per child, donations received, if any.

(d) No instance of proved malpractice against the RIPA.
(e) Whether the agency is still recognised by the appropriate authority of concerned State govt. for running the children Home and doing in-country adoption under relevant rules.

(f) List of children placed in in-country and inter-country adoption, year-wise for the period of three years to support the data submitted.

5.19 Agencies to maintain Accounts

(i) Every agency shall maintain proper accounts to be audited by a Chartered Accountant every year.

(ii) An attested copy of audited accounts together with audit report shall be furnished by every agency within one month from the date accounts have been audited by the Chartered Accountant, to the relevant Department of the State Government concerned and to the CARA.

(iii) An attested copy of the FCRA accounts submitted to the Home Ministry should be furnished to CARA together with the audited accounts, by the agency. The adoption charges and donations received from different sources will be submitted to CRA at the end of every financial year.

5.20 Recognised Indian Placement Agencies to deal with Enlisted Foreign Adoption Agencies only.

No recognized Indian Placement Agency shall entertain any application for adoption of an Indian child from foreigners (including NRIs/PIOs (as applicable)) unless it is forwarded through Enlisted Foreign Adoption Agency/central authority or from the appropriate Government authority/duly authorized body in countries where there is no enlisted agency. The Recognised Indian Placement Agency should not entertain an application direct from any foreign individual or Foreign Agency that is not enlisted by CRA.

5.21 Inspection of Agencies

The premises of the Recognised Indian Placement Agencies including their children Homes, and their records shall be open to inspection by CARA, State Government or any other agency authorized by CARA.
5.22 De-recognition

Recognition can be withdrawn or suspended by CARA wherever the need arises after giving due opportunity to the agency by way of show cause notice. No recognition is granted on a permanent basis and the same shall be subject to review from time to time.

5.23 Safeguards

(i) No contact between the FPAPs and the biological parents will be allowed. Counselling facilities should be made available to biological mother/parents by the adoption agency. Consent of the biological mother cannot be obtained before the birth of the child.

(ii) No child should be proposed for inter-country adoption before ACA clearance except in case of NRIs.

(iii) RIPA will maintain the confidentiality of the child’s origin, his or her parents.

(iv) No one shall derive improper financial gain or other gain from an activity related to adoption. A receipt shall be issued in case of receipt of any payment for any service rendered.

(v) There cannot be any direct adoption by any FPAPs and all such adoptions shall be through recognised/enlisted agencies as defined under the Guidelines.

(vi) All RIPAs shall adhere to strict ethical practices and work in the best interest of children as defined in the Guidelines and described in Hague Convention on Inter-country Adoption – 1933 failing which action as deems fit will be taken against any defaulting agency/ies. The office bearers of the agency/ies will be held responsible for any breach of procedural safeguards or non-compliance of ethical practices.

CHAPTER VI

ENLISTED FOREIGN AGENCIES FOR ADOPTION

6.1 Foreign Agencies to Apply to India’s Diplomatic Mission

A foreign social/child welfare agency desirous of sponsoring applications of foreign adoptive parents for adopting an Indian
child shall make an application for authorization to CARA through the Office of Indian diplomatic mission in that country and only such foreign agencies enlisted for this purpose by CRA shall undertake this activity.

6.2 Criteria for Enlistment of Foreign Agencies

(i) It will be an Agency duly recognised under the relevant law of the concerned country and should be recognized/licensed by the appropriate authority of that country to undertake inter-country adoption.

(ii) It must have been duly accredited and authorized by the Competent Authority under the Hague Convention on Inter-country Adoptions, 1933 (wherever applicable).

(iii) It will submit the Memorandum, Mission statement, copies of Registration status, latest license issued by the concerned Government authority to undertake domestic and International Adoptions, list of Board/Executive Members and list of countries it is working with.

(iv) It shall be a child welfare agency with an established standing in this field and it must be staffed with qualified social workers who have experience in the field of adoption. It shall submit the activities of the organisation, Annual Reports for the last 3 years, list of staff with qualification and accounts for the last two years.

(v) The agency shall run on a non-commercial and non-profit basis and shall provide an annual statement on payment made to the Indian agencies.

(vi) An undertaking by the enlisted foreign adoption agency that in case of disruption of the foreigner's family before adoption is effected or in case the child is not properly looked after or is mistreated or abused in the adoptive family, it will undertake responsibility for the care of the child under intimation to the Indian Diplomatic mission, the Central Adoption Resource Authority, the concerned Recognised Indian Placement Agency immediately with full details and action taken for care and protection of the child. This shall include finding a suitable alternative placement for the child with the concurrence of the Recognised Indian Placement agency, which processed the case and report such
alternative placement to the Indian Court, which made the order for guardianship. In such a case wherein the child is being repatriated to India either to his/her biological family, or to the Recognised Indian Placement Agency or to any other organisation, CARA should be consulted. All Social and Medical Reports should be furnished. The legal status of the child, his/her rights of citizens in the foreign country and the adoptive parents legal liabilities should be stated. A care plan for the child will be worked out and the State Government or any other organisation authorized by CRA will monitor the well being of the child. All cost including repatriating and after care will be met by the Enlisted Foreign Adoption Agency.

(vii) The Head/Chief Executive of the Organisation should be willing to sign a written undertaking to follow the Guidelines, to send progress report as required, to send a copy of the adoption decree.

(viii) Concerned Departments of the Foreign Govt./Central Authorities which agree to give the aforementioned undertaking will be treated as enlisted Agencies for the purpose of sponsoring the applications of foreign nationals. Central Authorities need not to apply for enlistment with CARA.

6.3 Procedure for Enlistment

(i) A foreign social/child welfare agency desirous of sponsoring applications of foreign adoptive parents for adopting Indian children shall apply for enlistment to CARA, through the office of India's Diplomatic Mission and the Government of the country where it is located.

(ii) On the recommendation of India's Diplomatic Mission in the country concerned, CARA shall examine the application for enlistment and consider the agency concerned for enlistment provided it fulfills the criteria stated in paragraph 6.2 above.

(iii) A foreign adoption agency may be enlisted for a period of 3 years.
6.4 Renewal of Enlistment

(i) The enlistment would be renewable for 3 years subject to satisfactory performance and fulfillment of terms and conditions attached to its enlistment.

(ii) Every EFAA should apply for renewal of enlistment of CARA through the concerned Indian Diplomatic mission, 6 months prior to the date of expiry of the previous recognition.

6.5 De-enlistment

The Central Adoption Resource Authority, Ministry of Social Justice and Empowerment Government of India, may at any time de-enlist any enlisted Foreign Adoption Agency for adoption for valid or legitimate reasons to be recorded in writing. However, if at the time of de-enlistment there is any case under process that would be allowed to be completed unless CARA decides it will not be in the best interests of the child to do so. Non-submission of regular progress reports can lead to de-enlistment.

6.6 Follow-up Report

(a) The EFAA/Central Authority with reference to every child, shall send, follow-up reports with photographs of the child on a six monthly basis for a period of 2 years or until such time as the legal adoption is completed and citizenship is acquired in the receiving country to-

(i) CARA

(ii) Court that awarded the guardianship in India.

(b) The EFAA/Central Authority will forward a copy of the legal adoption order of the appropriate authority in that country as soon as it is made to:

(1) CARA

(2) The court that awarded the guardianship in India.

(c) Where the child is not legally adopted by the adoptive parents in the receiving state within two years from the date of order of the Court in India appointing the adoptive parents as guardians either on account of disruption in the family or on account of the adoptive parents failing to get adjusted to
the behaviour of the child or otherwise, the foreign EFAA
which has processed the adoption of the child in the
receiving State should immediately withdraw the child from
the adoptive parents for placement of the child in adoption
as soon as possible. The foreign agency shall give an
undertaking to this effect to the court processing the case in
India.

6.7 EFAA or Central Authority in the receiving country may
arrange get-together of children of Indian origin and their adoptive
families from time to time and may also involve concerned Indian
Diplomatic Missions.

CHAPTER VII

ROLE OF INDIAN DIPLOMATIC MISSIONS ABROAD

7.1 The Indian Missions located in different countries will play a
significant role in the process of inter-country adoption of Indian
children. The Mission will help CARA in maintaining liaison with
the different authorities and agencies operating in the countries of
their jurisdiction. The role envisaged for the Mission broadly fall
under the following categories:-

(i) The recommendation for fresh enlistment of prospective
adoptive parents submitted by the foreign
authorities/agencies before the same is sent to CARA.

(ii) Attestation of Dossier/documents of prospective adoptive
parents submitted by the foreign authorities/agencies before
the same is sent to CARA, (wherever the 1961 Hague
Convention on Abolishing requirement of Legalization for
Foreign Public Documents is not applicable)

7.2 While recommendations for fresh enlistment should be made
by the concerned Indian Embassy/High commission only, in case
of renewals, the same may be recommended by the Offices of the
Consulate Generals and Deputy High Commissions also.

7.3 In case of Indian passport holders residing in a country
where there is no enlisted agency or where they cannot be
recommended by the host Govt. as local laws, the Indian Embassy
may authorize a qualified social worker to do the Home Study
Report (HSR) and other documentation including undertaking to send progress report etc. and send the dossier to CARA with its recommendation.

7.4 Whenever a report is received on adoption disruption of an Indian child by a foreign couple, the Embassy should contact the local central authority and other concerned authorities to ensure that the interest of the child is being looked after. A report in this regard should also be sent to CARA at the earliest.

In case the child is required to be returned to India, the Embassy may render necessary help and facilitate the repatriation of the child in consultation with the local authorities, agency and CARA.

7.5 The Embassy should communicate any report or observation which it feels is important and relevant vis-à-vis inter-country adoptions to CARA.

7.6 At the time of attestation of documents, the Embassy should ensure the inclusion of duly authenticated English translation if the documents are in a language other than English.

CHAPTER VIII
ADOPTION COORDINATING AGENCY (ACA)

8.1 There will be an Adoption Coordinating Agency (ACA) in a State or in special circumstances for a group of States where there are several children homes and adoption agencies to carry out the functions prescribed under the Guidelines and as assigned to it by CRA from time to time.

8.2 The ACA shall be registered under the Societies Registration Act, 1860 or authority created by the State Government with detailed Rules and Regulations and will comply with all the Rules laid down under the Act and also Guidelines.

8.3 Functions:

(i) The ACA will receive periodically a list of children who are legally free for adoption every month from the following and shall maintain a register for the same.

(a) Recognised Indian Placement Agencies.

(b) Licensed Adoption Placement Agencies.
(c) Government Homes

(d) Other children Homes

ii) It will coordinate the work of all its Member Agencies and other Child Welfare Institutions in the field of Indian adoption.

(iii) It shall call for a periodic meeting of Members as per the Memorandum and at least one meeting in each quarter.

(iv) It shall receive details of children who are being sought to be made free for inter-country adoptions from RIPAs and ensure that the priority laid down by the Hon'ble Supreme Court on adoption within the country is adhered to.

(v) It shall register prospective Indian adoptive parents and prepare the HSR of prospective Indian parents where necessary.

(vi) It shall also receive an updated list of prospective adoptive parents from Member Agencies.

(vii) It at the end of 30th day, no suitable adoptive parents are found, the ACA will give a Clearance certificate to the child placed under their assistance after seeing the child verifying all relevant documents to be placed with foreign adoptive parents. The Clearance certificate must include a current photo of the child.

(viii) In case where CARA Guidelines are not being followed by any recognized/licensed agency, the concerned ACA will bring it to the notice of state Government and CARA.

(ix) The ACA should undertake programmes for promotion of in-country adoption.

(x) It should undertake Training Programmes to upgrade the skills of adoption functionaries.

(xi) It should provide pre and post adoption counseling wherever required.

(xii) The ACA shall promote observance of quality childcare, health and hygiene at placement agency. Any irregularities or neglect of children should be reported to CARA.
(xiii) All ACAs shall submit to CARA an annual report including an audited statement of accounts and activities conducted throughout the year.

(xiv) It will feed regular information on children placed under ACA assistance to CARA for preparing a Central Pool.

(xv) The ACA will carry out any other tasks in the field of adoption as directed by CARA from time to time.

(xvi) The ACA will make all possible efforts to place a child in in-country adoption through inter-VCA coordination before issue of clearance to the child for placement in inter-country adoption within the prescribed period.

8.4 *ACA shall have a minimum of two professionally trained persons.*

8.5 *Recognition*

Every recognized ACA should apply for renewal of recognition, 6 months prior to the date of expiry of the previous recognition.

(a) The recognition will be normally for period of three years. CARA may accord recognition for less than 3 years depending on the performance of the particular ACA.

(b) Criteria for Recognition.

In order to be recognized as ACA, an Agency must fulfill the following criteria:

(i) It should be a society registered under the Societies Registration Act, 1860 or an authority created by concerned state Government with detailed Rules and Regulations.

(ii) The agency must be recommended by the concerned State Government for recognition by CARA.

(iii) The agency should run on a non-commercial and non-profitable basis.

(iv) Undertaking to comply with CRA Guidelines

(v) All the Office-bearers should be Indian Nationals.
(c) Renewal of Recognition

ACA which seeks renewal of recognition should apply to CARA through the State Government for renewal of recognition six months prior to the date of expiry of the previous recognition. If the State Government does not respond within the stipulated 60 days period from the date of receipt of application, it shall be presumed that the State Government has no objection. However, CRA may issue recognition after Joint Inspection of CARA and State Government. The following would be the main criteria for renewal of recognition.

(i) Satisfactory performance in the promotion of in-country adoptions.

(ii) Timely submission of reports and audited statement of accounts as may be specified by CARA.

(iii) Compliance with Guidelines.

(c) Withdrawal of Recognition

Recognition of ACA may be withdrawal by CARA for violation of terms and conditions as given in these Guidelines after giving the ACA an opportunity to explain its position. Any malpractice, if proved, would immediately invite action in the shape of withdrawal of recognition. Delay and non-compliance in the submission of reports accounts asked for by the State Government or CARA may also be a ground for withdrawal of recognition.

In the event of withdrawal of recognition CARA shall evolve suitable alternate mechanism for issue of Clearance certificate.

8.6 Membership of ACA

All the Recognised Indian Placement Agencies, Licensed Adoption Agencies, Sishu Grehs and Government run Children Homes would be required to become members of an ACA. Child Welfare Agencies, which are not placing children in adoption but are running homes for children etc. would also be eligible to be members of the ACA. Any agency derecognised by CARA or de-
licensed by the State Government shall cease to be a member of an ACA and it shall not be eligible for membership of an ACA unless it is once again recognized or licensed. Adoptive Parents Associations shall also be eligible for membership. Individuals with expertise in adoption/child welfare may be enrolled as members. The above will constitute the general Body of the ACA.

8.7 Structure of ACA

Three shall be an Executive Committee for managing the affairs of an ACA. The Executive Committee shall consist of not less than 5 members. Only ACAs recognised by CARA can carry out the functions envisaged in these committees. Where there is no ACA existing, reputed Child Welfare Organisation or an academic body can function as ACA in accordance with existing Guidelines for ACA formation. CRA, in consultation with State Government, may identify such an organisation not involved in adoption placement work. However, its recognition as an ACA shall come through the State Government if all other conditions are met.

The office bearers of the Executive Committee of an ACA will consist of a Chairperson, secretary and Treasurer, who shall be elected from and by the general Body of Members of the ACA for a term of 3 years. No office bearer shall be from any inter-country adoption agency. Office bearer shall not hold office for more than two consecutive terms.

The tenure of Executive Members will be for a period of 3 years.

The Executive Committee shall consist of the following Members:

1. Chairperson, Secretary, Treasurer;
2. One representative of the State Government not below the rank of assistant Director;
3. One representative of the Scrutiny Agency/Agencies working in the jurisdiction of the concerned ACA;
4. One representative of the agencies exclusively involved in Indian adoption (without having inter-country Adoption recognition);
5. One representative of the Recognised Indian Placement Agencies (Inter-country) wherever existing;
6. One representative from Adoptive Parents associations, wherever existing;

7. One representative from the Dept. of health, State Govt.

8. One representative from an Academic Community preferably from the field of Social Work/Law/Child Development without any direct link with the adoption agencies.

The representation from Points 2 to 7 shall be on a rotation basis wherever there are more such agencies/organizations. Representative of the Scrutiny Agency in the ACA Executive Committee should not be member of the Adoption Scrutiny Committee.

8.8 The Executive Committee of an ACA may appoint staff to carry out the day-to-day functions of the ACA. Such paid staff would be accountable to the Executive Committee.

8.9 No Recognized Indian Placement Agency shall process the application of foreign families for inter-country adoption before obtaining the Clearance Certificate (CC) from the ACA.

8.10 ACA Clearance Certificate

The ACA clearance certificate shall have two signatures. This comprises the Chairperson and Secretary of the ACA. The procedure will be followed as per Para 4.1 Step II of the Guidelines.

8.11 Existing VCAs

The existing VCAs shall be reconstituted within a period of six months of issue of these Guidelines and will be known as ACA.
The Central Authorities of the receiving countries have to declare in their letter of approval that:

- The PFAPs/NRIs are eligible and suitable to adopt a child from India as per the Law of their countries.

- The Home Study report and Health Report (by the medical professional) of the PFAPs are prepared by the professionally trained social workers of the agencies/bodies accredited by the authority.

- The PFAPs have agreed to the proposed adoption.

- The child will be authorized to enter and reside permanently and will be treated at par with other natural born citizens.

9.2 With reference to every child, it shall send either directly or through its accredited agencies follow-up reports with photographs of the child on a six monthly basis until such time till legal adoption is completed and the child becomes the citizen of the receiving country to:

(1) CARA

(2) Court that awarded the guardianship in India.

9.3 In case of any disruption etc. it shall take appropriate measures as envisaged under Art. 21 of the Convention, including, interalia:

- To inform CARA immediately the disruption and the possibility of child’s placement with a new prospective adoptive parent;

- and where this is not appropriate or possible, to arrange long term care under intimation to CARA;

- it shall arrange for the return of the child to India if his/her interest so required due to the disruption.
CHAPTER - X

MISCELLANEOUS

10.1 Violation of Guidelines

If it comes to the notice of any State Government or any of India’s Diplomatic Missions abroad or CRA or any other source that he RIPAA or EFAA is not observing all or any of the provisions of these guidelines or is otherwise functioning in a manner which is not in the interest of children CARA may, at its discretion suspend or withdraw recognition of such enlisted agency or placement agency and/or take any other such action as may be deemed necessary.

10.2 Apprehensions have been expressed that unscrupulous elements arrange illegal transfer of babies to adoptive parents at the time of their birth in some hospitals, nursing homes, maternity homes in the country. Such transfer of babies taking place without observing the appropriate norms and procedure is illegal and thus it is not at all in the interest of the child. If any such complaints are brought to the notice of CARA, it shall advise the State Government to cause an enquiry to be made and take up the matter with the appropriate authorities of the Central or state Government including the Medical Council of India.

10.3 Cases deserving relaxations

In the light of obligations as a result of ratification of the Hague Convention on Inter-country Adoption – 1993 and in the best interest of Indian Children, CARA and the Ministry of Social Justice and Empowerment, Govt. of India shall take all appropriate measures from time to time. In all case of clearances for inter-country adoptions, recognitions, enlistments and renewals of all concerned agencies, decisions will be taken at the discretion of CARA and in such cases where CARA feels that a particular provision needs to be relaxed, it may do so by recording on file the reasons as to how the best interest of the child is being served by such relaxation.

10.4 Amendments to Guidelines

The ministry of Social Justice an Empowerment, Government of India, reserves to itself the power, at its discretion to make such amendments, additions, deletions or alterations in these guidelines as are deemed necessary from time to time.
GLOSSARY OF TERMS

Adoption Coordinating agency (ACA)

ACA is an agency in a state/region set up for the promotion of In-country Adoption through coordination of its member agencies, and recognized by CARA and to issue clearance certificate or a child to be placed in inter-country adoption.

Adoption Scrutinizing Agency (ASA)

An independent Social/Child Welfare Agency appointed by the Court for scrutinizing adoption applications for In-country and Inter-country Adoptions.

Central Adoption Resource Authority (CARA)

An autonomous body functioning under ministry of Social Justice and Empowerment to act as a Central Authority in the matter of adoptions.

Central Authority (CA)

AS defined under Hague Convention on Inter-country Adoption – 1993

Child Study Report (CSR)

It will contain details about the child, its date of birth, social background etc.

Child Welfare Committee (CWC)

A Committee as defined in JJ Act – 2000 to deal with children in need of care and protection.

Clearance Certificate (CC)

A certificate issued by ACA permitting the RIPA to place a child in Inter-Country adoption. Clearance Certificate is required in case of all adoptions placed with foreigners and PIO.
**Enlisted Foreign Adoption Agency (EFAA)**

A Foreign Social/Child Welfare Agency that is enlisted by CARA for sponsoring the application of Prospective Foreign Adoptive Parents/NRI for Inter-Country Adoption of an Indian child.

**FPAP**

Foreign Prospective Parents

**G.A.W.A.**

Guardian and wards Act, 1890

**H.A.M.A.**

Hindu Adoption and maintenance act, 1956.

**Home study report (HSR)**

It contains details of the adoptive family/couples social status and family background; description of home; standard of living; relationship; health details; economic status, etc.

**In-country Adoption (IA)**

Adoption of an Indian child by Indian parents residing in India

**Inter-country Adoption (ICA)**

Legal placement of an Indian child with a prospective NRI, PIO parents and foreign nationals.

**JJ Act – 2000**

Juvenile Justice (Care and Protection of Children) Act, 2000

**Licensed Adoption Placement Agency for In-country Adoption (LAPA)**

An Indian Social/Child Welfare Agency licensed/recognized by the State Government for in-country adoption.

**No Objection certificate (NOC)**

A certificate issued by CARA permitting the child to be placed with a prospective adoptive parents for inter-country adoption.
NRI
Non-Resident Indian/Indians (holding Indian Passport).

Physical Examination Report (PER)
It will contain medical report of the child, report of hospitalization if any etc.

PIO
Person of Indian Origin

Recognised Indian Placement Agency for inter-country Adoption (RIPA)
An Indian Social/Child welfare Agency recognized by CRA for placement of Indian Children in Inter Country Adoption.

Annexure - 1

Central Adoption Resource Authority (CARA)
The functions of the CARA will be as follows:

1. To act as the Central Authority with regard to adoption matters as envisaged under the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption, 1993.

2. To coordinate with the State Governments for promoting in-country adoption and all other related adoption matters including regulation and monitoring of RIPAs and ACAs.

3. To recognize/renew the Indian Placement Agencies as accredited bodies for processing inter-country adoption cases.

4. To enlist/renew enlistment of foreign adoption agencies as authorized bodies to sponsor applications for inter-country adoption of Indian children.

5. To recognize/renew an Adoption Coordinating Agency (ACA) to promote Indian adoption.
(6) To receive applications or copies of applications along with requisite documents (as prescribed by the Supreme Court of Indian in CRL (WP) No.1171/1982 in the matter of Shri Laxmi Kant Pandey Vs. Union of India and Others) of foreigners desirous of taking Indian children in adoption through a recognized social or child welfare agency in the foreign country or through an organization owned or operated by the Government in that country.

(7) Whenever such applications are received directly by Central Adoption Resource Authority to forward such applications to one of the Indian social or child welfare agencies recognized by CARA for processing applications of foreign parents for adoption in the competent court.

(8) To issue "No Objection Certificates" in inter-country adoption cases.

(9) To receive particulars of children placed under ACA assistance from all the ACAs for the purpose of establishing a Central Information Pool on such children. At the same time, information relating to the number of prospective adoptive parents registered with ACAs will also be obtained.

(10) To receive periodical data in the prescribed format from Recognized Indian Placement Agencies (RIPAs) regarding children in their care and children placed in adoption, both in-country and inter-country. At the same time, information relating to the number of prospective adoptive parents registered with them will also be obtained.

(11) To inspect and evaluate the working of RIPAs and ACAs through State Governments or any other agency or body constituted for the purpose.

(12) To call for annual audited statement of account from Recognised Indian Placement Agencies (RIPAs) and Adoption Coordinating Agencies (ACAs).

(13) To call for annual statements for Enlisted Foreign Adoption agencies on Indian children placed by them in the prescribed format.
(14) To send yearly data to Indian Diplomatic Missions abroad in respect of Indian children taken abroad.

(15) To receive periodical reports about the progress of the children taken abroad by parents for the purpose of adoption in a proforma prescribed by CARA from all enlisted Foreign Adoption Agencies (EFAAs) in foreign countries through India’s Diplomatic Mission in the country where such agencies are located and to examine such reports and to take such follow-up action as deemed necessary.

(16) To arrange training programmes for functionaries of adoption Agencies, Govt. Homes/Shishu Grehas and other professionals and bring about standardization of training courses.

(17) To initiate action on any other activity relating to adoption as a child’s right to a family.

(18) To enter into bilateral agreement with Foreign Central Authorities wherever necessary as prescribed under the Hague Convention.

(19) To liaise with concerned Central Authority/other appropriate Authority, Enlisted Agency an RIPA in case of disruption of a child placed in inter-country adoption and to take action in the best interest of the child.

(20) To take suitable action against any recognized/enlisted agency on notice of any unethical practice in inter-country adoption or on violation of the present Guidelines and further, to request the competent authority to cause an inquiry/investigation and to take appropriate action against such defaulting person/Agencies.
LIST OF DOCUMENTS

TO BE SUBMITTED BY RIPA TO CARA FOR OBTAINING NOC

(a) RIPA should apply on the format prescribed by CARA

(b) All documents listed under Annexure – 2

(c) "Child Study Report" duly accepted and approved by PAPs (notarized/attested as per para 4.1 Step 1)

(d) Physical Examination Report of the child duly accepted and approved by PAPs (notarized/attested as per Para 4.1 Step 1)

(e) Proof of the child legally free for adoption (CWC certificate/copy of the surrender deed).

(f) ACA clearance certificate (not required for NRI)

Annexure - 4

TENTATIVE TIME SCHEDULE

FOR PLACEMENT OF CHILDREN IN INTER-COUNTRY ADOPTION

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Services to be rendered by Concerned Agency/Authority</th>
<th>Proposed Time frame</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>RIPA to place a child in domestic adoption</td>
<td>Within 30 days from the date on which the child is legally free for adoption.</td>
</tr>
<tr>
<td>2.</td>
<td>ACA to issue a Clearance Certificate</td>
<td>On 31st day in case of a normal child and within 10 days in case of a special needs child.</td>
</tr>
<tr>
<td>3.</td>
<td>CARA to issue NOC for inter-country adoption.</td>
<td>Within 15 days from the date of receipt of NOC from CARA.</td>
</tr>
<tr>
<td></td>
<td>RIPA to file the case in the competent Court for an appropriate order after CARA NOC</td>
<td>Within 15 days from the date of receipt of NOC from CARA.</td>
</tr>
<tr>
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<td>-----------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------</td>
</tr>
<tr>
<td>5.</td>
<td>The competent Court to dispose the case</td>
<td>Within 02 months from the date of filing of application by RIPA, complete in all respect</td>
</tr>
<tr>
<td>6.</td>
<td>The concerned Passport Office to issue passport for the child</td>
<td>Within 10 days from the date of submission.</td>
</tr>
</tbody>
</table>
Excerpts from the Guidelines for In-country Adoption – 2004

1.1.5 Procedure for In-country Adoption

Stage – I
Prospective adoptive parent(s) should register themselves with the local RIPA/LAPA or Adoption coordinating Agency or with the State Adoption Cell.

Stage – II
A home study report of the prospective adoptive parents will be prepared by the social worker of the Agency. To allay the fears and apprehensions of the prospective adoptive parent(s), pre-adoptive counseling session will be undertaken by the social worker during the preparation of the home study report. Assessing the ability of a couple to parent a child not born to them is of crucial importance in a successful adoption. Therefore, their suitability to care for an unrelated child is assessed through this home study and counselling Documents relating to the financial and health status of the prospective parent(s) will be part of the home Study Report.

In case of Inter-State adoption applications by parent(s), they will be accompanied by Home Study prepared by a qualified social workers working in a RIPA/LAPA. Where State Govt.'s have
officially delegated such work for its officials, the Home Study Report could be prepared by the concerned official.

Criteria for eligibility of parent(s) will be adhered to, as stated in para 1.1.7.

The Agency will make a suitable reference from amongst the admitted children legally free for adoption. If no suitable child is available, the family will be referred to the ACA.

**Stage III**

After a Home Study has been accepted and approved, a child will be shown to the parent(s). The agency will take care to match a child meeting the description, if any, desired by the parent(s).

In case of placement of older children (above the age of 6), both written and verbal consent of the child will be obtained.

**Stage IV**

Once a successful matching has been done, the agency will file a petition in the Court/Juvenile Justice Board for obtaining the necessary orders under the relevant Act. The above process will normally be completed in 6-8 weeks.

**Adoption Act**

The Child can be legally placed with the parent(s) under Hindu Adoption and Maintenance Act/Guardian and Wards Act/Juvenile Justice Act, 2000. The prospective parents should be informed about the different Acts available and the ramification of each one. It would be left to them to decide as to which Act they would like to file their petition under, provided that they are eligible to do so under the chosen Act. As stated above, the prospective parents must be made to fully understand the status of their adoption under each Act.
Follow up visits

Once an order has been issued, it should be followed by regular follow-up visits and post adoption counseling by the social worker till the child is adjusted in the new environment. The follow up should preferably be for a period of one year at least or as directed by the Court/Juvenile Justice Board. Copies of the follow-up reports will be sent to the District Social Welfare Officer/concerned State Government department, concerned Scrutiny Agency and the Court/Juvenile Justice Board from where the order was obtained.

1.1.6 Adoption Costs

Maintenance charges shall not exceed Rs.15,000/- at the rate of Rs. 50/- per day from the date of admission to till the child is place in pre-placement foster care. Incase of special medical care, hospitalization charges subject to a maximum of Rs. 9,000/- may be claimed on production of actual bills. Legal fees and scrutiny fees will be charged on actuals. NGOs and Government Homes getting Grant-in-aid from the Central Government under Sishu Greh Scheme can claim maintenance and legal fee from the adoptive parents only as per the provisions laid down in para 5.4 of the Scheme. The fee structure for in-country adoptions has also been drawn up to establish a uniform base for the whole country (the prescribed fees will however, be subject to any direction given in this regard by the Court issuing the Adoption Order). In addition to the above charges the agency can claim Rs. 200/- as registration charges in each case from adoptive parents and Rs. 1000/- for preparing Home Study Reports.
1.1.7. Criteria for Prospective Adoptive Parents

(a) Marital Status, Age and Financial Status with reasonable income to support the child and clear police record should be evident in the Home Study Report.

(b) Prospective adoptive parents having composite age of 90 years and less and where neither parent has crossed 45 years can be considered for adoption of Indian children. These provisions may be suitably relaxed in exceptional cases for reasons clearly stated in the Home Study Report. However, in no case should the age of the prospective adoptive parent(s) exceed 55 years.

(c) In case of special needs children with medical problems, age limit of adoptive parent(s) may be relaxed by concerned State Government.

(d) Single persons who have not crossed the age of 45 years and who fulfill the other criteria can also adopt.

(e) The prospective parent(s) should have a regular source of income with a minimum average monthly income of at least Rs. 3,000/- per month. However, lower income will be considered taken into account other assets and support system i.e. own house, etc.

(f) All the criteria mentioned above for adoptive parents will also apply to single parents with the additional requirements given below:

- Age: Age of the adoptive single parent should be 30 years and 45 years.
- Age Difference: The age difference between the adoptive single parent and adoptive child should be 21 years.
• Family: The single parent should have additional family support.

1.1.8 Criteria for eligible children

• The child should be legally free for adoption.
• Siblings/twins/triplets, etc. should not be separated.
• The consent of children above 6 years should be taken for the adoption.

1.1.9 Procedure for home Study Reports (HSR)

The LAPA and ACAs may follow the following procedure for preparing the Home Study Reports:

• It should be prepared only after Registration of the parent(s).
• It should be prepared by a qualified Social Worker or designated officer of the State Govt. after interviewing both parents individually and together.
• Other members of the family, if they live in a joint family should also be interviewed.
• Parent(s) should be counseling on adoption issues including open adoption.
• All necessary documents, marriage certificate, proof of income, etc. should be checked and annexed to the Report.

1.1.10 Safeguards

The following safeguards should be ensured while placing the child in in-country adoption:

• The child should be legally free for adoption.
• The two months reconsideration period should be observed for a relinquished child.
• All efforts to trace the biological parent(s) should be made as per the prescribed framework for abandoned children.
• Priority should be given to applicants already registered with the Agency and they should be regularly informed of the status of their application.

• The Child study Report along with Per should be signed by both adoptive parents.

• The parent(s) should be advised to have the child assessed by their own doctor in case of doubts.

• A receipt should be issued for the adoption fee.

• Older children above 6 years – special clearance from State Government should be obtained.

• In case of prospective adoptive parent(s) willing to adopt a child with disability/health problem, a document stating the same shall be obtained.

• Placement of girls with a single male is not allowed as also placement of children with same sex couples.

• Siblings and twins etc. should not be separated. Prospective Adoptive Parent(s) should be made aware of this.

• The prospective adoptive parent(s) may take the child on pre-adoption foster care signing a Foster Care Affidavit only when the case if filed in the Court.

• The prospective adoptive parent(s) should fulfill the laid down criteria of age, income, etc.

• Above all, the Agency must satisfy itself that the proposed adoption is in the best interest of the child.

1.1.11 Court Procedure

The adoption petition along with the relevant documents should be filed before the concerned Family Court/District Court/Juvenile Justice Board as the case may be by the Adoption Agency.
• The court/Juvenile Justice Board at its discretion may refer the petition to Scrutiny Agencies in their respective jurisdiction.

1.1.12 Birth Certificate

The date of birth of the abandoned child being given in adoption will be recorded in the order of the Juvenile Justice Board. In all other cases where the child has not been adopted or its adoption has not been carried out under the Juvenile Justice act and its date of birth has not been recorded officially anywhere, the Adoption Agency concerned must make an application to the local magistrate along with any other material which the Adoption Agency considers relevant in the form of an affidavit made by a responsible person belonging to the Adoptive Agency. The local magistrate will then pass an order approving the particulars to be entered in the birth certificate and on the basis of the magisterial order, the requisite certificate will be issued by the local birth certificate issuing authority of the city/town/area where the child has been found. This process shall be initiated only after the adoption is finalized, so that the particulars of the adoptive parents are available for inclusion in the certificate. In case the child has attained the age of three, and the adoption has still not been finalized, the Agency may obtain a birth certificate, if it is found necessary, after informing the court in the form of an affidavit:

• That to the best of its knowledge the child has attained the age of three years;

• That his/her adoption has not been finalized and is likely to take some time or may never be finalized in all probability;

• That person(s) will stand in as local parents to the child (this person/these persons shall be a responsible person/responsible persons belonging to the agency) till such time he/she attains
majority, to is adopted, whichever is earlier. In such cases a second birth certificate may be issued after adoption to provide for a change in the name/names of the child and the adoptive parent(s) after obtaining an order to that effect from the Court, which had passed order for issuing the original birth certificate.
Step-by-Step Procedure for Adoption

1. For information on adoption, approach any child welfare agency or a Voluntary Coordinating Agency in your area.

2. Get all the information that you need, clarify your doubts and then register with one agency with whom you feel most comfortable. Please do not register with several agencies in the hope of getting a 'better' choice or a faster placement. The agencies have their own networking system whereby they coordinate with each other to locate a suitable child for you. If you register with more than one, this results in unnecessary duplication of work, both for you and for the agency.

3. Study the documents that you need to complete as part of the information in the process of adoption.

4. The social worker will set up appointments with you at a mutually convenient date and time for: single interviews; joint interviews; and a Home visit. This is part of the Home Study preparation and pre-adoption counselling.

5. Use these meetings with the social worker to clarify all your apprehensions and to discuss freely your expectations.

6. Then wait patiently. This is the most difficult part of the process, because once you have made a decision to adopt, you would like to be completed with utmost haste. But please remember that all efforts will be made by the agency to locate a suitable and compatible child for you and this may take time – anything from three to six months, depending on the availability of children. It would be an appropriate analogy to draw here that just as nature have provided time between conception and the birth of a baby, so the adoption process involves this period of waiting which
allows a couple to get emotionally prepared for adoptive parenthood.

7. Meeting your child: This is the moment you have been waiting for with mixed feelings of excitement and anxiety. The social worker will arrange for you to see the child that has been identified for you.

8. The medical screening: Once you feel you would like to adopt the child, it is important to get a complete medical re-examination done with a doctor of your choice to reassure yourself of the child's health.

9. When your decision is final, you have to meet a lawyer who will help you file all the relevant papers in court before you can take the child home in pre-adoptive foster care.

10. Court hearing and legislation process: The social worker will assist you with all legal formalities and you may be required to attend court.

11. Documents related to the adoption will be given to you by your lawyer: The court decree the Deed of Adoption (if relevant) and the child's birth affidavit.

12. Post-adoption Follow-up: The social worker will keep in touch with you and visit you for follow-ups as per the stipulation of the court and the agency's rules. Even after the legal follow-up period is over, you can feel free to approach the agency for any advice or assistance.
APPENDIX - 8

List of Documents Required from EFAA

List of documents required from foreign adoptive parents and Social or Child Welfare Agency enlisted by Government of India for consideration of an inter-country application of Indian Child.

(a) Home Study Report* of the foreign adoptive parents prepared by a professional social worker of EFAA/person authorized by Central Authority/Government Departments.

(b) Recent photographs of the adoptive parents/family

(c) Marriage certificate of prospective adoptive parents.

(d) Certificate of medical fitness of adoptive parents duly certified by a medical doctor

(e) Declaration regarding financial status of prospective adoptive parents along with supporting documents, employer's certificate/Income Tax Return Order and Bank references.

(f) Three reference letters from acquaintance/relatives regarding suitability of PAPs to adopt.

* Home study report should include (a) Social status and family background; (b) Description of Home; (c) Standard of living as it appears in the Home; (d) Current relationship between husband and wife; (e) Current relationship between the parents and children (if any children); (f) Development of already adopted children (if any); (g) Current relationship between the couple and the members of each other's family; (h) Employment status of the couple; (i) Health details such as clinical test, hear condition, past illness, etc. (medical certificate, etc.); (j) Economic status of the couple; (k) Accommodation for the child; (l) Schooling facilities; (m) Amenities in the home; (n) Reasons for wanting to adopt an Indian child; (o) Attitude of grand-parents and relatives towards adoption; (p) Anticipated plans for the adoptive child; and (q) Legal status of the prospective adoptive parents.
(g) Adoption decree of previously adopted child/children, if any.

(h) Police clearance report.

(i) Birth Certificate/passport, as proof of age.

(j) Approval of the Central Authority (suitability report – HSR)

(k) Documentary proof of citizenship/nationality of PAPs

(l) Undertaking from EFAA sponsoring the foreigner to the effect that child would be legally adopted by the foreign adoptive parents according to the law of the country within a period not exceeding two years from the time of arrival of the child and as soon as the adoption is effected, the enlisted agency will send certified copies of adoption order each to all concerned.

(m) Undertaking from the EFAA that follow up report relating to progress of the child along with his/her recent photograph would be sent six monthly basis for a period of 2 years or until such time as the legal adoption is completed and citizenship is acquired in the receiving country.

(n) Power of Attorney from prospective adoptive parents in favour of office/official of RIPA in India which will be required to process the case and such Power of Attorney should authorize the Attorney to handle the cases on behalf of the foreigner in case the foreigner is not in a position to come to India.

(o) Undertaking from the EFAA to the effect that in case of disruption of the family of the foreigner before legal adoption has been effected, it will take care of the child and find a suitable alternative placement for the child with the approval of the Central Adoption Resource Authority. After seeking the necessary approval from CARA, it will report alternative placement to the concerned Indian court handling guardianship proceedings with the help of concerned RIPA and such information shall be passed on to all concerned as per Para 6.7(b).
(p) Undertaking from the EFAA that it will pay adoption fee to the concerned RIPA as per para 5.17 of the Guidelines.

(q) Certificate from EFAA sponsoring application of the foreigner to the effect that adoptive parents are permitted to adopt a child according to the law of their country and the child will receive an entry permit/visa.
Dear Sir,

This is to inform you that a child was abandoned with (name of the Agency) on ............... at ............... .............. particulars of the child are given below-

Name .................
Approx. age .................
Complexion .................
Any other remarks ........... (how the child arrived in your institution either abandoned or through other sources) .................

Reg. No. .................

Copy to

1. The Chairman, Juvenile Welfare Board
2. In-charge, Missing Persons Squad
3. D.C.P., Head Office
4. Narcotics Cell (in case of Delhi)

In your State
Intimation to Police Station

The Station House Officer

Sir,

A child ......................... was transferred to our (agency) from your Police Station vide FIR No. .............. dated ......................... since no claimant has come forward for custody of the child, it is requested that a notation be made on the FIR from your Police Station to enable us to complete formalities with the Juvenile Welfare Board. Please certify clearly in Hindi or English on the FIR attached that since the date of abandonment no person has come forward for custody of the child, and also efforts have been made by the police to locate the parents.

Thanking you,

Yours sincerely
Procedure for Relinquishment of Children

A child may be given up by an unwed mother, a widow/widower, or both birth parents.

Please remember that all parents regardless of their status have legal rights. It is the duty of the agency to inform the parents of their rights and that they can reclaim custody within 2 months of relinquishment. Thereafter the child is available legally to be placed in adoption. In case of 'older children' relinquishment, it is advisable to wait longer than the 3 months period.

In case of relinquishment by birth parent/parents, in particular of older children/sibling groups, agencies must assist the relinquishing parents to find a solution to prevent the surrender of the child. This may involve taking temporary custody of children while the parents rehabilitate themselves. Efforts may be made to find employment to improve their financial situation. A time frame may be established for this process.

Agencies also have a responsibility to make all out efforts to trace a child's parents and restore them to their birth parents wherever possible. It is also important to establish reasons for
relinquishment. An unwed mother may give the undertaking which is to be witnessed by two persons as per legal requirements. In case of a widow/widower a death certificate must be filed.

The procedure for children/babies given by any person other then a birth parent should be the same as for abandoned children i.e. they have to be produced before the Juvenile Welfare Board for an investigation and clearance.
APPENDIX - 11-a

SURRENDER DEED

NAME OF AGENCY

I, Kumari/Smt/Shri ............ the mother/father of this destitute ............ child born on ............ at ............ hereby declare that I am giving up the child on (date) ............ to the (name of agency), of my own free will, for good care and settlement in life, and henceforth I do not have any claim whatsoever on the child, nor can I claim the child back from this ............ day of ............ the child belongs to (name of agency) and this institute is free to give the child in the adoption if they find a suitable family for the child. I am aware that I can reclaim the child within 60 days, that is (date) ............

Reg. No. ............ Name Given ............
Religion ............
Cause for giving up the child
Date ............ Signature of Guardian ............
Address ............
Witness (i) Name ............ Reported to the office incharge of police station
Address ............
Witness (ii) Name ............ on ............
Address ............ by ............

(NAME OF AGENCY)
Weight ............ family history (medical) ............ Guardian (hereby relationship i.e. mother/father/others) child admitted by ............ on ............

Name and address of Agency
**APPENDIX - 12**

**General Register: A First Information Record of the Child**

<table>
<thead>
<tr>
<th>Name</th>
<th>Sex</th>
<th>Date of arrival and time of arrival</th>
<th>Date of Birth</th>
<th>Details of Child</th>
<th>Height, weight and head circumferences</th>
<th>Date of Departure</th>
<th>Remarks how the child arrived and condition on arrival</th>
<th>Case Plan</th>
<th>Placement /Adoption information</th>
</tr>
</thead>
</table>
## MEDICAL REPORT OF THE CHILD

(Physical Examination Report to be filled in by the examining physician)

Name . . . . . . . . . . . . Date of birth . . . . . . . . . . . .
Date and time of arrival . . . . . . . . . . . . . . . . . . . .
Received by . . . . . . . . . . . .
From . . . . . . . . . . . .
History:

### Weight Record

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<td></td>
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<tr>
<td></td>
<td>HIV . . . . . . . . Weight</td>
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<tr>
<td></td>
<td>Hbsag . . . . . . . H.C.</td>
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<tr>
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<td>VDRL . . . . . . . L/HT</td>
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<tr>
<td></td>
<td>TORCH</td>
</tr>
<tr>
<td></td>
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</tr>
<tr>
<td></td>
<td>CHEST X-RAY. . . . . .</td>
</tr>
<tr>
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<td>OTEHRS . . . . . .</td>
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<tr>
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<td>BCG . . . . . .</td>
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<td>OPV . . . . . .</td>
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<td></td>
<td>DPT. . . . . . .</td>
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BOOSTERS. ....
MEASELS. .... TYPOHID. ....
BOOSTERS ....
MMR ... MENINGOCOCCAL ....
HBV ....
BOOSTER
VIT A. ....
GAMMAGLOBULIN. ....
REMARKS ....

Medical evaluation (pertinent information regarding the child's physical condition)
General condition of mental and physical development observation of physician

Date:
Physician's Signature:
Place:
Registration No.

Undertaking
We have read and understood the contents of this Physical Examination Report and are willing to accept ........... (fill in the name of the child) with his/her given condition.

(Signature of the male applicant)    (Signature of the female applicant)

(Name of the male applicant)  (Name of the female applicant)
# MEDICAL RECORD OF THE CHILD

**NAME OF THE AGENCY**

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<tr>
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**Date and time of arrival**

**Received by**

**From**

**History**

**Weight Record**

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<tr>
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<th>Reports on Admission</th>
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<td>CHEST X-RAY</td>
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<td>GAMMAGLOBULIN</td>
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<tr>
<td></td>
<td>REMARKS</td>
</tr>
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</table>
APPENDIX – 15

LOST CHILD ENQUIRY

Date .................. No ..................

(A) Name ..................

(B) Address .............

Remarks .............. (Details of circumstances age, other identification information) ..................

Interviewed/Seen ........

Signature

1) Gen. Secretary
2) Adoption Officer
3) Other Staff

Signature
ADOPTION ENQUIRY

Date ........................................ No. ........................................
A. Name ........................................ ........................................
B. Address ........................................ ........................................
Remarks ........................................ (information on couple or person)

........................................
Interviewed/Seen

Signature

1. General Secretary
2. Adoption Officer
3. Other staff

Note: This document is to be completed by all families at 1st interview to indicate whether family is to be registered. Also as a record for persons who make enquiries on behalf of relatives or friends.
APPENDIX - 16-a

REGISTRATION FORM

Ref. No. ........................................ Date ................

DATA REQUIRED FROM ADOPTIVE PARENTS.

1. Part....Name...Address....Professional/occupational Information

Name-Husband ........................................ Name- wife ........................................

Date of birth ........................................ Date of birth ........................................

Date of marriage .................................. Date of marriage ...................................

Citizenship ........................................... Citizenship ...........................................

Religion ............................................. Religion .............................................

Profession .......................................... Profession ...........................................

Employed by ........................................ Employed by ........................................

Address of employer ................................ Address of employer ................................

Approx. monthly income ....................... Approx. monthly income ....................... 

Do you live in our house Yes/No Do you live in our house Yes/No

Address of adoptive parents ..........................

Residence ............................................ Pincode .............................................

Telephone residence ............................

Telephone office

Do you have any biological children Yes .... No.... Boy... Girl...

Is this your first adoption .......................... First ... Second ... Boy ... Girl...
ATTESTATION AND DECLARATION OF
PERSONAL CONDITIONS

We .......................... S/O ......................... aged...... Years and ........... W/O ......................... aged ... Years residing at ......................... do hereby solemnly affirm and state as under.

That we ......................... and ......................... the adoptive parents above named do hereby declare that we were married on .......................... and we have..................... children.........................

(Boys) ...........and ...........(Girls)

That our financial position is under

Income/salary for the last four years

<table>
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<th>Husband</th>
<th>Wife</th>
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<td>2005</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Saving in the Bank                  (Value)
Property owned                      (Value)
Mortgages, if any                   (Value)
Shares, securities                  (Value)
Other assets

Name of Employer and Designation held

We further declare and bind ourselves to send periodical reports of the child to the Indian Council for Child Welfare and copies thereof to the (name of agency)

Signature of Husband
Signature of Wife

Place : 
Date :
DECLARATION AND ATESTATION CONCERNING STATE OF HEALTH OF WOULD BE ADOPTIVE PARENTS

The undersigned Mr. ........................ and Mrs. .......................... who intend to take a child for adoption/foster care, do hereby solemnly declare this ...... day of ....... that to the best of their knowledge

2. They do not suffer from or have previously suffered from pulmonary tuberculosis, other tuberculosis infections, nervous or mental diseases and/or any other virulent diseases which would impede their bringing up children or affect their normal way of life.

Husband’s Signature ............................ Wife’s Signature ............................

Signed in the present of

1.

2.

This is to state that ............................ and ............................ of

(Name of Husband)  (Name of wife)

have upon being examined by me shown no symptoms of either physical or mental disease or physical incapacity detrimentally affecting their fitness to have custody of and educating a child.

Authorised Medical Practitioner

Notary Public
HOME STUDY REPORT

INVESTIGATION REPORT FOR THE PROPOSED ADOPTION/FOSTER CARE AND PLACEMENT OF A MINOR CHILD ALONGWITH THE STATEMENT OF THE COMMITTEE OF CHILD WELFARE

Committee of Child Welfare in ..................... country

1. The applicants
(a) Husband's full name
First and Middle name
Profession/Vocation
Place of birth

Born on .......... date and year
(b) Wife's full name
First and middle name
Profession/Vocation
Place of birth

Born on .......... date and year
(c) married on at (place)
Children born in wedlock
No. of children age and sex

(d) Earlier marriage of husband:
Wife, if any please mention
Divorced on

Date and place

Please file copy of decree of divorce

(e) The applicant's address
Telephone No

Place of assessment

2. Reason for adopting and preference (at least 6 sentences):

3. Education and employment history:

4. Financial conditions:
(a) The applicant's approximate income
(please specify income of each spouse)
(b) Savings:
(c) Insurance:
(d) Right to retirement benefits, pensions, gratuity or similar perquisites:
(e) Status of adopted children relating to inheritance, if any:
5. Dwelling conditions (please specify immovable properties, if owned, market value, any mortgage, etc)
   (a) Size and condition of residence
   (b) General impression of the residence and its care
   Minimum 1 page of details

1. Interest and hobbies

2. Health
   Diseases, if any suffered by the applicant or
   Anybody staying with them:
   (Here should be given an account of any of the applicants, suffering from mental diseases, epilepsy, tuberculosis, venereal diseases or other serious or virulent diseases or is any applicant imbecile.)
   A certificate from a medical practitioner duly attested should be enclosed.

3. Religion

4. Family background and general opinion of the applicant's fitness adoptive parents. Approximately 1-2 pages depending on joint or nuclear family
   (Here should be given an account of the relations between the two applicants, their motive for the adoption, an analysis of the whole environment in which the applicants are living)

5. Reference, if any, and their views of the applicant

6. The investigator's opinion on the matter.
   (The opinion should be as detailed as possible and among other things, include the motives for the adoption, and further, if the child will adjust into the environment of the applicant). The investigating agency should also mention the approximate duration of time that would be spent in completing the proceedings in the court of competent jurisdiction to finally adopt the child in question in the country of the foster parents.

(1/2 page recommendation)

(Name of the person who has made the investigation)

(Designation in the Social Welfare Department and Particulars of the Social Welfare Department)

Attestation Certified by Notary
SOCIAL WORKER'S ASSESSMENT ABOUT THE CHILD

1. Information on the child
   (a) How long has the child been with your institution
   (b) Physical, intellectual and emotional development

2. Does he/she have any brothers or sisters? ( ) Yes ( ) No, if so give name, sex, age and present location.

3. Does the child have any special needs? ( ) Yes ( ) No, if so what are they?

BEHAVIOURAL INFORMATION

4. What best describes their personality? (Check more than one if it applies) ( ) Shy ( ) outgoing ( ) Happy ( ) Sad ( ) Cries often
   ( ) plays alone ( ) plays well with others ( ) obeys requests well
   ( ) Does not obey ( ) Leads others ( ) follows others ( ) toilet-trained ( ) speaks some English ( ) speaks no English ( ) like to be hugged ( ) pulls away when hugged.

5. How does the child get alone with adults?
   ( ) like men better ( ) likes women better ( ) gets along with both ( ) stays to himself/herself (Explain)

6. How does the child get along with other children?
   ( ) plays mostly with girls ( ) plays mostly with boys ( ) plays mostly to himself/herself ( ) plays well with boys and girls.
7. How does the child do in school?
   ( ) Average ( ) Above average ( ) Below average
   Favourite subject . . . . . . . . . .
   Most difficult subject . . . . . .

8. Does he/she get sick from certain foods?
   ( ) Yes ( ) No. If Yes, which ones?

9. Does he/she have any particular fears or worries?
   ( ) Yes ( ) No. If yes, please describe

10. Any other information

   Social Worker

   Place:

   Date:

   Notarization
ADOPTIVE CHILD PROFILE

1. Date of arrival
2. Reference numbers per register
3. Name of child
4. Date of birth/age
5. How assessed
6. Religion (if known)
7. Birth place

IDENTIFYING INFORMATION

8. Sex
9. Colour of hair
10. Colour of eyes
11. Complexion
12. Height
13. Weight
14. Identifying marks

PHYSICAL HEALTH

15. Does the child have any health problem? If so, what are they? ( ) Yes ( ) No
16. Is the child presently being treated for any medical problems? ( ) Yes ( ) No. If so, what are they and what is the treatment?
REPORTS OF ADMISSION

HB .......... DT ....... HIV ....... WEIGHT ....... HBS ........ AGE ........
HEIGHT .... VDRL ....... HC .......... TORCH ....... BLOOD GROUP ........
CHEST X-RAY ............... OTHERS ................

IMMUNIZATION

BCG ...................... OPV ......................
DPT ...................... OPV ......................
BOOSTERS ..............

CHILD'S HEALTH

Present height .................. present weight ..................
General status of health ...............
Immunization
Details of illness

CHILD'S DEVELOPMENT

Physical Progress
Speech development
Languages spoken
School progress
Sleep
Favourite Activities, interest
CUSOTDY FORM

The (name of agency) is handing over the custody of the child
........................................ to .......................... on behalf of
................................................................. resident of
.................................................................

Officer-in-charge

Signature/Custodian

Witnesses:
1. 
2. 

Verification

We ........................................ and ................................. do
hereby verify that the statements made here in above are true and
correct to our knowledge, no part of it is false and no material has
been concealed therefrom.

(Signature of Husband)

(Signature of Wife)

Notary Public Note: To be authenticated by the Indian
Embassy/consulate general of India in your country.
PROGRESS REPORT

NAME OF THE AGENCY

POST PLACEMENT PROGRESS REPORT (NO CHILD GIVEN IN TEMPORARY GOSTER CARE MAY BE REMOVED FORM DELHI WITHOUT PERMSISION OF AGENCY AND COURT) IT IS THE SOLE RESPONSIBILITY OF TH EFAMILY TO COMPLETE FORMALITIES OF POST PLACEMENT FOR 5 YEARS-THREE MONTHS IN 1ST YEAR OF PLACEMENT AND EVERY 6 MONTHS FOR 2 YEARS THIS APPLIES TO CHILDREN GIVEN UNDER GARDIANSHIP ONLY

Guardianship case No. ................. Date of judgement ..........
Court of ..................... Progress Report Number
Date of Custody .................
Name of Advocate............Sex.........
Date of Birth
Adoptive Family Name .................
Address
Present Address
Arrival Date : Date............. Age.... Height.... Weight ..........
(In adoptive Home)
UNDERTAKING-CUM-INDEMNITY

I/We ..................... S/O ....................... aged .... Years and
............................. W/O ....................... aged .... years both residents
of ....................... Phone No.

Under

That I/We have taken physical custody of the minor child named
............. born on........... from (NAME OF YOUR AGENCY) on ......
I/We undertake to file the court proceedings by signing all papers
as required by the advocate to whom my/our case is assigned,
within one month of taking custody of the child. In case I/We fail
to do so within stipulated period, I/We shall give written
explanation to (Agency ............... within one week of the expiry
of above period.

We further undertake not to remove the care and custody of the
child out of THE STATE before the court permits us to adopt the
child, and after the execution of the adoption deed.

I/We further agree that Social Worker, authorised representative of
................. will be allowed to visit our home to see the child and
his/her progress in our family, for a period of one year after the
guardianship/adoption proceedings are completed by us. They will
be allowed to visit us earlier also.
In case I/We default in the compliance of the above undertaking, I/We undertake to return the child to ................... along with a sum of Rs. ......... towards reimbursement of all costs incurred by you.

Place : ..................

Dated : ..................

Witnesses

(Signature of Prospective Adoptive Parent/s)
A Statistical Profile of Indian Children Placed in Inter-Country and In-country Adoptions

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Source: Central Adoption Resource Authority (CARA), Govt. of India

Note: Source of Appendices 21 to 24 is Central Adoption Resource Authority (CARA), Govt. of India
## Questionnaire/Interview Schedule

### Confidential

**Topic of Research**: Adoption in the State of Punjab, Haryana and Himachal Pradesh: Critical study with Special Reference to abandoned/Destitute/Orphan Children

| 1.1 Name and Address of the Institutes |
| 1.2 Date and Year of establishment of the Institute |
| 1.3 Whether the Institute registered, If yes, mention the law under which registration is done |
| 1.4 Nature of the Institution |
| 1.5 Level of the Institution |
| 1.6 Management of the Institution |
| 1.7 Aims and objectives of the Institution established |

---

### Yes/No

- i) Society and registration Act
- ii) Any other law

---

### Govt./Private

- Local/State/National/International

---

### (i) Single/Individual

- (ii) Group of individual

---

### (iii) Any other please specify

- i) To bring up orphans/abandoned destitute children
- (ii) To find out homes by giving in adoption to foreigners who approaches them.
- (iii) Any other please specify
1.8 Where from does your Institution get financial aid/resource to achieve the aims and objectives of the institution?

(i) Govt. (State/Central)
(ii) Donations
(iii) Any other please specify

1.9 Educational Qualifications of the personal managing the Institution

(i) Illiterate
(ii) Matric
(iii) Graduate
(iv) Profession (Lawyer/Judges/Sociologist/Doctors/Engineers, etc.)

1.10 Does the Institution maintain a register for Children (Orphan/Destitute/abandoned) received by the Institution?

Yes/No

1.11 At the time of registering the children in the Institution whether parentage/caste/religion of the child is entered in the register maintained by the institution.

If ‘No’ please give the reason

(i) Parentage/Caste/Religion is not known
(ii) Person leaving the child in the Institute do not desire to make such entries
(iii) Any other please specify

1.12 Facilities provided by the Institution to inmates

(i) Educational
(ii) Health
(iii) Recreational
(iv) Vocational
(v) Any other specify

Yes/No

1.13 Whether in your Institution is recognized as adoption agency by the State Govt./Center Govt.

Yes/No
1.14 No. of applicants and Beneficiary
(i) Applicant
(ii) Beneficiary

1.15 No. of cases processed for adoption
(i) In-country Adoption
(ii) Inter-country Adoption

1.16 No. of Beneficiary still in the Institution

2.1 Are you aware that law (Hindus/Muslims/Christians/Parsis) allow/does not allow the giving and taking of the child in adoption

2.2 Are you aware that foreigners can also adopt the child from India?
If Yes, please give the name of the law
(i) Indian Law
(ii) Foreigner Law

2.3 Are you aware that the Supreme Court of India has issued certain directions giving the child in adoption to foreigner by the Institution
If Yes does your Institution follow such direction?

2.4 Has your Institution laid down any guidelines to be observed for giving the child in adoption (like health, age and financial position etc.) of adopters?
If Yes does your Institution follow such guidelines
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| 3.1 Preference of the adopting parents of various religious communities in adopting the child | (i) Hindus  
(ii) Muslims  
(iii) Christians  
(iv) Parsis  
(v) Foreigners |
| 3.2 Educational status of the adopting parents | (i) Illiterate  
(ii) Matric  
(iii) Graduate  
(iv) Profession (Lawyers/ Judges/Doctors/ Engineers, etc.)  
(v) Post-graduates |
| 3.3 Occupation of adopting parents            | (i) Govt. Service  
(ii) Business main  
(iii) Agriculturist  
(iv) Private service/ service in autonomous bodies  
(v) Any other please specify |
| 3.4 Monthly income of Adopting Parents        | Rs. 5,000 to 10,000 p.m.  
Rs. 10,000 to 15,000 pm  
Rs. 15,000 to 25,000 pm  
Rs. 25,000 to 35,000 pm  
Above Rs. 35,000 p.m. |
| 3.5 Age of the adopting parents at the time of adoption | Between 25 to 30 years  
Between 30 to 35 years  
Between 35 to 40 years  
Between 40 to 45 years  
Between 45 to 50 years  
Above 50 years  
Less than 5 years  
Between 5 to 10 years  
Between 10 to 15 years  
Between 15 to 20 years  
Above 20 years  
Unmarried  
Male/Female |
| 3.6 After how many years of the marriage the adopting parents adopted the child | Yes/ No |
| If unmarried sex of the adopting parent       | Sex (Male/Female) Total |
| 3.7 Whether the adopting parents have their natural born child at the time of adoption | If Yes the number and sex of the natural born child |
3.8 Whether the adopting parents have their natural born child after adoption?
   If Yes the number and sex of the natural born child

3.9 The age of the child given in Adoption

3.10 What is the educational status/occupation of the child given in adoption present

3.11 Reason for which the adopting parents took the child in adoption
   (i) Childless couple intend to satisfy their emotional need and parental instinct
   (ii) To help the needy child
   (iii) To provide company to the natural born child
   (iv) Any other please specify

3.12 Whether the adopting parents vested any property in the adopted child before the adoption
   If Yes the nature of the property vested

4.1 Whether your Institution maintain the progress report of the child given in adoption

4.2 Whether your Institution accepted/settled any consideration for adoption from the adopting parents

Sex (Male/Female) total
   (i) Below 1 year
   (ii) Between 1 to 2 years
   (iii) Between 2 to 3 years
   (iv) Between 3 to 4 years
   (v) Between 4 to 5 years
   (vi) above 5 years
   (i) Studying in school
   (ii) Studying in college
   (iii) Doing nothing because the child is below the age of 3 years
   (iv) Any other please specify

Movable/Immovable

Yes/No
4.3 Whether your Institution has done adoption according to the law laid down by the Supreme Court

4.4 Whether any adoption made by you is revoked by adopting parents/Institution

4.5 Whether any adoption declared null and void by the order of the Court

If Yes please specify the reason

4.6 Has your Institution ever received any complaint form the child given in adoption or any other source?

If yes please specify the reason

4.7 After receipt of the complaint did your Institution take any cognizance of the complaint

If Yes what action generally is taken by the Institution

4.8 Give your options in respect of the following statements:

(a) Welfare of the child is the paramount consideration in adoption

(i) Strongly agree
(ii) Agree
(iii) Strongly Disagree
(iv) Disagree
(v) Can't say

(b) The existing law of adoption meets the present social needs of the society

(i) Strongly agree
(ii) Agree
(iii) Strongly Disagree
(iv) Disagree
(v) Can't say

(c) Child exploitation in the name of the adoption exists in the Institution

(i) Strongly agree
(ii) Agree
(iii) Strongly Disagree
(iv) Disagree
(v) Can't say
5. How the couples approaches your institution for adoption i.e. what is their source of information?

6. What steps you have been taking for ensuring effective compliance of guidelines laid down by the Hon’ble Supreme Court?

7. What is the monitoring mechanism developed by your institution for ensuring compliance of the circulated guidelines?

8. Are you satisfied with the working/work done by your institution in this regard?

9. What are the problems faced by your institution/adoptive parents/child given in adoption while processing the adoption proceedings?

10. Any suggestion, please specify in detail
SOCIAL WORKER’S ASSESSMENT

1. Information on the child

(a) How long has the child been with your institution

(b) Physical, intellectual and emotional development

2. Does he/she have any brothers or sisters?

3. Does the child have any special needs?

BEHAVIOURAL INFORMATION

1. What best describes their personality? (Check more than one if it applies)
   - Shy
   - Outgoing
   - Happy
   - Sad
   - Cries often
   - Plays Alone
   - Plays well with others
   - Obeys requests well
   - Does not obey
   - Leads others
   - Follows others
   - Toilet-trained
   - Speaks some English
   - Speaks no English
   - Likes to be hugged
   - Pulls away when hugged

2. How does the child get along with adults?
   - Likes men better
   - Likes women better
   - Gets along with both
   - Stays to himself/herself
   (Explain)

3. How does the child get along with other children?
   - Plays mostly with girls
   - Plays mostly with boys
   - Plays mostly to himself/herself
   - Plays well with boys and girls

4. How does the child do in school?
   - Average
   - Above average
   - Below average

   Favourite subject ..................................................

   Most difficult subject .............................................
5. Does he/she get sick from certain foods?
   ( ) Yes  ( ) No.  If Yes, which ones

6. Does he/she have any particular fears or worries?
   ( ) Yes  ( ) No  If yes, please describe

7. Any other information

   I, Shri/Smt ............. of ............... (Name of the agency), do hereby certify that the information given in this form about the child is correct.

   Date: ___________________________  Signature ___________________________

   Place: ___________________________  (Name of the social worker)