

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UNSTARRED QUESTION NO. 3418
TO BE ANSWERED ON 17.12.2021

REFORM OF CHILD ADOPTION PROCEDURE

3418. SHRI N.K. PREMACHANDRAN:

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

- (a) whether the Government proposes to reform the procedure for adoption of child, if so, the details thereof;
- (b) whether the Government proposes to bring legislation for protection of new born children and their rights and if so, the action taken thereon;
- (c) whether it has come to the notice of the Government that Child Welfare Committee (CWCs) are creating many issues due to their partiality and infringement of rights of children and if so, the remedial action taken thereon;
- (d) the details regarding the complaints lodged against the chairperson and members of CWC in Kerala during the last five years;
- (e) whether the Government proposes to amend qualification criteria for appointment as Chairperson and members of CWC; and
- (f) if so, the details thereof?

ANSWER

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

(a) & (b) : The Juvenile Justice (Care and Protection of Children) Act (JJ Act), 2015 is the primary legislation for children in need of care and protection and children alleged and found to be in conflict with law. The JJ Act, 2015 and the Adoption Regulations, 2017 thereunder prescribe procedure for adoption of children under the JJ Act, 2015. The Government has notified the Juvenile Justice (Care and Protection of Children) Amendment Act (JJ Amendment Act), 2021 to strengthen child protection under the JJ Act, 2015.

(c) : The primary responsibility of implementation of the JJ Act lies with the State/UT Government and the JJ Act, 2015 provisions quarterly review of functioning of the Child Welfare Committee (CWC) by the District Magistrate. 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.

(d) : As per information received from the State Government of Kerala, the action taken against Child Welfare Committee members during the last 5 years is as follows:

- i. Fr. Thomas Joseph Therakom, Child Welfare Committee Chairman and Sr. Betty, Child Welfare Committee Member of Wayanad District were suspended during 2017 as per G.O. 599/2017 S.J.D since the committee was alleged that the admission procedures of a new born child of a minor, who was the victim of Wayanad Kottiyoor rape case, was not conducted properly.
- ii. Palakkad Child Welfare Committee Chairman, Ad. N. Rajesh appeared in the court for the defendants of a POCSO case and allegations arose that he misused his responsibility as a Child Welfare Committee Chairman. Based on the inquiry report he was dismissed from the Committee as per G.O. (Rt) No.678/2019/SJD dated 17.02.2020.
- iii. Dr. E. D. Joseph, Kannur Child Welfare Committee Chairman was removed from the official responsibilities as per G.O.(Rt) No. 690/2021/SJD dated on 07.12.2020 since the children who were witnesses of a POCSO case were mistreated by him.
- iv. As per the complaint received and prima facie it was discovered that the Pathanamthitta Child welfare Committee failed to fulfill its responsibilities as per Juvenile Justice Act. Therefore, as per the G.O.(Rt)No.261/2021/SJD dated 27.04.2021, the Committee was suspended from performing the official duties.

(e) & (f) : The JJ Amendment Act, 2021 introduces eligibility conditions for appointment of the members of the Child Welfare Committee.
