International Journal for Multidisciplinary Research (IJFMR)
E-ISSN: 2582-2160 ● Website: www.ijfmr.com ● Email: editor@ijfmr.com

Adoption under the Juvenile Justice (Care and Protection of Children) Act, 2015: Analysing Legal and Procedural Challenges in India

Ms. Roshni Laskar[1], Prof. Dr. Kabita Chakraborty[2]

[1]Research Scholar, LAW, ICFAI University, Tripura
[2]Professor, LAW, ICFAI University, Tripura

ABSTRACT

Adoption plays a significant role in guaranteeing care, protection and rehabilitation of children without parental care. The Juvenile Justice (Care and Protection of Children) Act, 2015 in India offers a secular legal framework regulating adoption irrespective of religion. Through a systematic adoption procedure, the legislation tends to safeguard the interest of abandoned, orphaned and surrendered children under the supervision of the Central Adoption Resource Authority (CARA). Adoption laws shows substantial improvement and significant reforms through digitalized procedures but due to ineffective system and procedural issues and obstacles, continue to effect the efficiency of adoption system. India's adoption framework continues to face delays in declaring children legally available for adoption, institutional inefficiencies, lack of adoptable children, insufficient counselling facilities, administrative difficulties and concern about inclusivity in adoption policies. These process frequently obstruct prompt rehabilitation and have a negative effect on the wellbeing of children living in institutional care. This article critically examines the legal framework governing adoption under the Juvenile Justice Act, 2015 and evaluates the procedural flaws affecting its proper implementation. The study also discusses about the importance of CARA and other policies including the judicial interpretations relating to adoption laws in India. The paper highlighted that though the present legal framework related to adoption is child centric but still the procedural delays and poor implementation restrict its effectiveness in practice. This article concludes by suggesting reforms aim to improve institutional responsibility, accountability, streamline adoption processes, and guarantee a more efficient child welfare system.

Keywords: Adoption, Juvenile Justice Act, CARA, Child Welfare, Rehabilitation, Child Rights, Institutional Care, Procedural Delays.

INTRODUCTION-

"Belonging to a family is a natural and vital component of life, and every child deserves to be a member of a loving and nurturing family". - RONALD REAGAN.

Adoption is one of the most important social and legal institutions developed for the welfare and protection of children who are without any family support.[1] Adoption gives a permanent legal rights and status between the adoptive parents and the adopted child, allowing the child the equal legal rights and status as

[1] Juvenile Justice (Care and Protection of Children) Act, 2015, s.56.

of a biological child.[2] Adoption has legal significance, and it also serves a significant social purpose by giving identity, emotional security, stability and family-based care to vulnerable children.

Adoption laws in India have developed throughout over time. In past, adoption was governed primarily by personal laws. Adoption recognized under Hindu law through the HAMA, 1956[3], which considered adoption as both a social and religious institution. Non-Hindu community individuals did not have access to a complete adoption framework and were often forced to rely upon the Guardians and Wards Act, 1890[4], which only establish a guardian-ward relationship rather than full legal parentage.

The absence of uniform legal framework led to inequality and limits the rights of prospective adoptive parents and children. The Juvenile Justice (Care and Protection of Children) Act, 2015 established a secular, child-focused adoption mechanism that is applicable irrespective of religion.

Adoption is treated by the Act as a crucial rehabilitative measure for children who are orphaned, abandoned, or surrendered. It recognises that every children have the right to develop in a secure and nurturing family setting and centres all adoption-related decisions around the "best interest of the child."

India adoption process still continues to face several practical difficulties irrespective of these positive improvements. Delays in legal procedures, shortage of legally adoptable children, bureaucratic hurdles and lack of institutional coordination continue to affect the effectiveness of the adoption mechanism. The efficiency of the adoption mechanism affected by bureaucratic hurdles, delays in legal procedures, lack of institutional coordination and shortage of legally adoptable children those who are free for adoption (not because of lack of children but due to procedural delays).These difficulties prolong the institutionalization of children in addition to deterring potential adoptive parents.

The adoption system under the Juvenile Justice Act, 2015 (JJ Act, 2015) is critically examined in this article, which also assesses the procedural and legal challenges to its implementation in India.

STATISTICAL OVERVIEW OF ADOPTION IN INDIA:

India faces imbalance between the total number of children who are legally available for adoption and the total number of potential adoptive parents. According to reports released by the Central Adoption Resource Authority shows that only a relatively small number of children are officially designated free for adoption, despite thousands of families registering for adoption in each year.

The absence of children in institutional care does not indicate lack of children in institutional care, instead, it is a reflection of administrative inefficiencies and delays in the process and making children legally free for adoption. As a result, many children continue to remain in childcare institutions for prolonged periods. As per a news article published in *The Hindu*, the data revealed that the procedural inefficiency, social attitudes and institutional shortcomings still being undermined to weaken the effectiveness of the adoption system in India. About 30,000 adoptive parents in India wait an average of three years to adopt a child. According to data, barely 10% of orphaned children—in between 30,000 and 30 million—are adopted each year. The Supreme Court questioned the "great delay" afflicting India's adoption systems earlier this month, pointing to this discrepancy. "Why are adoptions being delayed by the Central Adoption Resource Authority? Why does CARA not take action? In response to a petition referring to India as the "orphan

[2] *Paras Diwan, Family Law in India* 412 (Allahabad Law Agency, 10th edn. 2015).
[3] Hindu Adoption and Maintenance Act, 1956.
[4] Guardians and Wards Act, 1890.

capital of the world," the Chief Justice D.Y. Chandrachud noted, "Hundreds of children are waiting for adoption in hope of a better life'.[5]

TABLE-1

Particulars	**Observation**
Prospective adoptive parents	Increasing every year
Children legally free for adoption	Comparatively limited
Waiting period for adoption	Frequently prolonged
Common preference	Younger and healthy children
Major challenge	Procedural delay and institutional inefficiency

Table 1: as per the CARA reports.[6]

TABLE-2

Year	**In-country Adoption**	**In-country Adoption**
2015-2016	3011	666
2016-2017	3210	578
2017-2018	3276	651
2018-2019	3374	653
2019-2020	3351	394
2020-2021	3142	417
2021-2022	2991	414
2022-2023	3010	431
2023-2024	3580	449
2024-2025	4155	360

Table 2: The adoption statistics from the year 2015 to 2025, as per **CARA**, is shown in the table[7]

CHART- 1

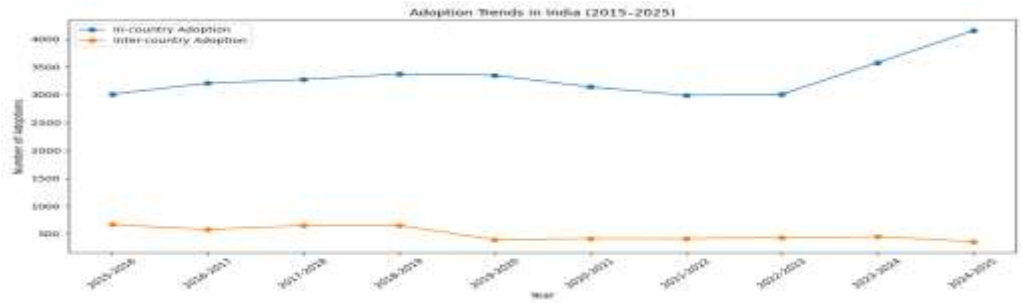


Chart-1: on the basis of adoption statistics from the year 2015 to 2025 derived from table 2**.**

OBJECTIVE OF THE STUDY:

[5] Saumya Kalia, "All about CARA, India's adoption regulation body", *The Hindu*, Nov. 17, 2023, available at: https://www.thehindu.com.

[6] Central Adoption Resource Authority (CARA), *Annual Report 2023–24*, Ministry of Women and Child Development, Government of India, available at:https://cara.wcd.gov.in/PDF/annual/Annual%20Report%202023-24-English.pdf?utm_source=chatgpt.com.

[7] Central Adoption Resourse Authority, "Adoption Statistics", Ministry of Women and Child Development Govt. of India, available at https://cara.wcd.gov.in/resource/adoption_Statistics.html.

1. To examine the legal framework regulating adoption under the JJ Act, 2015.
2. To analyse the role played by CARA and other authorities involved in adoption procedures.
3. To identify legal and administrative challenges affecting adoption in India.
4. To evaluate judicial approaches relating to child welfare and adoption.
5. To suggest reforms for improving the efficiency and accessibility of the adoption process.

INTERNATIONAL CONVENTIONS DEALING WITH ADOPTIONS:

In present scenario children rights are more prominent in global wide. Although many countries have differences in their perspective in socio-economic, religion and cultural aspects of child and society at large. But still there is a growing acknowledgement of certain fundamental rights providing a certain uniform laws pertaining in the process of adoption.[8]

International Convention and treaties established international Human rights norms and criteria for adoption. The European Convention on the Adoption of Children, 1967 and the world conference on Adoption and Foster Placement held at Milan in 1971, it suggested some set of guidelines that should be applied regularly by all countries to safeguard the rights of abandoned and impoverished children. [9]

The following are the international conventions that deal with adoption:

a) The Geneva Declaration of the Rights of Child (1924)-

The Geneva Declaration was the first document that recognised the duties of adult to provide the best to a child. This declaration provides certain guidelines for the care and protection for every child such as to provide adequate resources for the material and spiritual development of a child, to provide relief to child during distress, to fed a child if he/she is hungry or sick, etc.[10]

b) UDHR, (1948)-

Post World War- II, UN adopted UDHR to protect basic Human rights worldwide. UDHR recognised the equal rights and protection of all children as well as adopted child, it also considered family as a social unit within society.[11]

c) Declaration of the Rights of the child 1959-

A strong International mechanism was needed to protect the rights of the child as UDHR is not applicable to state. To guaranteed the welfare of children UN adopted Declaration of the Rights of the child 1959 that laid down 10 principles highlighting that all children has the right to education, health, care and medical facilities without any biasness or discrimination. It give emphasis to the government duty towards the protection of child but it is still non-binding.[12]

d) The United Nations Convention on the Rights of the Child 1989-

UNCRC is an international convention that protects civil, economic, political and cultural rights of children. UN General Assembly is adopted this convention on November, 1989.The Convention defines a child to an individual who is below 18 years of age. It mandate states to protect the basic rights of child

[8] Building Blocks Adoption Service. The 6 Most Common Reasons People Adopt, available at- https://bbas.org/the-6-most-common-reasons-people-adopt/.

[9] Naruka Radha,"A Critical Study of Adoption Mechanism under the Juvenile Justice Care and Protection of Children Act 2015" available at https://shodhganga.inflibnet.ac.in/handle/10603/630717, (22-32).

[10] *Id, 23.*

[11] *Id, 24.*

[12] *Id, (25-26).*

such as right to life, expression, identity, family and to protect from any kid of exploitation. Article 20 and 21 mainly deals with adoption provision.[13]

e) The Hague Convention on Protection of Children and Cooperation in respect of Inter Country Adoption-

Convention of Hague is an international agreement that deals with child trafficking, inter-country adoption and child abuse. It was adopted on May, 1993. As per Article 1 of this convention, its main aim is to prevent trafficking and to guarantee inter country adoption.

The provision highlighting the importance of protection of international adoption is mentioned under Articles 4 and 5.Specific procedures related to adoption such as eligibility criteria for prospective adoptive parents etc. are outlined under Articles 17.This Convention emphasis that those children who are deprived from family care should be placed under adoption and inter-country adoption will be taken place when the home country of the child is unable to provide them a suitable family through adoption.[14]

f) Declaration on Social and Legal Principles Relating to Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally 1986-

This principles was the primary international document that focuses on adoption and foster care. It states that a child should take care by their own parents, but if it is not possible then those child may be put with relatives, adoptive parents or foster parents. The proclamation highlighted that security, care, affection of a child must be given the outmost consideration.[15]

LEGAL FRAMEWORK GOVERNING ADOPTION UNDER THE JUVENILE JUSTICE ACT, 2015:

The JJ Act, 2015 provides a detailed legal mechanism governing adoption in India. Chapter VIII of the Act specifically deals with adoption procedures and it also recognises adoption as an important mechanism for rehabilitation and reintegration of a child in the society mainly orphaned, abandoned, or surrendered child. The Act focuses on child welfare by providing them a family-based care by prioritizing the holistic development of the child. The Act promotes uniformity and transparency in the adoption process under the supervision of the Central Adoption Resource Authority (CARA). Despite all these progressive improvement in the legislation, still it deals with administrative challenges continue to affect its effective implementation in practice.

Section – 56: Adoption as a means of rehabilitation- It recognizes adoption as a rehabilitative measure for orphaned, abandoned and surrendered children. It provides that adoption must be conducted in accordance with the Act and CARA regulations while ensuring the best interests and welfare of the child[16]. This provision mainly focuses on child-centric approach, but due to delays in adoption procedures and institutional challenges weakens it effectiveness.

Section-57: Eligibility of adoptive parents- It prescribes eligibility conditions for adoptive parents, requiring them to be physically, mentally, emotionally and financially fit to care for the child. It also permits adoption by single individuals, though a single male cannot adopt a girl child[17]. This provision

[13] *Id, (28-30)*

[14] *Id, (30-32).*

[15] *Id, 28.*

[16] Juvenile Justice (Care and Protection of Children) Act, 2015, s. 56.

[17] *Id., s. 57.*

seeks to protection of children from any kind of exploitation, but certain restriction given in the adoption framework creates imbalances relating to equality, comprehensiveness, and changing family structures in contemporary society.

Section-58: Procedure relating to adoption- It regulates the adoption procedure for orphaned, abandoned and surrendered children, including registration, home study, child referral, adoption orders and post-adoption follow-up. The adoption system is mainly handled and control through CARA's online portal to ensure transparency and accountability[18].Though digitalization brings more transparency, but often due to complex procedures, lack of effective coordination among the authorities and administrative delays causes prolong rehabilitation process and affect timely adoption.

ROLE OF CARA IN ADOPTION REGULATION:

The Central Adoption Resource Authority is the main functioning body that regulates the adoption procedures mainly focuses on the inter country adoption laws in India under Ministry of Women and Child Development[19].

Its major responsibilities include:

- regulating adoption procedures;
- keep check on Specialized Adoption Agencies;
- maintaining adoption records and databases;
- facilitating inter-country adoptions; and
- ensuring compliance with adoption regulations.

CARA has introduced an online system of adoption through portals, which has improved the transparency and also reduced the delays and irregularities in adoption procedures. However, in certain regions technological restrictions and administrative barriers continue to affect in its implementation.

FUNDAMENTAL PRINCIPLES GOVERNING ADOPTION IN INDIA:

a) Best interest of the child-

The principle guiding the adoption laws must safeguard "best interest of the child"[20] as mentioned under JJ Act, 2015. All the decisions taken in relation of an adoptive child must consider or prioritize the overall development of the child such as emotional, psychological, educational and social welfare of the child.

The principle identifies that family based care provides better opportunities for overall the development of a child than the institutional care, as it only provide a temporary arrangement of living without family environment.

b) Rehabilitation and social reintegration-

The Act recognizes adoption as an important rehabilitative measure that enables children to integrate into stable family environments and to reintegrate into the society.[21]

c) Principle of equity and non-discrimination-

Juvenile Justice Act provide a secular legal framework for adoption laws, it allows individuals to adopt a child irrespective of their religion by promoting equality and inclusiveness[22].

---

[18] *Id., s. 58.*
[19] Central Adoption Resource Authority, Adoption Regulations, 2022.
[20] United Nations Convention on the Rights of the Child, 1989, art. 3.
[21] *Supra.*
[22] *Shabnam Hashmi v. Union of India, (2014) 4 SCC 1.*

DEVELOPMENT OF ADOPTION LAWS IN INDIA:

In India the adoption laws are developed over time. Under the Hindu tradition, adoption was related with continuation of family line and it also granted the adopted child the right of performing religious obligations. Later on adoption laws was codified under the HAMA, 1956 for Hindus and also given the rights to the adopted child at par to a biological child.

Individuals belonging from other communities except Hindus are not given full rights of adoption and they are generally dependent on Guardians and Wards Act, 1890. Under Guardians and Wards Act, 1890, it does not created full legal rights of guardian-ward relationship and also does not granted the equivalent rights of a biological child to an adopted child[23].

The judiciary played a vital role in expanding the adoption rights in India. In *Shabnam Hashmi v. Union of India*[24], the Supreme Court held that irrespective of religion, every person, has the right to adopt under the JJ Act, 2015. The judgment strengthened the secular character of adoption laws and emphasized the best interests and welfare of the child as the most important aspect in adoption.

Similarly, in *Laxmi Kant Pandey v. Union of India*[25], the Supreme Court recognized safeguards for inter-country adoption and emphasized the need to protect children against exploitation and trafficking.

The Juvenile Justice Act, 2015 further strengthened the adoption framework and recognized CARA as the statutory authority responsible for regulating adoption procedures throughout the country.

ADOPTION PROCEDURE UNDER JUVENILE JUSTICE ACT, 2015:

Under JJ Act, 2015 the process of adoption is applicable when a child is abandoned (desolate by their own parents), surrendered or orphan (without any biological parents or legal guardian) are declared legally free for adoption by the committee. After proper inquiry, only the following children are available for adoption:[26]

a) if after proper attempts, no traces was found of the parents,

b) if the institution itself request to the committee for declaring a child legally free, or

c) or child of a mentally unstable parents or unwanted child as a result of sexual assault.

This provision mentioned that the time period is two months for children below 2 years of age and four months for above two years.

The different time periods that is prescribed for adoption seems unreasonable, as there is a higher probability that younger children get adopted in comparison of the older children. Therefore, the older children must make available for the adoption process as soon as possible.[27]

It is a debatable matter that the two months window period for searching the original parents are sometimes not sufficient, it created a chances that the biological child will lost their child forever once they are adopted.

LEGAL AND PROCEDURAL CHALLENGES IN ADOPTION:

In India adoption laws has many progressive reforms, still it faces several legal challenges and procedural

[23] *Supra*.
[24] *Supra*.
[25] *Laxmi Kant Pandey v. Union of India AIR 1984 SC 469*.
[17] *Supra*, s. 38.
[27] Dipshi Swara, "Provisions Governing Adoption under Juvenile Justice Act, 2015: A Critical Analysis", Indian Journal of Integrated Research in Law, II, (4-5), https://ijirl.com/wp-content/uploads/2022/07/PROVISIONS-GOVERNING-ADOPTION-UNDER-JUVENILE-JUSTICE-ACT-2015-A-CRITICAL-ANALYSIS.pdf.

difficulties.

a) Delay in declaring children legally eligible for adoption-

Children who are declared legally eligible for adoption by the Commission can be adopted, but the main problem lies in this procedure. This process is complex and it causes delay in declaring children legally free for adoption. Child Welfare Committees often take longer time to complete inquiries relating to abandoned or surrendered children.

These delays reduce their chances of being adopted, especially in cases involving older children. Long-term institutionalization also contradicts the rehabilitative objectives of the Juvenile Justice Act by adversely affects the emotional, psychological, and social development of children. The laws mainly seeks to promote family based rehabilitation, but delays in procedures result in effectiveness of the adoption framework.

b) Administrative and bureaucratic complexities-

The adoption process involves several authorities including Child Welfare Committees, Units of District Child Protection, Specialized Adoption Agencies and District Magistrates. Lack of effective coordination among these authorities frequently results in procedural difficulties and unnecessary delay. Due to complexities in documentation, many prospective adoptive parents are suffering and gone through extensive documentation and repeated verification procedures.

c) Exclusion of same-sex couples from joint adoption-

It is an important contemporary issue within the Indian adoption framework relates to the eligibility on restrictions on joint adoption rights for same-sex couples. Although the Juvenile Justice Act adopts a secular approach, adoption regulations continue to recognize only heterosexual married couples and single individuals for adoption purposes.

This issue gained wider constitutional significance following developments relating to LGBTQ+ rights and equality jurisprudence in India. Critics argue that exclusion of same-sex couples from adoption may conflict with constitutional values of equality, privacy, dignity, and non-discrimination guaranteed under Articles 14 and 21 of the Indian Constitution[28]. It is also argued that the capability and welfare-oriented suitability of prospective parents should be given greater importance than sexual orientation. At the same time, supporters of the present framework contend that adoption laws in India continue to function within a traditionally structured family system and that reforms relating to same-sex adoption require broader social and legislative consideration.

The issue therefore remains an evolving legal and policy debate within Indian child welfare jurisprudence.

d) Lack of awareness and social stigma-

Lack of awareness regarding legal adoption procedures continues to affect adoption rates in India. Social stigma associated with adoption, preference for biological children and reluctance to adopt older children or children with disabilities continue to create barriers.

e) Inadequate post adoption support-

The existing framework places greater emphasis on legal procedures while comparatively limited attention is given to counselling and post-adoption rehabilitation support. Adoptive families and adopted children may face emotional and psychological adjustment difficulties requiring professional guidance.[29]

[28] *Navtej Singh Johar v. Union of India (2018) 10 SCC 1*.

[29] Naruka Radha,"A Critical Study of Adoption Mechanism under the Juvenile Justice Care and Protection of Children Act 2015" available at https://shodhganga.inflibnet.ac.in/handle/10603/630717.

f) Concerns relation to inter-country adoption-

Inter-country adoption remains a sensitive area due to concerns relating to trafficking, exploitation and cultural displacement. Effective supervision and monitoring therefore remain essential[30].

g) The cases of returning the adoptive child-

As per the report of CARA, a high number of parents are returning their adoptive child between 2017-2019, most of them are retarded or girl child. As per the RTI report of CARA, 60% of the returned child were older or females and 24% were specially challenged. One of the main reason is that older or retarded children, taken more time to adjust into a new family environment. Laws are unable to address this challenges.[31] Total 6650 children were adopted in India between 2017- 2019, out of which 278 were returned by the adoptive parents, 275 were rejected cases in in-country and 3 cases from inter-country consisting of a 4% failure in adoption.[32]

h) Religious taboo-

In Indian society diverse religious are followed, many religion doesn't allow adoption and due to this religious restriction many people does not opt for adoption. Gender biasness is another major hurdle in adoption. Sometimes due to all of this problems, the parents who want to adopt a child also hesitate due to less societal acceptance.[33]

JUDICIAL APPROACH TOWARDS ADOPTION AND CHILD WELFARE

The Indian Judiciary has often stressed that child welfare is the outmost concern in the adoption processes. The Supreme Court acknowledged adoption under the JJ Act, 2015 as a secular legislative right available regardless of religion in *Shabnam Hashmi v. Union of India*.[34]

Similarly, the Supreme Court outlined safeguards governing inter-country protection and emphasis on protection of children from trafficking and exploitation in *Laxmi Kant Pandey v. Union of India*.[35]

Therefore, judicial intervention has been essential in promoting accountability, transparency, and child safety within the adoption framework.

COMPARATIVE PERSPECTIVE WITH OTHER COUNTRIES:

Some countries like the United Kingdom and the United States have prioritize the foster care integration, counselling services, and post-adoption rehabilitation support by focuses on child-centred adoption systems.

---

[30] Id.

[31] Sara Bardhan and Neymat Chadha," Adoption Practices in India: Legalities and Challenges", Social & Political Research Foundation, (2021), available at: https://www.researchgate.net/publication/354272117_Adoption_Practices_in_India_Legalities_and_Challenges.

[32] Dr. Varinder Kaur & Sanjay Verma, "Institutional Legal Framework and Trends of Adoption in India: A Study with Special Reference to the Provisions and Safeguards for Children Under Juvenile Justice (Care and Protection of Children) Act, 2015", 20, (2021), available at: https://www.researchgate.net/profile/Varinder-Kaur-17/publication/366215050_2877_Varinder_Kaur_INSTITUTIONAL_LEGAL_FRAMEWORK_AND_TRENDS_OF_ADOPTION_IN_INDIA_A_STUDY_WITH_SPECIAL_REFERENCE_TO_THE_PROVISIONS_AND_SAFEGUARDS_FOR_CHILDREN_UNDER_JUVENILE_JUSTICE_CARE_AND_PROTECTION/links/639821c9e42faa7e75bbc62b/2877-Varinder-Kaur-INSTITUTIONAL-LEGAL-FRAMEWORK-AND-TRENDS-OF-ADOPTION-IN-INDIA-A-STUDY-WITH-SPECIAL-REFERENCE-TO-THE-PROVISIONS-AND-SAFEGUARDS-FOR-CHILDREN-UNDER-JUVENILE-JUSTICE-CARE-AND-PROTECTION.pdf

[33] *Supra note 9*

[34] *Supra note 8*.

[35] *Supra note 9*.

In comparison, Indian framework still places a greater emphasis on procedural requirements than on long-term rehabilitative strategies when compared to these comparable systems. India can therefore improve its adoption framework by improving counselling services, reducing procedural delay and strengthening institutional coordination[36].

The legislative framework governing the intercountry adoption is different in India and the United States. Both the countries emphasis on the holistic development and best interest of child. In India intercountry adoption is mainly regulated through the JJ Act, 2015 and supervised by the Central Adoption Resource Authority (CARA). In Indian adoption system, includes several stages of enquiries and verification process which often led to delays in adoption. In comparison with India, the United States adoption process is governed under the Intercountry Adoption Act, 2000 which provides a comparative systematic administrative mechanism along strong post-adoption monitoring measures. India mainly focuses on preventing child trafficking and ensuring legal compliance before adoption, whereas U.S mainly focuses on the eligibility of adoptive parents, immigration procedures, and to provide the child a family by integration them in the new family environment. Both the countries follows Hague Convention on Intercountry Adoption and emphasis on the fact that every child should secure a family, who cannot be adopted in their own country.[37]

TABLE: 3

Basis of Comparison	**India**	**United States**	**United Kingdom**
Governing Law	Intercountry adoption is mainly governed under the Juvenile Justice (Care and Protection of Children) Act, 2015 and supervised by Central Adoption Resource Authority.	Governed under the Intercountry Adoption Act, 2000 along with federal and state adoption regulations.	Governed under the Adoption and Children Act, 2002 with supervision by child welfare authorities and adoption agencies.
Primary Approach	Emphasis more in procedural mechanism and legal enquiries to stop child trafficking	Mainly emphasis on child-centred adoption and family integration.	Strongly emphasis on child welfare, foster care integration, and rehabilitation support.
Administrative Procedure	Multiple verification and documentation process often leads to delay in adoption	Focuses in the eligibility criteria of adoptive parents and immigration process	Focuses on providing the child a new family along with strong welfare supervision mechanism

[36] *P. Ishwara Bhat, Law and Social Transformation* 214 (Eastern Book Company, 2019).

[37] Rakshandha Darak, "Intercoutry Adoptions: A Comparative Analysis between India and US Laws", III, *Indian Journal of Integrated Research in Law*, available at https://ijirl.com/wp-content/uploads/2023/05/INTERCOUNTRY-ADOPTIONS-A-COMPARATIVE-ANALYSIS-BETWEEN-INDIA-AND-US-LAWS.pdf.

International Obligations	India follows the Hague Convention on Intercountry Adoption.	The United States follows the Hague Convention on Intercountry Adoption.	The United Kingdom also follows the Hague Convention and child-centred welfare principles.
Major Challenge	Procedural delays and lengthy verification process.	Ethical monitoring of international adoption procedures	Balancing child protection with speedy rehabilitation and placement.
Scope for Improvement	India can expand counselling services, lessen procedural delays, and strengthen rehabilitation efforts.	To increase international monitoring systems and cultural integration motoring system	To enhance adoption placement efficiency while implementing stronger welfare protections mechanism.

RECOMMENDATION AND SUGGESTIONS

a) Simplifying the adoption process-

To improve the efficiency of the adoption process, unnecessary procedural formality and excessive documentation requirements should be eliminated.

b) Declaration of children legally available for adoption with a time bound process-

To avoid long-term institutionalization, strict deadlines for declaring children legally available for adoption should be implemented. Families wait for a long time for child availability and procedural approvals.

c) Lack of coordination among authorities-

Poor coordination between CARA, CWCs, District Child Protection Units and Specialized Adoption Agencies affects efficiency.

d) Strengthening Institutional Responsibility-

Regular monitoring and evaluation of childcare institutions and Specialized Adoption Agencies should be conducted to ensure compliance with legal standards.

e) Awareness Programs for Adoption Procedures-

Campaigns to promote lawful adoption and lessen societal stigma should be carried out by government agencies and child welfare groups[38]. Many people are not aware about the proper adoption process.

f) Denial of same-sex couples from joint adoption-

Current adoption regulations mainly recognise heterosexual married couples and single individuals.

g) Building capacity and providing professional training-

Specialized training in child psychology, counselling, and child rights should be provided to officials participating in adoption proceedings.

h) Enhancing services for post-adoption support-

Adoptive families and children should have better access to counselling services, rehabilitation programs, and follow-up systems. The framework provided limited importance to psychological counselling and

[38] Ministry of Women and Child Development, Annual Report 2023–24.

rehabilitation support after adoption.

i) Policy discussion on the framework for inclusive adoption-

While making sure that the best interests of children continue to be the first priority, law reform organizations and legislators should have broader conversations on inclusivity and changing family patterns.

j) Improving of digital transparency-

The CARA portal should be further strengthened to ensure transparency, accessibility and efficient monitoring of adoption procedures.

k) Proper implementation of JJ Act, 2015-

The JJ Act is a comprehensive, but proper implementation of its provision is necessary to ensure best interest and rehabilitation of children.[39]

CONCLUSION

The JJ Act, 2015 represents an important milestone in the development of adoption law in India. By establishing a secular and child-focused framework, the legislation recognizes adoption as a significant rehabilitative measure aimed at ensuring family-based care for vulnerable children. The legislation ensures that the orphans, surrendered and abandoned child also get a family for their holistic growth.

The Act has strengthened transparency, expanded adoption rights and reinforced the principle of the child welfare. The adoption system in India continues to face several legal, institutional and procedural challenges. The study shows that the major problem is not always the lack of availability of adoptive parents rather availability of adopted children due to delay in declaring children legally free for adoption and bureaucratic inefficiencies, weak institutional monitoring and inadequate post-adoption support continue to affect the rehabilitation support system.

Existing problems relating to equality, inclusiveness and evolving family structures further indicate that adoption law in India remains a developing area of child welfare jurisprudence.

An effective adoption framework does not only need progressive changes in present structure but also requires proper implementation social awareness, institutional accountability and timely rehabilitation mechanisms along with a strong post-adoption support method for protecting the rights, dignity and welfare of children.

For a meaningful reformation in adoption laws, it requires to ensure protection of child from exploitation simultaneously a speedy adoption process for better reintegration. The Act should focuses on simplifying complex procedures.

Adoption should not be viewed merely as a legal process but as a welfare-oriented mechanism that ensures protection, emotional security and holistic development for every child.

REFERENCES

Statutes

1. Juvenile Justice (Care and Protection of Children) Act, 2015.
2. Hindu Adoption and Maintenance Act, 1956.
3. Guardians and Wards Act, 1890.
4. Adoption Regulations framed by CARA.

[39] Juvenile Justice (Care and Protection of Children) Act, 2015.

Cases

1. *Shabnam Hashmi v. Union of India*, (2014) 4 SCC 1.
2. *Laxmi Kant Pandey v. Union of India*, AIR 1984 SC 469.
3. *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

Books

1. Paras Diwan, *Family Law in India* (Allahabad Law Agency).
2. M.P. Jain, *Indian Constitutional Law* (LexisNexis).
3. P. Ishwara Bhat, *Law and Social Transformation* (Eastern Book Company).
4. V.N. Shukla, *Constitution of India* (Eastern Book Company).

International Convention and Declarations

1. Geneva Declaration of the Rights of the Child, 1924.
2. Universal Declaration of Human Rights, 1948.
3. Declaration of the Rights of the Child, 1959.
4. The United Nations Convention on the Rights of the Child, 1989.
5. The European Convention on the Adoption of Children, 1967.
6. The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, 1993.
7. 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, 1986.

Reports and Government Sources

1. Central Adoption Resource Authority, "Annual Report 2023–24" (Ministry of Women and Child Development, Government of India, 2024), available at: https://cara.wcd.gov.in/PDF/annual/Annual%20Report%202023-24-English.pdf (last visited on May 18, 2026).
2. Central Adoption Resource Authority, "Adoption Statistics", Ministry of Women and Child Development, Government of India, available at: https://cara.wcd.gov.in/resource/adoption_Statistics.html (last visited on May 18, 2026).
3. Ministry of Women and Child Development, "Annual Report 2023–24" (Government of India, 2024).

Articles and Newspaper Sources

1. Saumya Kalia, "All about CARA, India's adoption regulation body" *The Hindu*, Nov 17, 2023, available at: https://www.thehindu.com (last visited on May 17, 2026).
2. Dipshi Swara, "Provisions Governing Adoption under Juvenile Justice Act, 2015: A Critical Analysis" II *Indian Journal of Integrated Research in Law* (2022), available at: https://ijirl.com/wp-content/uploads/2022/07/PROVISIONS-GOVERNING-ADOPTION-UNDER-JUVENILE-JUSTICE-ACT-2015-A-CRITICAL-ANALYSIS.pdf (last visited on May 22, 2026).
3. Rakshandha Darak, "Intercountry Adoptions: A Comparative Analysis between India and US Laws" III *Indian Journal of Integrated Research in Law* ___ (2023), available at: https://ijirl.com/wp-content/uploads/2023/05/INTERCOUNTRY-ADOPTIONS-A-COMPARATIVE-ANALYSIS-BETWEEN-INDIA-AND-US-LAWS.pdf (last visited on May 20, 2026).
4. Naruka Radha, "A Critical Study of Adoption Mechanism under the Juvenile Justice Care and Protection of Children Act 2015", available at: https://shodhganga.inflibnet.ac.in/handle/10603/630717 (last visited on May 18, 2026).

5. "Adoption Practices in India: Legalities and Challenges", available at: https://www.researchgate.net/publication/354272117_Adoption_Practices_in_India_Legalities_and_Challenges (last visited on May 20, 2026).
6. Varinder Kaur, "Institutional Legal Framework and Trends of Adoption in India: A Study with Special Reference to the Provisions and Safeguards for Children under Juvenile Justice Care and Protection", available at: https://www.researchgate.net/profile/Varinder-Kaur-17/publication/366215050_2877_Varinder_Kaur_INSTITUTIONAL_LEGAL_FRAMEWORK_AND_TRENDS_OF_ADOPTION_IN_INDIA_A_STUDY_WITH_SPECIAL_REFERENCE_TO_THE_PROVISIONS_AND_SAFEGUARDS_FOR_CHILDREN_UNDER_JUVENILE_JUSTICE_CARE_AND_PROTECTION.pdf (last visited on May 20, 2026).
7. Building Blocks Adoption Service, "The 6 Most Common Reasons People Adopt", available at: https://bbas.org/the-6-most-common-reasons-people-adopt/ (last visited on May 20, 2026).