

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UNSTARRED QUESTION NO.504
TO BE ANSWERED ON 20.07.2018

ADOPTION OF ORPHANED CHILDREN

504: SHRI GODSE HEMANT TUKARAM:

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state;

- (a) whether the Government has taken note that irregularities are committed by orphanages in the matter of adoption of orphaned children by issueless couples;
- (b) if so, the details thereof indicating the number of complaints reported in this regard during the last three years and the current year, State/UT-wise;
- (c) whether the children are being handed over by the orphanages to such issueless couples who did not apply online and are unregistered and if so, the details thereof; and
- (d) the action taken by the Government against the orphanages for not following the guidelines issued by the Government?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT
(DR. VIRENDRA KUMAR)

(a): Section 65 of Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) requires that every State Govt/UT shall recognise one or more institutions or organizations in each district as a Specialised Adoption Agency for the rehabilitation of orphan, abandoned or surrendered children, through adoption and non-institutional care. Section 65 (3), further, requires that the State Government shall get every Specialised Adoption Agency inspected at least once in a year and take necessary remedial measures, if required.

(b): Details of the cases of irregularities reported State-wise are tabulated underneath:-

S. No.	State	2015-16	2016-17	2017-18	2018-19
1.	Jharkhand	-	-	1	-
2.	Kerala	-	1	-	-
3.	Maharashtra	-	4	-	-
4.	Odisha	-	-	-	2
5.	West Bengal	-	1	2	-
	TOTAL	-	6	3	2

(c): One such incidence has come to notice in respect of 'Missionaries of Charity' in the State of Jharkhand. The primary responsibility of execution of the Act lies with the State Government, who are required to take necessary action in accordance to JJ Act and Adoption Regulation,

2017. The relevant Sections of the Act relating to registration of Child Care Institutions (CCIs), which includes SAAs, and penalty for non-registration are enumerated in Section 41 and 42 of JJ Act respectively. Section 41 requires that all institutions, which are meant, either wholly or partially, for housing children in need of care and protection or children in conflict with law, shall, be registered under this Act, within a period of six months from the date of commencement of this Act, regardless of whether they are receiving grants from the Central Government or the State Government. And Section 42 of JJ Act 2015 states that any person or persons in-charge of an institution failing to comply with the provisions of sub-section (1) of section 41 shall be punished with imprisonment which may extend to one year or a fine of not less than one lakh rupees or both, provided that every thirty days delay in applying for registration shall be considered as a separate offence. Further Section 80 of the Act is about Punitive measures for adoption without following prescribed procedures. This says that if any person or organisation offers or gives or receives, any orphan, abandoned or surrendered child, for the purpose of adoption without following the provisions or procedures as provided in this Act, such person or organisation shall be punishable with imprisonment of either description for a term which may extend upto three years, or with fine of one lakh rupees, or with both, provided in case where the offence is committed by a recognised adoption agency, in addition to the above punishment awarded to the persons in-charge of, and responsible for the conduct of the day-to-day affairs of the adoption agency, the registration of such agency under section 41 and its recognition under section 65 shall also be withdrawn for a minimum period of one year. In the event of any such irregularities the State is required to take action accordingly.

- (d): The concerned State Adoption Resource Agencies (SARA)/State Governments are requested to enquire into the matter of reported irregularity, if any, and take action as per the Act and the Regulations. In specific instances of violation of the Act and the Regulations, Show Cause Notices are being issued to the SAA and thereafter depending upon the gravity of violation by the SAA either fine is levied or their recognition is suspended/revoked. Details of the SAAs closed, State-wise, is **Annexed**. Further in the light of recent developments, State/UTs are being requested to ensure that all the registered institutions are linked to Specialized Adoption Agencies and are reflected in CARINGS, within a period of one month and to publish, this direction, for speedy execution, in the local newspaper to ensure compliance by the institutions within the stipulated period, failing which action may be taken against the non-complying institutions; to issue instructions for conducting inspection of all homes run by Missionaries of Charity in their State and for immediate identification of other such potential institutions/organisations which could be involved in unlawful activities; to conduct regular inspections of all institutions as prescribed under the Act; to ensure linkage of all the CCIs with the closest SAA within one month to provide opportunity for lawful adoption to the children, legally free for adoption, residing in those CCIs; to keep a close watch on the maternity homes and facilities which may act as a potential sources for illegal adoption and child trafficking; to create awareness amongst the public to help prevent such incidences.

Annexure

Annexure referred to in reply to part (d) of the Lok Sabha Unstarred Question No.504 for answer on 20.07.2018 raised by Shri Godse Hemant Tukaram regarding “Adoption of Orphaned Children”. Details of the closed SAAs.

S. No.	State	Name of the agency & district	Remarks
1	Bihar	Dr. B. R. Ambekar Harijan Kalyan Parishad	Due to irregularities
2		Nalanda Mother Teresa Anath Seva Ashram Nalanada	
3		Sarvangin Vikas Samiti, Purnea	
4			
5	Jharkhand	Joka Millenium Old Age Home, West Bengal	Closed by Govt. for allegations of Illegal Adoption
6		North Bengal People’s Development Centre, Jalpaiguri, West Bengal	
7		Mahila Jan Shishu Kalyan Kendra, Bokaro	Closed by Govt. contravening the provisions of Law and child trafficking
8		Foundation for National Reconstruction, Jamshedpur	Closed by Govt. contravening the provisions of Law
9	Madhya Pradesh	Shakuntala Parmar Samiti, Shivpuri	Closed by State Govt. due to reported child abuse
10		Janabhdyia Samaji Sanstha, Dewas	
11		Jujharu Samaj Sewi, Katni	Closed by State Govt. as SAA was not following the norms of the JJ Act
12		Smt. Geeta Devi Parmthik Lok Kalyan Samiti, Dewas	
13	Maharashtra	Jyotiba Phule Trust, Nanded	Closed by Govt. contravening the provisions of Law
14		Marwadi Charitable Trust, Jalna	
15		Marwadi Charitable Trust, Jalgaon	
16		Marwadi Charitable Trust, Jalna	Matter is under process
17	Uttar Pradesh	Shishu Grih Kandhari Bejor, Faizabad	Closed due to irregularities in following the provisions under the JJ Act, 2015 & Adoption Regulation, 2017.
18		Maa Vindhyaivasini Mahila Prashikshan Evam Samaj Sewa Sanstha, Deoria	
19		Dwarika Samaj Kalyan Samiti, Agra	
20		Shanti Devi Memorial Gram Vikas Kanpur, Dehat	
21		Kanpur Hindu Anathalay, Kanpur Nagar	
22		Shri Ram Udhhyogic Anathalay, Lucknow	
23		Mahadev Shishu Greha, Mirzapur	
24	Lakshmi Shishu Greha, Varanasi	On the basis of inspection by the State Govt. and the SAA was de licensed.	
25	Shree Radha Krishna Bal Greh, Varanasi		
26	Missionaries of Charity, Ahmadabad		
27	Gujarat	Vikas Vidhyalaya, Surendra Nagar	Due to irregularities in following the provisions under the JJ Act, 2015 & Adoption Regulation, 2017.
28		Mahajan Orphanage, Surat	SAA already removed from CARINGS.

Source:CARA