

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UNSTARRED QUESTION NO.2210
TO BE ANSWERED ON 10.12.2021

CHILD WELFARE COMMITTEE

2210. SHRI HIBI EDEN :

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

- (a) whether the Government is continuously monitoring the activities of child welfare committee of Kerala and if so, the details thereof and the reasons therefor;
- (b) whether for adoption, the child must have a certificate that he is legally free, if so, the details including the steps that have to be taken when biological parents have not given their consent of their own free will;
- (c) whether for adoption the biological parents of such children have been counselled and informed of the fact that the baby will be adopted and all their legal rights over the baby will be terminated and if so, the details thereof; and
- (d) whether the Government is of the opinion that the Child Welfare Committee of Kerala failed in complying with the norms for adoption in a recent controversial case and if so, the appropriate action taken/ proposed to be taken by the Government in this regard?

ANSWER

MINISTER OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI SMRITI ZUBIN IRANI)

(a) : The Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) provisions quarterly review of functioning of the Child Welfare Committee (CWC) by the District Magistrate. As per information received from the state Government of Kerala, the quarterly review of the 14 Child Welfare Committees constituted in the State is conducted by the District Magistrate.

(b) : Yes, Sir. The adoption process is carried out as per the provisions of the JJ Act and Adoption Regulations, 2017. In case of orphaned or abandoned or surrendered child, the child must have a certificate from the Child Welfare Committee that he or she is legally free. In case of surrendered child, a surrender deed is executed by the parent or guardian before the Child Welfare Committee, which clearly mentions that the child may be adopted by a person residing in India or abroad and the parent or guardian gives their consent for the purpose. After the deed of surrender, the child is considered for declaring legally free for adoption by the Child Welfare Committee.

(c) : As per the JJ Act, the parents or guardian who surrendered the child, shall be given two months' time to reconsider their decision. To discourage surrender by biological parents, the Adoption Regulations, 2017 stipulates that efforts shall be made by the Specialized Adoption Agency or the CWC for exploring the possibility of parents retaining the child, which shall include counseling or linking them to the counseling centre set up at the Central Adoption Resource Authority of State Adoption Resource Agency, encouraging them to retain the child and explaining that the process of surrender is irrevocable.

(d) : The primary responsibility of implementation of the JJ Act lies with the respective State/UT Governments. As per the Juvenile Justice (Care and Protection of Children) Model Rules, 2016, any officer/institution, statutory body etc., who fails to comply with the provisions of the Act and the Rules framed thereunder, the State Government may take action against such officer/ institution, statutory body etc. after due inquiry and simultaneously make alternative arrangements for discharge of functions for effective implementation of the Act.
