

**ANALYZING ADOPTION SYSTEM IN INDIA: CHANGING SCENARIOS  
AND CHALLENGES WITH SPECIAL REFERENCE TO THE STATE OF**

**DELHI**

A Thesis

Submitted in partial fulfillment of the requirements for the  
award of the degree of

**DOCTOR OF PHILOSOPHY**

in

**POLITICAL SCIENCE**

By

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By

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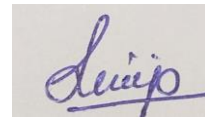
**LOVELY PROFESSIONAL UNIVERSITY**

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## DECLARATION

I, Sini Paul, hereby declare that the thesis titled “Analyzing Adoption System in India: Changing Scenarios and Challenges with Special Reference to the State of Delhi” has been prepared by me under the guidance of the Dr.Vinod CV, Assistant Professor, Department of Political Science, Lovely Professional University, Phagwara, Punjab in partial fulfillment of the requirement for the award of the degree of Doctor of Philosophy. No part of this thesis has formed previously the basis for the award of any degree, Diploma and fellowship.



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## **CERTIFICATE**

This is certified that Ms. Sini Paul has prepared her thesis titled “Analysing Adoption System in India: Changing Scenarios and Challenges with Special Reference to the State of Delhi” for the award of the PhD degree of Lovely professional University, Punjab under my guidance and supervision. To the best of my knowledge the present work is an original contribution with the existing knowledge. This work has not submitted in part or full for any Degree or Diploma to any university. The thesis is fit for submission and the fulfillment of the conditions for the award of degree of Doctor of Philosophy in Political Science.



Date: 31/01/2022

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## **Abstract**

Childbearing is highly valued irrespective of cultural values across most societies as having children is an essential part of life in most individuals and cultures world over. Being infertile or having no offerings is considered as a personal tragedy. It affects entire family and local communities. Adoption is considered as an alternate way of extending families over historical time across civilizations. However, the 19<sup>th</sup> century witnessed de-institutionalization movement in the west that historically encouraged child adoption and foster care placements in families. The legislations pertaining to adoption have evolved more systematic that increasingly emphasised on needs to assess the parents' character and means to adoptive parents to monitor the quality of adoptive relationship. Adoption therefore became a process than just merely an agreement bond executed between two consenting parties.

In India, the period of adoption, policies and legislations were inaugurated in British India in order to provide care and protection to children e.g., The Children's Act enacted in Bombay and Madras Presidencies in 1920. The practice of adoption has undergone significant changes over the last two decades due to a series of post-independent social legislations and policies locating within the background of international conventions.

Adoption as a social institution in India as elsewhere has received relatively little interdisciplinary attention, despite the fact that Indian socio-religious and economic factors have historically shaped adoption practices in contemporary times alongside international legislative movements and subsequent national responses. Subsequently, it has been widely recognized as an important need to examine how historically socio-religious and economic factors, which have continued to influence adoption in

contemporary India. In response to this felt need to generate insights, the researcher has made a focused effort to trace the historical evolution of adoption practices in India during ancient, medieval and modern times, apart from the qualitative phenomenology of adoption experience of adoptive parents and adopted children in India.

### **Methods:**

The researcher concurrently used both primary and secondary research approaches with conventional review of pertinent literature and a qualitative phenomenological investigation. For conducting review of literature, the researcher used historical review adopting five generic steps in narrative reviews namely research formulation, literature search and screening, assessing quality and critical analysis. In primary investigation, the researcher used phenomenological approach to qualitative investigation. As part of this, in-depth interviews with adoptive parents, adopted children and adoption facilitating professionals such as social workers and layers were conducted. The qualitative data analysis was performed by using narrative thematic analysis strategy.

### **Findings**

The concept adoption is not a static one rather dynamic as it has a temporal, the dimension, where adoption motives strictly from religious reasons during ancient time had been evolved to meet the welfare and psychosocial needs of an adopted child and adoptive parents.

Adoption as an institution in ancient India largely helped to further family lineage, inheritance of property and succession. It was practiced as an institution to help

sonless fathers to further family name and lineage and get last rite and rituals performed as Hindu scriptures prescribes to obtain salvation of souls and afterlife. Nevertheless, the inter-caste adoptions especially from higher to lower caste adoptions had not practiced. The son preference was evident in adoption whereas female girls' adoption were less frequently observed in ancient India despite the fact that in Indian mythology, there were dominant stories of female girls' adoptions. Additionally, the women parents enjoyed no or relatively less rights to adopt child. Hence, the gender, caste and religious beliefs significantly shaped the institution of adoption in ancient India.

In contemporary time, the social categories namely caste, ethnicity and social class alongside gender continue to influence adoption. Hence, there is a sheer need to conceptualize child adoption and related concerns from an inter-disciplinary perspective since this institution have historical, social, biological, psychological and developmental aspects in it. International treaties, conventions, declarations, and covenants on the protection of the rights of child under United Nations Organizations (UNO) and its organs in post-colonial India's social legislations and social policies pertaining to the institution of child adoption and child rights have taken up a revolutionary course that aim at protecting the best interest of the child principle. Appropriate and timely judicial activism at apex level has helped to regularize and monitor protection of the best interest of the child in both inter-country and in-country adoptions, even in the absence of a uniform civil code regarding adoption regulation in India. Hence, the role of judiciary in establishing and supervising child adoption in India under Central Adoption Resource Authority (CARA) has been instrumental towards protecting the rights of the child in India placed for adoption.

The narrative thematic analyses yielded five thematic areas viz., child adoption preparedness, adoption experiences, emotional and psychological responses, social responses to adoption and social support and adoption. The narratives on adoption motives in adoptive parents, their worldviews and personal philosophies of adoption decision were articulated in this study. The results revealed that the adoption procedures, adoption experiences and perceptions of change in their lives after adoption. Additionally, the subthemes further identified were ignoring differences between natural and adopted children, disclosure adoption concerns and adoption stigma. The social responses to adoption contain child adoption decision invokes diverse responses from people around the couple system when partner within the couple system, parents, family members, neighbours and friends. The study revealed the critical role of social support acting as instrumental for adoptive parents, wherein social support arises from friends, colleagues and neighbours.

## **Conclusions**

When critically weighing the evidences generated in these primary and secondary investigations, it was clear that socio-economic and religious factors significantly influenced evolution of child adoption as an institution over ancient, medieval and modern times. Although, colonial era inaugurated a new sense welfare oriented child adoption entrusting the child safety and protection as a state subject. Given the context of treaties, covenants, and legal frameworks under UN and its organs, and India being signatory in most of such treaties and covenants, post colonial India witnessed substantial changes in the fields of child adoption. The noted characteristics of increased inter-country adoption during 1960s to 1980s and a subsequent change of course from inter-country to a boom of domestic adoption, thanks to the effective judicial activism by the supreme court of India. It helped to brought out systematic procedures and guidelines in practice under Central Adoption Resource Authority

that regularize and monitored every adoption in India. It further helped in ensuring the best interest of the child placed for adoption with a due emphasis for in-country adoption as a priority. Such efforts were instrumental in ensuring a home for every orphan child, who in turn experience wellbeing, meeting their psychosocial and emotional needs for intimacy, safety and security finally leading to optimal child growth and development

***Key words: Child adoption, Childbearing, social support, Legislations, Central Adoption Resource Authority***



## **Acknowledgement**

The research and associated knowledge gathered for writing this thesis have helped me to understand the problems faced by adopting parents and institutions in the context of the multi-cultural and multi-religious praxis with their unique laws and customs, and to look for a uniform policy of adoption acceptable to all. With immense pleasure and gratitude, I would like to express my deep sense of thanks to everyone who supported me during my endeavour to complete the research work for my doctoral thesis.

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## LIST OF ABBREVIATIONS

1. CRC - CONVENTION OF THE RIGHTS OF CHILD
2. JJA - JUVENILE JUSTICE ACT
3. HAMA - HINDU ADOPTION AND MAINTENANCE ACT
4. GAWA - GUARDIANS AND WARDS ACT
5. CARA - CENTRAL ADOPTION RESOURCE AUTHORITY
6. ICSW - INDIAN COUNCIL OF SOCIAL WORK
7. MWCD - MINISTRY OF WOMEN AND  
CHILD DEVELOPMENT
8. UN - UNITED NATIONS
9. HLR - HISTORICAL LITERATURE REVIEW
10. HRL - HISTORICAL REVIEW OF LITERATURE
11. ACA - ADOPTION COORDINATION AGENCY
12. NCR - NATIONAL CAPITAL REGION
13. IDIs - IN-DEPTH INTERVIEWS
14. KIIs - KEY-INFORMANT INTERVIEWS
15. IVF - IN-VITRO FERTILIZATION
16. UNO - UNITED NATIONS ORGANIZATIONS

17. CARINGS - CHILD ADOPTION RESOURCE INFORMATION  
AND GUIDANCE SYSTEM

# Chapter-1

## INTRODUCTION

The first chapter titled '*Introduction,*' initially set the background of child adoption in the context of the Indian socio-cultural milieu in relation to childlessness and the associated socio-cultural and religious significance of having children. The introduction chapter further provides a concise overview of adoption over historical periods and links with adoption practices in contemporary times. National legislations, constitutional safeguards, and international conventions on the rights of child were precisely reviewed to set the context of the study leading to the problem statement. The chapter ends with concluding remarks with transition sentence to connect with subsequent chapter. The following are the chapter contents by which the first chapter is organized.

### **Chapter contents:**

1.0. Background

1.1. Convention of the Rights of Child, 1989

1.2. Progressive social legislations and polices shaping adoption in India

1.3. Hindu Adoption and Maintenance Act 1956

1.4. Guardians and Wards Act 1890

1.5. Juvenile Justice Act, 2000

1.6. Indian Judiciary and Law



1.7. Problem statement

1.8. Significance and scope

1.9. Concluding remarks

**1.0. Background:** Childbearing is highly appreciated in most communities, regardless of cultural norms, because having children is an integral component of life for most people and cultures around the world. Being infertile or having no offerings is considered as a personal tragedy as well as a curse! It affects the entire family and local communities (Adewunmi et al, 2012). Infertile couples encounter issues ranging from outright rejection to subtle stigma, resulting in psychological trauma and solitude, particularly in developing nations such as India, where childbirth is considered as highly essential and valued (Rutstein & Shah, 2012; Dyer, 2007). In addition, our social system is characterized by poor social security measures, which compel older people to be completely dependent on their adult offerings (Jose, 2019). Child adoption in most of such situations remains as a treatment option for childless couples in contemporary times which demands a systematic analysis of the adoption system in our country emphasising on changing scenarios as well as challenges that faced by the childless couple to access and avail offspring through the process of adoption. As a result, it is important to appraise historical, legal, and social legacies that form and shape adoption practices in India as we observe today in India.

Child adoption is an ancient practice evident in most civilizations like ancient Greek, India and China (Brosnan, 1922; Huard, 1956). Adoption is therefore as old as human civilizations while the motivations for adoption have substantially been changed over historical periods (Benet, 1976). Adoption is now mostly used to provide a home for

children who have been abandoned by their parents, as well as to fulfil the desire of individuals or couples to care for and raise a child (Goody, 1969; Tizard, 1977).

Experts in child welfare started to emphasise the importance of family as the best environment for bringing up children who had been abandoned by their birth parents. And this position was supported by the compelling body of empirical evidences unequivocally establishing the negative effect of institutionalization on children's emotional development (Hendricks, 2003; Shapiro et al, 2001). As a result, many states have promoted the adoption of children into families instead of institutionalization, who cannot be reunited with their own natural families. However, in the past, communities saw adoption as a means of preserving family lineage, allowing ancestor worship to continue, forming political relationships, and assuring care for adoptive parents in their later years (Derrett, 1957; Gardner, 1998).

The objective of child adoption in previous societies was religious, as well as to meet the interests of adopted parents, such as the need to preserve and transmit family lines, genealogy, or inheritance. As societies became more concerned about children's development, legislation was enacted to strengthen a child's right to a family. During the nineteenth century, the de-institutionalization movement historically encouraged child adoption and foster care placements in families. Adoption legislation has become more methodical, with a stronger focus on the need to analyse the parents' character and provide tools for adoptive parents to check the condition of the adoptive connection. Adoption, therefore, became a process than just merely an agreement bond executed between two consenting parties. Nowadays, authorities have the power to terminate the natural parenting of birth parents and assign this to adoptive parents or institutions in order to protect the best interest of the child (United Nations, 2009).

Adoption practices in India have been evolved historically and are heavily influenced by the Hindu religion, its age-old hierarchical social organization of caste, patriarchal family system and kinship. Indian epics and historical records of saints and royals' evidence the practices of adoption. Indian epics of Ramayana and Mahabharata bear reference to adoption in Hinduism. Sons are important in Hindu mythology and custom, and a dead parent's spirit can only reach heaven if he has a son to fire his funeral prayer. As a result, only sons who perform ancestral devotion will be able to save their souls (Vlassof, 1990). As evident, Hindu mythology prescribes adoption of sons was indeed important for performing the last rite and for the continuation of the lineage; whereas, the female child can't redeem the deceased from hell or save from suffering after life. Further, Hindu scriptures did not allow daughters and wives to perform the last rite (Sajwan, 2018). As a result, neither girl children were not adopted nor were women allowed to adopt a child. In this sense, the ancient system of adoption in India was patriarchal and gender-biased against women (Kaur & Kapoor, 2021).

The duty one owes to his ancestor to provide the continuation of line and the solemnization of the requisite rites is evidently the cornerstone of the Hindu idea of adoption (Sanatan, 1933). According to Manu, "boy, equal by caste, whom his mother or his father affectionately gives a confirming gift with a liberation of water, in times at distress to a man as his son for he is without a son, must be considered as an adopted son." Similarly, Vedas declares "Endless are the worlds who have sons, there is no place for a man who is destitute of male offering".

Indeed, traditional adoption in India were private affairs where adopted were adults involved, patriarchal and male child of the kin becoming the beneficiary (Mehta,

2009). Such practices were known as kinship adoption which used to occur within extended families

In the absence of a universal definition in currency, there are definitions to adoption by different perspectives, which are religious and secular in nature. From a Hindu religious perspective, 'adoption is the taking of the child of another as a substitute for the failure of his own natural child of the same sex. As per Manu, "taking of a son, as a substitute for the failure of a man issue". In his book of "Hindu Law," DN Aggarwal defines adoption as, "a fiction of Hindu law by virtue of which the necessary legal requirements and formalities are fulfilled, a person ceases to be the child of his or her natural parents and becomes the son or daughter of his or her adoptive parents". Hindu Code Bill has also attempted to give a brief definition of adoption saying that: 'adoption is a formal recognition of a person as the son of another' (Gaur, 1978; p.763).

Adoption is defined by Black's Law Dictionary as "the act of taking another's child into one's own family, treating him or her as one's own, and giving him or her all the rights and duties of one's own child, characterised by judicial act between two persons solely on civil, paternity, and filiations." Adoption is described as the civil death of a kid in the natural born family and the legal birth of a child in the adoptive family from a secular standpoint. It's nothing more than a youngster being moved from one home to another. This religious deed of adoption would bring happiness to a child without a home and parents without a child. It could be a blessing for one or both of you (Nair, 2016; p.9). Adoption is further been defined from a secular fabric that "adoption is an establishment of a parent-child relationship through a legal and social process other than the birth process".

Furthermore, the child of one set of parents becomes the child of another set of parents as a result of this (Ananthalakshmi et al, 2001). In 2000, the Juvenile Justice Act introduced the notion of secular adoption, which appears to provide all people with the right to adopt and all children the right to be adopted without regard to their community or religious beliefs. Nevertheless, this right does not recognize the status of children par with biological and legitimate children. Thus, later in Juvenile Justice Act (Care and Protection of Children) 2006 has defined adoption as a “process through which adopted child is permanently separated from biological parents and becomes legitimate child of adoptive parents with all rights, privileges and responsibilities that are attached to the relationships.” As a result, the Juvenile Justice Act (Care and Protection of Children) Act of 2006 explicitly acknowledged adoption as a means of ensuring the right to family for orphans, abandoned children, and children who have been surrendered.

There are diverse forms of adoption in practices; however, different authorities provide differing typologies. Infausto (1969) proposed four types of adoptions viz., domestic and international adoptions, interracial adoption and foster care. Domestic adoption refers to a relative who adopts a child that another relative is no longer able to care for a non-relative adopting a child. In non-relative adoption, there are two types viz., private placement or an adoption through an authorized agency (Infausto, 1969, p. 8). Whereas, international adoption refers to the process of countries that are unable to find adoptive parents domestically allowing adoptions between themselves and other countries (Daugherty Bailey, 2009, p. 170). Additionally, interracial adoptions can occur either domestic or international as a parent of a different race adopts a child (Perry, 2009; p.837). And “foster-care provides children with both

temporary and long-term options for child growth and developments, as well as a safe, nurturing and a stable relationship in the family” (Rodger, Cummings & Leschied, 2004; p.1130).

**1.1. Convention of the Rights of Child, 1989:** In article 20 of the CRC, 1989 defines adoption: “A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the state”. In accordance with their national legislation, the state parties must provide substitute care. Alternate care must also take into account the child's ethnic, cultural, religious, and linguistic backgrounds, as well as the child's continuity of care. Article 21 stipulates that State Parties acknowledge and/or allow the adoption system to guarantee that the child's best interests are prioritised. They make sure that a child's adoption is only authorised by competent authorities who ascertain, in line with legislation and practises, and based on all pertinent and reliable information, that the adoption is acceptable in light of the child's social position with respect to parents, family members, or legal guardians, and that, if required, the persons concerned have given their consent.

India being a signatory of Convention of the Rights of Child 1989 and Hague Convention for Protection of Children 1993, there are consistent changes in legislative measures in India that adopt universal norms on child rights and problems related to child welfare. Additionally, the amalgamation of old child welfare legislations such as Hindu Adoption and Maintenance Act of 1956; JJ Act 2000 and subsequent revision in 2006 in the background of universal normative prescriptions under the United

Nations ensured structural space for the establishment of an adoption system in which people belong to different religions were enabled to legally adopt children.

**1.2. Progressive social legislation and policies shaping adoption in India:** India neither have completed and holistic legislation that addresses the interest of an adopted child nor guidelines established to address a child's right to know the identity of his/her biological parents (Kothari,----). Nevertheless, adoption and guardianships are religiously determined in India; where Indian Hindus enjoyed the right to adopt a child for all purposes under Hindu Adoption and Maintenance Act, 1956. Whereas, all other religious minorities do not enjoy this right and in lieu, minority Indians of other religions such as Muslims, Christians, Jews and Parses, there is another enactment entitled: Guardians and Wards Act 1890 accord adoptive parents the right of guardianship for minor children until they attain the age of 18 years (Mishra, 2015; Bhargava, 2005).

Notwithstanding, there were a series of attempts at the national level to enact uniform laws governing child adoption but failed due to the strong resistance of minority religions. For an instance, Muslims in India demand to exclude them from the proposed 'The Adoption of Children Bill 1972, and in the 1980s, Parsis also opposed this bill on the same ground. The National Adoption Bill was tabled in the Indian parliament two times during the 1970s but failed to enact. These attempts by India's parliament to implement a secular adoption law, according to Bajpai (2018), highlighted the harsh reality of inaction and action without conviction on the part of the legislature. In the absence of a uniform secular law that governs adoption practices in India left vacuum, which was filled with several incompetent practices by child placement agencies; thus, the early adoption practices during post-independent

periods considerably ignored the best interest of the child whereas such incompetent practices were often tailored to meet the needs of adults rather child (Chandra & Shree,2011). As a result, nearly two-thirds of the children were placed abroad which discouraged domestic adoption during the 1960 and 1970s (Bharat, 1993). Intensified focus on international adoption had reduced domestic adoption while it also increased a public concern on international adoption as '*baby selling*' (Groza, V., & Bunkers, K. M. (2014).

**1.3. Hindu Adoption and Maintenance Act 1956:** As per inheritance rights are confirmed to the adopted child, therefore, the adopted child enjoys the natural rights to inherit as natural children of kinship enjoys. As per HAMA 1956, devolution of property based on kinship is not strictly adhered to. Hindu law considers an adopted child of a Hindu father or mother as a natural child for all purposes (Hindu Marriage Act, 1956). Nonetheless, an illegitimate child born out of a legal, invalid, or unenforceable Hindu marriage cannot claim a share of the father's co-ownership property or separate property, but can claim a share of the mother's separate property (Mishra, 2015).

**1.4. Guardians and Wards Act 1890:** It allows people from all religions to take up the 'guardianship' of a child through a court order. In the absence of established legislation in India, the Guardians and Wards Act of 1890 fills the void by granting guardians the right to custody of a minor and to treat him or her as if he or she were their own child. The continuation of guardianship is at the discretion of the court and ceases when the ward reaches adulthood of maturity; consequently, wards does not have any liability. Moreover, if any of them dies intestate, neither the guardian nor the ward has any right to inherit the other's property. As a result of GAWA, 1890, the



ward has no rights of inheritance; the only way for guardians to transfer property to the ward is by gift or will, and failure of a guardian to make a legacy for future generations in the ward's favour results in devolved powers of property, which means property passes to the guardian's heirs, that do not include the ward.

**1.5. Juvenile Justice Act, 2000:** It permits adult Indian citizens to adopt abandoned and neglected children and it secularizes the adoption in India; whereas, the act recognises adoption as one among many ways to rehabilitate and socially integrate children in conflict with law and children in need of care and protection. Adoption, according to JJA (2006), is a "process through which an adopted kid is permanently separated from his or her original parents and becomes a legitimate child of his or her adoptive parents, with all the rights, benefits, and obligations that come with the relationship." In accordance with the best interest of the child idea, adoption has been delinked from adopting parents' religion by section 40 of the JJ Act of 2000. It boosts adoption and expands its availability, as well as provides relief to children in need of care and protection.

Nevertheless, there are many inconsistencies and limitations. Mishra (2015) proposed three aspects of limitation adoption under the JJA, 2006. To begin with, this legislation only applies when a child seeking adoption meets the criteria of being an orphaned, abandoned, or relinquished child, or a child in need of care and protection. Second, a state government must establish a board, and if a state fails to do so, a child born in that state cannot be placed for adoption under the JJ Act 2000. Finally, it establishes adoption as a means of rehabilitation but does not give remedies in cases when adoption is prohibited by the adoptive parent's personal law; in cases where the Act grants the right to adoption but does not address the problems that come with it.

**1.6. Indian Judiciary and Law:** In a landmark judgement in 1984, as an outcome of Lakshmi Kant Pandey vs. Union of India (CARA, 2015) has regularized adoption in India in terms of inter-country adoption as well as domestic adoption. It emphasised, the privileged Indian parents, to adopt, and systematized domestic adoption. It shifted the focus from adult-centric adoption to child-centric adoption. The Indian Council of Social Work (ICSW) has been directed by the Supreme Court to produce recommendations based on the group work of United Nations experts (Healy & Link,2012). In the draught ICSW standards, social and legal aspects relating to the safety and welfare of children are discussed, with a focus on foster care and international adoption.

Open adoptions were closed, links between adoptive and birth families were severed, and no identifying information was to be shared following the 1984 period when the state was given the power to intervene and regulate adoption. As a result, open adoptions were closed, links between adoptive and birth families were severed, and none of the identifying information was to be shared. Under the Ministry of Child and Family Welfare, Central Adoption Resource Agency (CARA) was constituted in 1990 and 1998, it was reconstituted as an autonomous body under the Ministry of Women and Child Development (MWCD). Evidently, these developments indicate the state's changing visions and priorities on the institution of adoption and its parties: viz., children, parents and families. Fertility reductions, availability of contraceptive methods, abortion regulations, greater women's job and social participation, growth in the age of marriage, postponement of childbirth, and legal acknowledgement of single moms are all key variables that intensify adoption in the worldwide setting (Frontline, 2005).

**1.7. Problem statement:** The Nineteenth century witnessed the de-institutionalization movement in the west, which historically encouraged child adoption and foster care placements in families.

Adoption legislation has become more comprehensive, with a greater emphasis on the need to analyse the parents' character and provide tools for adoptive parents to monitor the quality of the adoptive connection. As a result, adoption evolved into more than a simple agreement between two consenting parties (United Nations, 2009).

Nevertheless, the period of adoption policies and legislations were indeed inaugurated in British India in order to provide care and protection to children e.g., The Children's Act that was enacted in Bombay and Madras Presidencies in 1920 (Bhargava, 2005). The Post-independence period witnessed progressive social policies and legislations concerning adoption practices (Apparao, 1997). Adoption studies in India are in socio-religious and secular perspectives. The practise of adoption has undergone significant changes over the last two decades due to a series of post-independent social legislation and policies located within the background of international conventions such as the Hague Convention of 1993, UN Convention on the Rights of Child (Art.21), Hague Convention on Inter-country Adoption in 2003, in which India is a signatory.

Since historical times, the objective of adoption in India has been primarily religious, addressing the demands of adoptive parents to preserve and perpetuate the family's history and inheritance. Arguably, Indian socio-religious and economic factors have historically shaped adoption practices in contemporary times alongside international

legislative movements and subsequent national responses. However, there is an immediate need to understand how historically socio-religious and economic factors continue to influence adoption in contemporary India. As a result, this study examined contemporary adoption practices in India from a historical perspective.

Concurrently, international discourses and child rights movements worldwide, including the International Convention on the Rights of Child 1989 (CRC) under the United Nations, India being a signatory, is more sensitive towards child rights, which also accounted for the development and growth needs of children who were orphans and destitute and in conflict with the law (United Nations, 2009). Juvenile Justice Act 2000 and subsequent revision in 2006 emphasised the principle of ‘best interest of the child’ (United Nations, 2009; Mishra, 2015). Progressive social legislation was enacted that strengthened a child’s right to have a family. Arguably, a more systematic review of national and international laws, legislation and policy frameworks, which govern adoption practices indeed helped to understand how international legislative discourses under the United Nations influence progressive social legislation, enactments and social policies that protect the best interest of the child in adoption practices in India.

In *Lakshmi Kant Pandey vs. Union of India*, the Indian judiciary has regularized both domestic and inter-country adoption. It privileged Indian parents to adopt and also systematized the domestic adoption procedures. It shifted the focus from adult-centric adoption to child-centric adoption. As a result, the state was given the authority to intervene in and control adoption, and open adoptions were ended, relationships between adoptive and birth families were destroyed, and no identifying information

was to be disclosed. Such developments indicate changing priorities on adoption and its parties: viz., children, parents and families. There is an absence of a well-articulated review of evidences to identify the role of the Indian judiciary in transforming adoption practices in contemporary India. Thus, we examined the role of the Indian judiciary in adoption practices in contemporary India.

There is a limited understanding of how socio-religious and secular or progressive social welfare perspectives influencing adoption policies and practices evolved in India over historical time. The purpose of this study was to examine how contemporary adoption practices in India have been evolved from a historical perspective. Additionally, this study shall also conduct a situational analysis of adoption practices in the state of Delhi.

**1.8. Significance and scope:** Adoption as a social institution in India as elsewhere (Fisher, 2003) has received relatively little interdisciplinary attention, despite the fact that Indian socio-religious and economic factors have historically shaped adoption practices in contemporary times alongside international legislative movements and subsequent national responses. Subsequently, it has been widely recognized as an important need to examine how historically socio-religious and economic factors, which have continued to influence adoption in contemporary India. In response to this felt need to generate insights, the researcher has made a focused effort to trace the historical evolution of adoption practices in India during ancient, medieval and modern times.

Using the Historical Literature Review (HLR) approach to this enquiry, the researcher conducted a combination of systematic conventional review approaches to this inquiry into how adoption had been practised in ancient, medieval and modern times in India. Such an approach to this investigation has helped the researcher to identify the nature and pattern of adoption in contemporary India. For an instance, adoption with an intention to further family lineage and avail last rite for parents with no male offerings, although predominantly an ancient Indian conception. This review identified continued hangover of such conceptions, although the nature and scope of adoption have broadened in contemporary India. Nevertheless, the investigation also identified that adoption has been no longer practised in contemporary India for religious reasons alone. In lieu, there is an increasing realization that the act of child adoption is a welfare option institutionalized through social legislations and policies (Bhaskar et al, 2012; Groza et al, 2003). Additionally, this investigation also provided insights on how the religion of Islam influenced the institution of adoption in medieval India.

Evidently, the study found a new era of progressive social policies and social legislations initially in British India and a much-accelerated manner in post-colonial India. Child adoption is predominately child-centric based on the best interest of the child principle, thanks to the international developments in the areas of child rights, child protection, child care and support under the United Nations and its organs and subsequently by national governments, including India.

The phenomenological study explored the '*essence*' of the adoption experience of adoptive parents through uncovering the meaning of adoption to parents. It further explored the '*living*

*through experience*' of being adoptive parents in daily life. Hence, this phenomenological study yielded insights into the child adoption preparedness, experiences and emotional, psychological and social responses to adoption. It explored narratives on factors influencing adoption motives in adoptive parents, their perspectives on adoption, parental personal philosophy and adoption decision. This study further examined the barriers and concerns of prospective adoptive parents in the adoption process with special reference to adoption procedures, adoption experiences and parental perceptions of change in their lives after adoption.

Using both primary and secondary study approaches, this study attempted for a comprehensive review of secondary literature on adoption from a historical perspective with due emphasis on the historical evolution of adoption, reviewed national and international laws, legislation and policy frameworks governing adoption practices alongside a due emphasis on the role of the judiciary in adoption practices in India. Concurrently, this study also explored the parental and children's perspectives and experiences of adoption in the state of Delhi. In methodological and philosophical approaches to the study of adoption, this thesis is unique and novel in tracing historical roots, reviewing laws and legislation at national and international perspectives converging with experimental aspects of being adopted and being adoptive provide interdisciplinary perspectives.

**1.9. Concluding remarks:** This introduction chapter defines child adoption and provides a critical overview of the institution of child adoption over historical times in India. Initially, the chapter delineates the social and religious factors authenticating the institution. In addition, the chapter provided a critical reflection on existing international as well as national conventions, national constitutional safeguards and

legislation governing child adoption practices. The present study adopted a conventional review cum phenomenological investigation; therefore, the research methodology chapter details the methodological and systematic decisions the researcher arrived at.



# Chapter-2

## Research Methodology

**2.1.0. Chapter overview:** The chapter entitled '*Research Methodology*' has two important sections namely the study background and Research Methods. In setting up study background has three important subsections viz., the background of the study, research questions and specific objectives of this study. In the Research Methods, two important sub-sections detail the two forms of research methods used initially the Historical Review of Literature (HRL) and Qualitative Phenomenological Investigation. Formulating research questions, searching for the extent of literature, screening for inclusion, rating the quality of primary studies and reviews, and finally, data analysis were the five stages of the Historical Review of literature review. In the qualitative phenomenological investigation, there were formulating a research problem, interview guide development, field research/in-depth interviews, transcription and data analysis and preliminary findings.

### **2.1.1. Chapter contents:**

2.1.0. Chapter overview

2.1.1. Chapter contents

2.2.0. Background of the study

2.2.1. Research questions

2.2.2. Specific research objectives

2.3.0. Research Methods

2.3.1. Part - 1: Secondary Investigation

2.3.2. Historical Review

2.3.3. Stage-1: Formulating research questions and objectives

- 2.3.4. Definition of key variables/aspects of the study
- 2.3.5. Needs of this review of literature
- 2.3.6. Literature search
- 2.3.7. Stage-2: Searching for literature
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- 2.3.9. Stage-3: Assess the quality of primary studies
- 2.3.10. Stage-4: Analysing secondary data
- 2.4.0. Part - 2: Primary Investigation
- 2.4.1. Step-1: Research problem formulation
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- 2.4.5. Inclusion criteria for adoptive parents
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- 2.4.8. Sample size and rationale
- 2.4.9. Methods of data collection
  - 2.4.9.1. In-depth interviews
  - 2.4.9.2. Interviews with adoptive parents
  - 2.4.9.3. In-depth interviews with adopted children
  - 2.4.9.4. Key informant interview
- 2.4.10. Qualitative data analysis
- 2.4.11. Concluding remarks

**2.2.0. Background of the study:** To set up the study background, the following section provides a succinct snapshot of the adoption in India from ancient times to the contemporary period. Adoption appears to have been practised in India for thousands of years. Saints and royals who adopted and who did not adopt are documented in Indian epics and history. The Hindu epics Ramayana and Mahabharata contain references to adoption. When there was a paucity of male offspring in the past, couples would adopt a male child to designate him as the legal heir. The male gender, especially the sons are important to Hindu religious people, and a deceased parent's spirit can only go to heaven if that individual has a son to burn the funeral bonfire, and salvation can be obtained through sons who do ancestor worship.

Nevertheless, during the British period, adoption policies and social reforms got evolved. In the Madras and Bombay Presidency, the Children's Act of 1920 entrusted the state with the task of caring for destitute and neglected children (Bhargava, 2005). The main goal was to give children care and protection. Since 1947, when India became independent, it has undergone further reforms, ushering in a new era of social legislation and policy (Apparao, 1997).

Adoptive parents in India had a sense of hesitance to adopt unrelated children prior to the 1970s; however, this has drastically changed thereafter due to child adoption-related social policy and legislative changes. Indian families subscribed to the immense social stigma of childlessness as well as child adoption, which intensified inter-country adoption prior to the 1970s. Additionally, foreign adoptive parents' financial ability to afford costs incurred for child adoption attracted India adoption agency prioritizes foreign adoption over domestic one. The absence of uniform civil laws, caste and gender prejudices substantially reduced domestic adoption wherein

this period of 1960s to 1980s witnessed a substantial increase in inter-country adoption. Nonetheless, progressive changes began to set in with the Hague Convention of 1993 which national governments were legally mandated to legislate and formalize child adoption procedures with Article 21 of the UN Convention on the Rights of the Child. It aided in the development of international regulations to safeguard children and their families from the dangers of illegal, unplanned, early, or ill-prepared adoptions in other countries.

Since India became a signatory to The Hague Convention on Inter-country Adoption in 2003, international cooperation and protection for Indian children placed for adoption in other countries has increased (Bhargava, 2006). Additionally, constituting Central Adoption Resource Agency (CARA) in the year 1986 with a primary mandate to monitor and regulate the entire adoption process (Anathalakshimi et al, 2001). CARA helped to develop inter-country adoption guidelines ensuring transparency with a designated scrutinizing in India to determine sufficient opportunity was given to every child to find a home within India. Adoption Coordination Agency (ACA) effective intervention has helped to reduce inter-country adoption substantially and improve domestic adoption in India over the past three decades. Public attitude to child adoption in contemporary India has significantly changed over the last three decades. Adoptive parents today have a better understanding of the legal and sociological aspects of adoption, as well as the importance of working with a reputable child welfare agency.

Owing to the national and international developments in the field of child adoption and broadly pitching adoption as an alternate form of constituting families has received worldwide research over the last four decades. However, there are evidently several

aspects yet to remain unexplored in India. Systematic literature evidences that child adoption in India underwent major changes. India has progressed from an informal adoption of a male child to perform last rites after the death of the adopted parents to formal adoption of a male child for the purpose of performing last rites after the death of the adopted parents. In post-independence India, social reforms in the 1950s concentrated on finding homes for abandoned, poor, illegitimate, and surrendered children. Such children were institutionalised and later adopted both domestically and internationally. Domestic adoption in India began to gain traction in the late 1980s. Significant changes have occurred in the realm of adoption since then. Nonetheless, there are unexplored areas in systematic literature on these new dimensions. It is also critical to examine how the development of social policies and legal guidelines impacted adoption formalizing and institutionalizing adoption procedures. Further, it is important to understand the experiential aspect of both adopted children and adoptive parents shaping familial relationships.

**2.2.1. Research questions:** The research questions direct and guide social scientific research. Research questions help the researcher to stay focused on her investigation and bring out answers to the questions through systematic procedures. In this study, there are five cardinal research questions as provided below that guides this thesis.

- 1) What are the contemporary institutionalized adoption practices in India from a historical perspective?
- 2) How the socio-economic and religious factors influence the contemporary adoption practices in India?
- 3) How historically national and international laws, legislation and policy frameworks shape contemporary adoption practices in India?
- 4) How does the Indian judiciary influence child adoption in India?

- 5) What are the parental and child adoption practices

### **2.2.2. Specific research objectives:**

- 1) To examine contemporary institutionalized adoption practices in India from a historical perspective.
- 2) To examine how socio-economic and religious factors influence the contemporary adoption practices in India
- 3) To review national and international laws, legislation and policy framework-governing adoption practices to understand their historical evolutions
- 4) To study the role of the Indian judiciary in transforming the institution of adoption
- 5) To conduct a situation analysis of adoption practices in the state of Delhi with reference to destitute and orphan children adopted from adoption agencies.

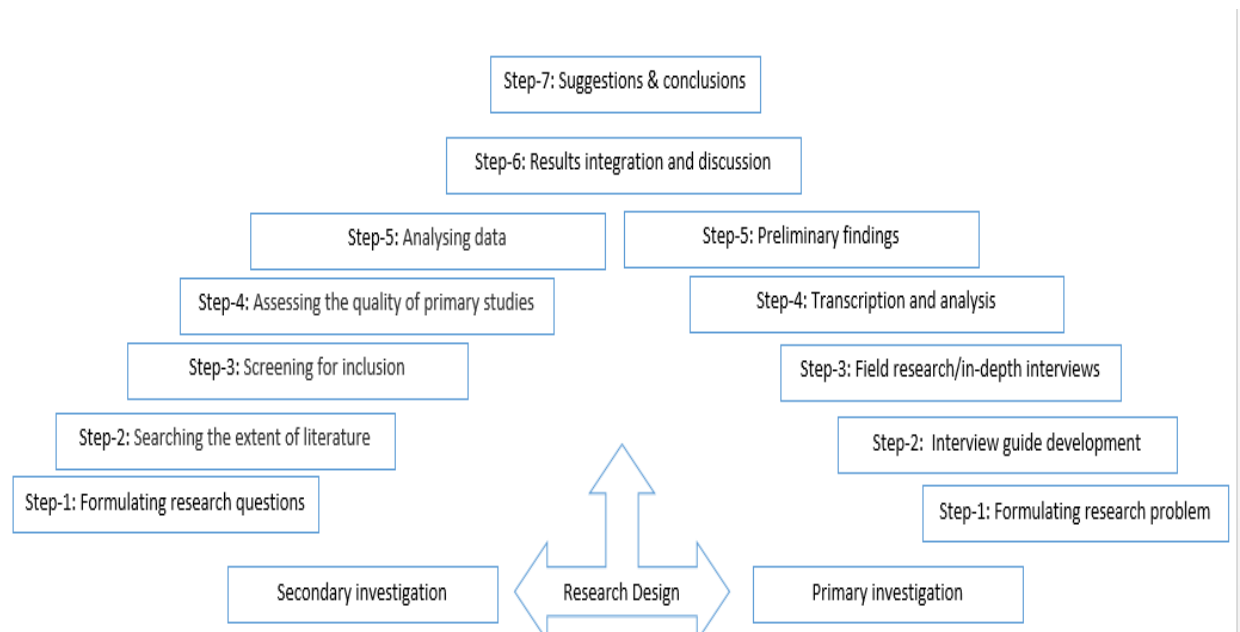
### **2.3.0. Research Methods:**

In this methodology chapter, the researcher describes specific procedures and techniques used to identify, select, process and analyse historical, legislative and socio-economic literatures pertaining to the evolution of contemporary adoption practices in India. Concurrently, we used both primary and secondary research approaches with a conventional review of pertinent literature and a qualitative phenomenological investigation.

In the secondary investigation, the researcher used a historical review. Although it was an iterative process, there were five generic steps in the review of pertinent literature (Templier & Paré, 2015). It began with research formulation, literature search and screening, assessing quality and critical analysis. In the primary

investigation, the researcher used a phenomenological approach to the qualitative investigation (Creswell, 2009). The researcher considered an initial detailed review of historical, social, legal and political documents that shaped adoption practices in India. Having located within this knowledge, an analysis of the adoption experience of adoptive parents and children in Delhi NCR was conducted by adopting the qualitative method of data collection. These were in-depth interviews (IDIs) and key informant interviews (KIIs) concurrently. The following section provides a detailed description of the methodologies integrated into this research study.

Figure-1 shows the research process of concurrent primary and secondary investigations



### 2.3.1. Part - 1: Secondary Investigation

**2.3.2. Historical Review:** The conventional literature review is a comprehensive, critical and objective analysis of current knowledge on a topic identified

(Onwuegbuzie, & Frels, 2016; Paré & Kitsiou, 2017). Under conventional narrative review, there are four types of narrative reviews (Onwuegbuzie & Frels, 2016) namely general literature review, theoretical literature review, methodological literature review and historical literature review. For the present study, the researcher adopted Historical Literature Review (HLR), which is a comprehensive analysis of books, scholarly articles, and other sources relevant to a specific topic i.e., the evolution of adoption institutions in India from a historical perspective. This review, therefore, builds knowledge and offers a critical analysis of adoption practices. This review further placed this discourse in a historical perspective and was directed by our research questions.

Although the historical review is an iterative process, there were five generic steps involved in this review of pertinent literature (Templier & Paré, 2015), which began with (i) formulating research questions and specific research objectives; (ii) searching the extent of literature, (iii) screening for inclusion, (iv) assessing the quality of primary studies and (v) analysing data.

### **2.3.3. Stage-1: Formulating research questions and objectives:**

**2.3.4. Definition of key variables/aspects of the study:** Firstly, the term adoption was defined in the context of the contemporary use of the term, as a “process by which the adopted child becomes the lawful child of his or her adoptive parents with all the rights, privileges and responsibilities that are attached to a biological child.” In India, the Juvenile Justice (Care and Protection of Children) Act, 2006 in its section 2 (a) defines adoption as a “process through which the adopted child is permanently



separated from his biological parent and becomes the legitimate child of his adoptive parents with all rights, privileges and responsibility”.

Secondly, the societies are divided into three namely social, economic and cultural and socioeconomics refers to the reciprocal relationship between social and economic factors influence in local communities or households (O’ Boyle, 1996). The researcher has defined society as a group of people who share the same culture and norms and thus *social aspect* by definition refers to the commonalities among people within a specific culture (O’ Boyle, 1996). This study, therefore, examined commonalities attached to adoption practices in India over a historical period. Thirdly, the religious aspect of adoption refers to the role of India’s major religion of Hinduism influence and shape the adoption practices over historical periods (Sajwan, 2018).

**2.3.5. Needs of this review of literature:** The purpose of adoption was predominantly religious in India since historical times. This has addressed the needs of adoptive parents to preserve and transmit family lineage and inheritance. Arguably, Indian socio-religious and economic factors have historically influenced adoption practices in contemporary times alongside international legislative movements and subsequent national responses. There is an urgent need to examine how historically socio-religious and economic factors, which have continued to influence adoption in contemporary India. To address this objective, this study examined contemporary adoption practices in India from a historical perspective with due emphasis on socio-economic and religious practices. Locating within this premise, this study examined the contemporary institutionalized adoption practices from a historical perspective.

Further, this study examined how socio-economic and religious factors influence contemporary adoption practices.

Concurrently during the post-independence period, international discourses and child rights movements gained momentum worldwide, including the International Convention on the Rights of Child 1989 (CRC) under the United Nations (United Nations, 2009). India being a signatory, is more sensitive towards child rights and also accounted for the development and growth needs of children, who were orphans, destitute and in conflict with the law. Juvenile Justice Act 2000 and subsequent revision in 2006 emphasised the principle of ‘best interest of the child’ (United Nations, 2009; Mishra, 2015). Progressive social legislation was enacted that strengthened a child’s right to have a family. Arguably, a more systematic review of national and international laws, legislation and policy frameworks that govern adoption practices helped to understand how international legislative discourses under the United Nations influence progressive social legislation, enactments and social policies, protecting the best interest of child in adoption. In response to this, this study reviewed the national and international laws, legislation and policy frameworks governing adoption practices to understand their historical evolutions. Additionally, this study also examined the role of the Indian judiciary in transforming the institution of adoption in India.

**2.3.6. Literature search:** Locating within the set objectives of the study, the researcher generated a list of key terms/words and subsequently used them for the literature search. These list of words/terms were provided below:

Firstly, in objective-1, which examined contemporary institutionalized adoption practices in India from a historical perspective, the keywords/terms for online literature search used were namely as follows:

- ✓ Adoption practices
- ✓ Contemporary adoption practices
- ✓ Institutionalize adoptions practices
- ✓ Laws/ guidelines regulating adoption practices
- ✓ State-wise laws/legislations regulating adoption practices
- ✓ Adoption policy/guiding principles
- ✓ Adoption process

In second objective-2, the researcher examined how socio-economic and religious factors influence the contemporary adoption practices in India. The keywords or terms used for the literature search were:

- ✓ Religions and adoption
- ✓ Hindus and adoption
- ✓ Sikhs and adoption
- ✓ Buddhists and adoption
- ✓ Christians/ Muslims and adoption
- ✓ Social legislations regulating adoption
- ✓ Economics and adoption

In the third objective, 'to review national and international laws, legislation and policy framework governing adoption practices to understand their historical evolutions' keywords used for literature search were as follows:

- ✓ International conventions on adoption/ principles, perspectives,

- ✓ International Conventions on Child Rights
- ✓ Historical overviews

In the fourth objective, ‘to study the role of Indian judiciary in transforming the institution of adoption’, the researcher used the key words namely:

- ✓ Public interest litigations,
- ✓ Landmark judgments
- ✓ Judicial activism
- ✓ Indian judiciary and adoption
- ✓ Adoption legislations

**2.3.7. Stage-2: Searching for literature:** Using the objective linked list of keywords to search literature, the researcher devised two strategies to locate and screen pertinent literature namely manual and online databases, although this was an iterative process. Initially, the researcher has approached different university libraries to find pertinent literature upon which initially readings and listing out of relevant references were made. Simultaneously, the researcher also searched cross-referred online accessing online libraries namely google scholar, social sciences abstracts. The retrieved scholarly articles, Masters/PhD theses, books, and monographs for the review. Data retrieved were in two categories namely empirical studies using primary data and conceptual writings representing perspectives, critical overviews, existing gaps and limitations.

**2.3.8. Screen the pertinent literature for relevance:** The researcher adhered to two sets of inclusion criteria for empirical studies and conceptual papers. The conceptual papers were initially defined as a paper that presents the original concept, although it

does not present original data. It synthesises knowledge from the past studies on a topic and presents it in a new context in order to serve as a springboard for new research to fill a knowledge gap. For the purpose of this study, the researcher operationalized the term conceptual writing as a piece of writing articulating narratives of adoption and related concerns based on opinions, perspectives, worldviews, review of literature, or detailing procedures, guidelines, policy statements, legislation and so on. Nonetheless, conceptual writings should not be based on primary empirical observations or data.

Situating within this premise, the researcher set inclusion criteria for selecting conceptual papers that were specific to time, language, location, subject matter:

- 1) Time: All conceptual papers pertaining to adoption practices in India during the ancient, medieval and modern times were considered.
- 2) Language: The conceptual papers/perspectives/books were considered only if they were English
- 3) Location: The conceptual papers were considered only if their subject matter deals with child adoption in India
- 4) Conceptual papers that deal with adoption practices in India or Indian states

The researcher has characterised empirical articles as "scientific investigations based on observed and measured phenomena and derives information from actual experience rather than theory or belief" in the latter case". The researcher operationalized empirical study as studies based on systematic observations or measurements, using qualitative, quantitative or mixed methods studies pertaining to

adoption in any of the Indian states or all over India, written in English shall be considered for review”. Situating within this premise, the researcher set inclusion criteria for selecting empirical studies that were specific to language, location, subject matter, and research design and data collection.

- 1) Primary methods of research used: All pertinent and peer-reviewed papers published in journals and weekly and monographs were considered for review.
- 2) Such papers were based on systematic observations or measurements used for data generation or collection; therefore empirical in nature.
- 3) Types of method: Any of the quantitative or qualitative or mixed methods design adopted for the study

**2.3.9. Stage-3: Assess the quality of primary studies:** The researcher employed her peer as an independent reviewer with supervision from the faculty supervisor. The researcher reviewed all articles for meeting established inclusion criteria to screen in with supervision from the faculty supervisor. Firstly, all screened in articles were assessed for quality adhering to the criteria namely research problem formulation, methods adopted, measurement strategies, analytical approach and conclusions drawn.

**2.3.10. Stage-4: Analysing secondary data:** All selected articles, book chapters, books, thesis, and perspective writings in scholarly journals, books and monographs have been critically weighed; and the pertinent aspects have been thematically and chronologically organized to provide a cohesive overview of adoption practices in India over historical times.

#### **2.4.0. Part - 2: Primary Investigation**

**2.4.1. Step-1: Research problem formulation:** Adoption practices in India evolved historically and are heavily influenced by the Hindu religion, its age-old hierarchical social organization of caste, patriarchal family system and kinship. Nevertheless, the period of adoption policies and legislations were indeed inaugurated in British India in order to provide care and protection to children e.g., the Children's Act was enacted in Bombay and Madras Presidencies in 1920 (Bhargava, 2005). The post-independence period witnessed progressive social policies and legislations concerning adoption practices (Apparao, 1997).

The socio-religious and secular perspectives of adoption have undergone significant changes over the last two decades due to a series of post-independent social legislation and policies influenced by international conventions such as the Hague Convention of 1993, UN Convention on the Rights of Child (Art.21) and Hague Convention on Inter-country Adoption in 2003. However, there is limited understanding of how socio-religious and secular or progressive social welfare perspectives influencing adoption policies and practices evolved in India over historical time. This study, therefore, examined how contemporary institutionalized adoption practices in India are evolved from a historical perspective. Additionally, this study shall also conduct a situational analysis of adoption practices in the state of Delhi.

**2.4.2. Purpose statement:** The purpose of this phenomenological inquiry was to explore and articulate the '*essence*' of the adoption experience of adopted children and adoptive parents by uncovering the meaning. It further explored the '*living through experience*' of being adopted and being adoptive parents in daily life.

Additionally, key informant interviews helped to perform a situational analysis of adoption practices in the state of Delhi with reference to the status of destitute and orphan children adopted from adoption agencies.

Using the phenomenological approach to this inquiry helped the researcher to explore the lived experience of adopted children and adoptive parents and uncover the meaning of lived-through experiences (Creswell, 2009; Moustakas, 1994). As a philosophy of inquiry, phenomenology assisted to conceptualize the meaning of perspectives and worldviews of key informants, which in turn helped to bring a framework to explain the overall situation of adoption practices in Delhi NCR. The researcher situated this study within phenomenology that assumed that there are '*multiple truths*' and this approach allowed thick data description and prolonged engagement with participants. The researcher as an instrument of this research actively introspected and bracketed her own experiences to capture the experience of the adopted children and adoptive parents (Nieswiadomy, 1993). Whereas, the overall intent is to reconstruct the emic view or participants' own views rather than the etic view (Kottak, 2006; Creswell, 1998).

**2.4.3. Central research question and specific intents of this study:** The researcher conducted in-depth interviews of adoptive parents and adopted children explored the lived through the experience of adoptive fathers, mothers and adopted children. The key informant interviews intended to analyse situations leading to adoption decisions, procedures and guidance adoptive parents received in the process of adopting children in the state of Delhi. Hence, the researcher raised two central research questions in



which, the first one was: ‘what are the existing adoption practices in recognized adoption agencies in Delhi NCR?’

- (i) What are the barriers and concerns of prospective adoptive parents in the adoption process?
- (ii) What are the ways in which practitioner guidance address the prospective adoptive parental concerns and problems?

The second central research question was: ‘what is the essence of ‘lived through experiences’ of adoptive parents and adopted children?’

- (i) What are the lived experiences of living as adoptive parents in extended families and communities?
- (ii) What are the lived experiences of living as an adopted child in extended families and the community of adoptive parents?

**2.4.4. Study participants defined:** There are three groups of study participants in this phenomenological inquiry namely (i) adopted children, (ii) adoptive parents and (iii) adoption practitioners such as social workers and lawyers. Initially, an adopted child is defined as: ‘a child legally adopted as a child of another parent(s), permanently separated from natural or biological parents through court proceedings. Secondly, this study defined an adoptive parent as: ‘a person who is a child through a court proceeding for parenting as his/her own child’. Finally, a key informant of this study was defined as: ‘professionally trained practitioners in social work and law with a university degree/diploma with minimum one year experience in child adoption services in Delhi NCR’.

#### **2.4.5. Inclusion criteria for adoptive parents:**

- 1) An adoptive parent should be presently parenting a child who is not a natural or biological child of his/her own
- 2) A minimum adoptive parenting duration should be one year
- 3) An adoptive parent should be living in Delhi, where adoption procedures were completed.

#### **2.4.6. Inclusion criteria for adopted children:**

- 1) A minor male or female child living under the parenting custody of an adoptive parent(s)
- 2) A minor male or female who is living under the parenting custody of an adoptive parent for a minimum period of one year
- 3) A minor who is living under the parenting custody of an adoptive parent(s) in Delhi NCR.

#### **2.4.7. Inclusion criteria for adoption practitioners:**

- 1) The practitioner should have a university degree/diploma in social work or law
- 2) The Practitioner should have a minimum of one year of experience in working in an adoption agency/adoption-related legal proceedings.

**2.4.8. Sample size and rationale:** For in-depth interviews, the researcher selected 10 adopted children, 10 adoptive fathers and 10 adoptive mothers; therefore together constituting a sample size of 30 in-depth interviews. For key informant interviews, 10 social workers and 10 lawyers were included following the inclusion criteria. In this study, the researcher used purposive sampling for the selection of study participants, by following Milies and Huberman's (1994) criteria for in-depth interviews and key informant interviews. It helped to ensure variations and heterogeneity in study participants

included. It helped to document multiple perspectives, social reality, and worldviews (Creswell, 2009). The researcher also ensured sub-groups of adoptive fathers and mothers and male and female adopted children helped in capturing the diversity of experiences and perspectives in their unique contexts and situations (Moustakas, 1994). The researcher also considered the ability of study participants in providing rich information on diverse aspects of the phenomenon examined since phenomenological inquiry requires ‘*thick-description*’ of data.

For obtaining analytical generalizability, this study considered generalizability for making statements about the general population; by way of selecting samples from diverse geographic areas and elicited data conceptually consistent with existing literature. In this study, the researcher interviewed adoptive fathers, mothers and adopted children. In the ethical conduct of this study, the researcher ensured and maintained confidentiality and privacy to study participants. Informed consent was obtained in writing from each adoptive parent for a respective child.

Table-1: shows the sample size of the study

Key informant	N	In-depth	N
interviews		Interviews	
Lawyers	10	Adoptive fathers	10
Social workers	10	Adoptive mothers	10
		Adoptive child	10
Total	20		30

#### 2.4.9. Methods of data collection:

**2.4.9.1. In-depth interviews:** In-depth interview in semi-structured format is the most preferred qualitative method of data collection (DiCicco-Bloom & Crabtree, 2006). In this interview, participants were asked a set of pre-defined open-ended questions followed by follow-up questions and appropriate and timely probes to uncover in-depth experiences, perspectives and worldviews on a specific matter discussed (Gill et al., 2008). In this study, the researcher used the in-depth interview to uncover the adoption experiences of adoptive parents and adopted children. The researcher used an interview guide to explore study participants systematically and comprehensively and its use helped to keep the interview focused on its purpose. The time consumed for in-depth interviews ranged from 30 minutes to 1 hour. Questions in the interview schedule consist of *core questions, associated or follow-up questions* and *appropriate prompts*. With informed oral consent, the researcher used audio-recording of the interview to generate a '*verbatim transcript*' of the interviews. The researcher used two separate interview guides for adoptive parents and adopted children respectively. The following section presents the schematic structure of an in-depth interview guide for parents and children respectively.

**2.4.9.2. Interviews with adoptive parents:** In this study, the researcher used two separate topic guides for adoptive parents and adopted children. Firstly in in-depth interview guide began with introductory remarks on the purpose and objective of the study. After obtaining the informed consent for participation, the interview began with a generic open-ended question about the family with follow-up questions on family members and socio-demographic information. Subsequently, the adoptive parent was asked: 'How do you define '*adoption*' in your experience as an adoptive parent?' with follow-up questions viz., 'how is adoption discussed in your family?' Probes were posed on parent-child interaction, couple interaction, interaction with

other family members and friends outside families'. Further, the open-ended question was: 'what words do you use to define your adopted child and biological child' if you have both?'. The subsequent open-ended question was: 'Can you share your adoption story?' with appropriate follow-ups and probing tags. In a similar manner, efforts were made in in-depth interviews to uncover the barriers and difficulties faced during adoption procedures, responses from life spouses, family members and immediate relatives. The second part of the interview raised open-ended questions namely: 'how did you inform adoption story to your adopted child? If not disclosed, what is your plan about disclosing it? Follow-ups of "if at all you want to disclose, what do you think are the potential problem? Subsequently, the researcher raised: 'how do you present your adoption story to your biological children (if you have)? What are the ways in which your biological children responded? The third subsection, open-ended questions were: 'what do you think society, in general, think about adoption? With a follow-up of 'why do you think so?'. What do you like others to know about adoption? The concluding question was: 'Are there anything you would like to share which we did not talk about?'

**2.4.9.3. In-depth interviews with adopted children:** In an in-depth interview with adopted children, the topic guide has four subsections apart from introductory and concluding sections. Initially, the interview began with an open-ended question: 'can you tell me about your home?' how are they doing? Explored: how do you feel about your home? The second subsection was on 'parent-child interaction in which open-ended questions: 'In your experience, how affectionate and loving are your (adoptive) parents?' Explore: parental warmth as child perceived. Subsequently, the topic guide pose: 'If you are in distress, where do you seek comfort?' and how do you feel when your parents correct you when you make mistakes? Follow-ups were: 'feeling hurt,

feeling embarrassed or being loved. The third subsection was on child wellbeing. The open-ended question was: how happy are you when you think about your life as a whole? With follow-ups of 'how happy at home, school, and at community separately'. In final subsection was on '*adoption stigma and discrimination*'. The open-ended question was: 'Can you tell me a situation in which you are disrespected/devalued/less respected as you are an adopted child? (Asked only to children who were informed about adoption). Follow-up: 'have come across an experience where people around you treat you with less respect as you are an adopted child?' Before concluding each interview, children were asked: 'Is there anything important that you want to tell me, which I must have probably forgotten to ask you?' With this, question each interview with the child was concluded.

**2.4.9.4. Key informant interview:** Key informant interview is a method of qualitative data collection from a group of persons with specialized knowledge, skills and expertise on the identified thematic area under the study. Through key informant interviews, the researcher can uncover perspectives, insights, ideas and opinions. The interview is conducted in an informal fashion in a loose conversational style. In the present study, key informants were trained social works and lawyers who obtained university degrees or diplomas and a minimum of one year of work experience in child adoption practices. Apart from qualification, this study considered the key informant's case management experience, knowledge and understanding of the issues. Additionally, the researcher obtained informed oral consent for using audio-recording of interviews and subsequent use for transcriptions. All key informant interviews were conducted at mutually convenient, privacy and confidentiality enabled locations.

**2.4.10. Qualitative data analysis:** The researcher recorded all in-depth interviews and key informant interviews and subsequently transcribed or translated them into

English. Each transcript in English was read line by line for coding and memo writing. Meanwhile, the researcher frequently met the faculty supervisor to discuss coding and memo sharing. After coding was completed, the researcher categorized data on different meaning categories that emerged in qualitative data. Through an iterative process of comparing and contrasting codes and thematic areas, the categories were emerged out of data. The researcher examined the categories of meaning through the process called the comparison and contrasting iteratively lead to organizing codes under broad thematic areas with sub-themes. Finally, the researcher systematically organized the themes to tell the story of adoption from the perspectives of adoptive parents, their adopted children and adoption practitioners.

**2.4.11. Concluding remarks:** In this research methodology chapter, the researcher initially set up the study background, raised five key research questions guiding this thesis with specifying the study objectives. Secondly, this study provides the procedures involved in the secondary data gathering, selection and analysis. Thirdly, this chapter provides a detailed qualitative research methodology located within the broader phenomenological approach to the investigation. The subsequent chapter provides a detailed overview of the historical evolution of child adoption in India through the ages with a special emphasis on contemporary adoption-related concerns.

## Chapter-3

### Historical Evolution of Adoption in India

The chapter entitled: '*Historical Evolution of Adoption in India*', begins with defining the concept of adoption. The review subsequently critically weigh literature on child adoption under three historical periods namely child adoption in ancient, medieval and contemporary India. In 'Chapter contents' the researcher provides a detailed list of chronologically progressive and thematically organized reviews of literature on the historical evolution of adoption practices in India.

#### **Chapter contents:**

- 3.1.0. Defining adoption
- 3.1. Adoption in ancient India
  - 3.1.1. Dattaka adoption
  - 3.1.2. Kritima form of adoption
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- 3.2. Adoption during medieval India
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3.4.6. Needs of adoptive children:

3.4.7. Conclusion

**3.1. Defining adoption:** The disciplinary constructions of the concept ‘adoption’ in the prevailing body of literature are predominantly legal, social, cultural and religious in nature. Adoption, according to social scientists, is a socially constructed process governed by socio-cultural and normative value systems that regulate universal human themes such as abandonment, parenthood, sexuality, identity, and sense of belonging. The legal scholars define the concept of adoption predominantly from a process and methodical perspectives namely pre-adoption, during adoption, and post-adoption and methodical in terms of adoption and guardianships with the transfer of inheritance, lineage, privileges and rights equating with a natural or biological child, while severance with natural or biological families and parents were also emphasised. The religious authorities in ancient Hindu India envision adoption as an alternative for the biological son that helps to attain parental as well as ancestral salvation. The concept of adoption is not a static one rather dynamic as it has a temporal dimension, where adoption motives strictly from religious reasons during the ancient time had been evolved to meet the welfare and psychosocial needs of the adopted child and adoptive parents.

**Definition of adoption**

Adoption is a culturally constructed social concept with a plethora of value implications.

Adoption in its most basic sense is an admission of a child into a family which is not his or her natural family

Adoption is a legal and social procedure in which a child of one set of parents becomes a child of another set of parents.

Adoptive children are permanently separated from their biological parents and become the genuine children of their adoptive parents, inheriting all of the rights and responsibilities of a biological parent (Carlson, 2007).

“Adoption is a process through which the adopted child is permanently separated from his parents and becomes the legitimate child of his adoptive parents with all rights, privileges and responsibilities that are attached to the relationship” (Lakshmi Kant Pandey vs. Union of India AIR 1984 SC 469).

“Adoption is a powerful experience that touches upon universal human themes of abandonment, parenthood, sexuality, identity and sense of belonging” (Reitz & Watson, 1992; p.3).

Adoption is a socially constructed method of giving specific types of care for specific types of children at specific times (Else, 1991).

“Adoption is an act of affiliation by which the relation of parentage is legally and permanently established between persons not so related by nature, has emerged as the

best alternative in the absence of a natural family” (Sharma, ----: Journal of Indian Law Institute.

Reitz and Watson (1992) "Adoption is a means of meeting the developmental needs of a child by legally transferring ongoing parental responsibility for that child from the birth parents to the adoptive parents, recognizing that in the process a new kinship network is created that forever links those two families together through the child who is shared by both. This kinship network may also include significant others such as foster families, both formal and informal, who have been a part of the child's experience."

Adoption has been observed since time immemorial and is evident even in primitive societies. Historically, adoptions had been observed in ancient civilizations, although the intent, principles and rules regarding this institution varied across cultures and over historical time periods. In primitive societies, kinship had guided and governed the institution of adoption in ancient societies. Adopting a child into a family meant completely severing one's ties to one's previous family and promising allegiance and commitment to the new family (Bajpai, 1996). In a seminal work on ‘Adoption Law and Justice to the Child’ Bajpai (1996) traced the deep-rooted need of parents in the mythology to make their adopted child completely their own, as if born to their parents, whereas, the search by the adopted child for own biological parents invite punishment of blinding.

She went on to say that kinship or blood ties were so strong at the time that the only approved manner of bringing non-relatives into the family was adoption, which stripped biological parents of all rights. Simultaneously, the institution of adoption demanded the adopted child complete loyalty to the new family.

In Babylonia, the code of Hammurabi also laid down strict rules governing adoption. Similarly, Egyptians and Hebrews set a classic example of Moses who was a Hebrew boy adopted by Pharaoh's daughter. As a young adult, Moses returned to his people and led them out of the Egyptian bondage and backed them to their homeland. In ancient China, adoption served two gender-related purposes. A male child was adopted into the family in order to inherit the properties and family lineage while a female child was adopted to give a future wife to the male child at families. It also helped to ensure future daughter-in-law's loyalty and integration with family and avoided the need for paying bride price at the time of marriage (Kalpana, 2013).

However, the purpose of this review was to examine the evolution of adoption in ancient India. Therefore, the subsequent review focused exclusively on 'how adoption as a social institution in India evolved over historical time periods?' This began with (1) adoption in the ancient period, (2) adoption in the medieval period, (3) adoption in the modern period and (4) adoption in contemporary India.

**3.1. Adoption in ancient India:** In India, the meaning and nature of 'adoption' as a social institution has been evolved over historical times where the social and legal scholars tend to divide this historical evolution into three broad time periods of history namely the adoption in ancient time, adoption in medieval time, and adoption in modern time. Adoption as an institution has been integrated with, and fundamental to Hindu religious practices. Thus it is incomplete to initiate a discussion on adoption in ancient India unless adoption in Hindu religious practices has been uncovered (Desai, &Goel,2019). in a hierarchically organized society during ancient times across

caste lines (Varghese, 2011), Hindu religious sanctions profoundly influenced and shaped the social institution of adoption in Indian society. Consequently, there is a critical need to examine the nature of adoption with reference to processes and methods from within the Hindu religious context in ancient India (Desai, 2019).

There are multifaceted factors that continue to shape and influence adoption practices in India. These include, although not exhaustive, stigmatized unwed motherhood, dissolution or death of a spouse and religious reasons. In the past, premarital and adulterous sexual encounters, as well as subsequent pregnancies and childbearing, were universally shunned in India due to familial and social prohibitions and oversight. Regulating female sexuality and imposing social demands on women's social contact and physical mobility outside the home are two examples (Cherayi, Jose & Sudhakar, 2019; p). As Mitra (2017) rightly observed, despite our country having gained freedom in 1947, many of its value systems concerning gender, family, marriage and parenthood continue to remain conservative and resistant to change. For an instance, unwed motherhood is heavily stigmatized and such women were to a large extent ostracised in their respective communities. Although the intensity of stigma varies by community, stigmatised moms who have children outside of marriage have been considered as polluted, rejected, and devalued subhumans (Cherayi, Jose & Sudhakar, 2019) even among indigenous tribal communities (Jose et al, 2012) in India.

For avoiding stigma and discrimination, many such mothers who were impregnated outside the wedlock relationships placed their children for adoption (Mitra, 2017; Mehta, 1992; p.39), which also have resulted in foreign adoption in independent India. Due to socio-economic pressures (Mitra, 2017), many natural mothers placed

their children for adoption due to the loss or desertion of their spouses in the 1960s, when there was no central financing for encouraging domestic adoption (Apparo, 1997). Bhargava (2005) also observed that class, caste and religious backgrounds significantly shaped the adoption of children to non-family; whereas institutionalized children were also negatively portrayed as unfit for adoption (Narang, 1982), since these children were regarded as lacking pure blood and family name.

The religious reason was an important aspect of adoption in India where Bhattacharya (1992) found two important reasons for adoption namely (a) inheritance of family property and (c) the performance of the last rite for parents. The adoption of the male offering was highly regarded if the male offering was from the same caste or family. Kinship adoption has been practised in such situations. Male offerings had special significance in Hindu family life as it is believed that through male offerings, their parents attain salvation after death. Additionally, caste also influenced adoption practices as adoption of a child from upper castes to lower caste was prohibited in ancient India (Baig & Gopinath, 1976).

Baig and Gopinath (1976) highlighted that the grounds for adoption in ancient India were not purely the genuine urge to have a kid as an object of attachment or as an act of kindness. Instead, it was based on factors such as the protection of the elderly, the perpetuation of the family name and lineage, the protection of family property, and the solemnization of the father's dying rites. Studies in modern times also consistently found such motives of adoption, when Chowdary (1996) found that motives of adoption as the performance of last rite, the continuation of family lineage, inheritance of the property of adoptive parents.

Vedic texts provide historical references to the institution of adoption during the Vedic periods in ancient India. Manooja (1993) argued, by citing Julius Jolly's 'History of Hind Law of Partition, Inheritance and adoption' (1885), that adoption was practised during the Vedic period. Nevertheless, this institution had not enjoyed social sanction since society tended to attach low ranks and privileges to adopted sons as compared to the natural offspring, which in turn implied less societal acceptance and unpopularity ascribed to the institution of adoption. Evidently, having an adopted son to complement the failure of having a natural male offspring had not been received primacy during this time (Desai, 2019).

In Hindu mythology, the term adoption meant for upbringing someone's else child as one's own with several instances of adoption of sons, although daughter's adoption was also prevalent in ancient times. Desai (2019) narrated three instances of female adoption in her seminar work on adoption. These three dominant mythological examples of female adoption are namely adoption of Shakuntala and the adoption of Sita and Kunti. In the first instance, there was a king called "Dushyanta" who saw Sakuntala and inquired about who she was. She answered that she was the daughter of a sage Kanwa. But the King did not believe that because the sage was a celibate and subsequently she revealed that her real sire was Viswamitra, a Kashtriya sage. Lord Indra recognizing Viswamitra's growing power through meditation, sent Menaka to tempt the sage, conceived, and gave birth to a baby girl whom she left on the riverbank of the forest. Kunwa found her and felt pity for her so he raised her (Desai, 2019).

The second instance was from the epic Mahabharata in Rajagopalachari's version wherein Janaga cleared and levelled the field and saw a beautiful baby in the shrub. As he was childless, he received the infant as a gift from the goddess of the ground and treated it as his own (Rajagopalachari, 1985; cited in Bajpai, 1996). The third instance was the story of Kunti, whose origin was attributed to celestial and her mother was Nymph. Raja Sursha adopted her and when Kunti was grown up, she was given for marriage to Pandu and she was his chief queen. These three instances evidently suggest that adoption was an accepted practice in Hindu mythology and Deasi (2019) argued that it was an accepted practice and she furthered delineating two forms of adoption namely Dattaka and Kritima.

**3.1.1. Dattaka adoption:** In '*Dattaka-mimasa*' of Nanda-Pandita was a classical work drafted in the early 17<sup>th</sup> century on the topic of adoption in India, although references to adoption were evident in ancient texts of Manu, Vasista and Saunaka. Later the '*Dattaka-mimasa*' was used by British authorities in India as the Hindu Law of adoption and used for framing adoption laws for Hindus. Sutherland in 1821 translated '*Dattaka-mimasa*' into English. Yet another famous work on Dattaka adoption was '*Dattaka Chandrika*', and its authorship is attributed to Kuvera (Mathur, 2006).

There were twofold objects for Dattaka adoption as described in the ancient texts of Manu and Vasista and Saunaka were (a) religious and (b) secular. The spiritual benefits to the adoptee and his ancestors from having a son for the sake of performing funeral ceremonies are discussed in religious objects, which is considered essential for



the salvation of souls as per Hindu scriptures. The secular object was to obtain and secure an heir and perpetuate the ancestors' names and family lineage.

Ancient Hindu codes prescribe four important tenants for valid adoption and these were:

- i) The individual who is adopting should be capable of doing so.
- ii) The individual giving in for adoption must be legally capable of doing so;
- iii) The person adopted must also be legally capable of being adopted.
- iv) Formalities and rituals

As per these Hindu codes, a Hindu Male, Hindu female, Hindu wife and a Hindu widow could adopt. All Hindu males of sound mind after attaining an age of discretion. However, there were conditions to meet, which were (a) the adopter should not have a son, grandson, or great-grandson, either natural or others during the time of adoption (Desai, 2019). In adoption by female, however, were allowed to adopt a son only when she is authorized to do so. Usually, the authorizing person would be their spouse or husband from the Hindu background. In adoption by a wife, a wife in her mature age could adopt a son with the husband's expressed willingness and consent. A Hindu widow of stable mind who had reached the age of adulthood could adopt a Dattaka son through widow adoption. In the situation that the husband has more than one widow, the senior widow may adopt without the junior widows' approval.

**3.1.2. Kritima form of adoption:** Desai (2017) described this type of adoption exist in Mithila and its adjoining districts. As per this form, either men or women can adopt. Interestingly, both husband and wife can individually adopt sons for each of them, if they desire so even without the consent of her husband. Further, a widowed

woman could adopt Kirtima adoption without consent from her late husband's family, while the adoptee can either be a minor or major but he could not be adopted without her consent. Nevertheless, there were no rituals or ceremonies to register and validate adoption. The adoptee does not lose inheritance from her natural family, while he can't claim properties of the adopted family other than the one who adopted him. Also, the adoptee does not inherit the family titles or surname of the adopted family.

Adoption has two motivations in Dattaka Chandrika: (a) to perform the obsequial ceremonies for the adopted father and his forebears, and (b) to be the adoptive father's successor. Any sonless man may adopt a son; the term "sonless" refers to the lack of a son, grandson, or great-grandson (Mathur, 2006). According to Dattaka Chandrika, a Hindu could not adopt his sister's son, while this was allowed for Sudra, who was placed at the lowest ladder in the caste hierarchy. Furthermore, a person's single son could not be placed for adoption. Besides, a woman could not give away a son for adoption without consent from her living husband; although she was allowed to give away her son if her husband is deceased. An adopted son has the same rights, responsibilities, and advantages as a natural son. The power of a father to give his child is universally acknowledged, although the power of a mother to give her child has been questioned.

Text of Saunka says:

“By one having an only son the gift of a son should not be made; by one having many sons the gift of a son should anxiously be made, and comments since the masculine gender are used in the compound word ‘by one having

many sons' the gift of a son, by a woman is prohibited" (In Hindu mythology, he is one of the Saptarishi).

There were discrepancies in ancient authoritative texts on empowering women or mothers to give away for and take in the adoption of a son. Where Saunka denies the rights of a mother to give away her son for adoption, Vasista allows women to gift her son for adoption with consent from her husband. However, Nanda Pandit denies the widow's power to adopt a son although he gives power to a widow to adopt a son.

Mathur (2006; p.44) outlined the three guiding propositions of the adoption in ancient Hindu India, integrating guidance in texts of Manu, Baudhayana, Yajnavalkaya, and Vasista were:

- “a) The competency of both parents united is the principal;
- b) That of the father alone independently of the mother is the mediocre, and
- (a) That of the mother, depending as it does on the assent of her husband, is an inferior alternative”

In addition, Mauthr (2006) furthered her discussion by pinpointing the paradoxes surrounding the adoption in ancient Indian mythology. For an instance, mythology is full of stories of babies adopted such as mythological figures like Sita of Ramayana and Lord Krishna of Mahabharata. Other figures were Daan Veer Karan and Shakuntala. However, such paradoxes are evident when some women of upper castes were denied off certain ritual rights where gender and caste prominently influence and shape adoption practices with a continuing influence in contemporary times.

**3.1.3. Conclusion:** To sum up, the concept of adoption is not a static one rather dynamic as it has a temporal dimension, where adoption motives strictly from religious reasons during the ancient time had been evolved to meet the welfare and psychosocial needs of an adopted child and adoptive parents.

Adoption as an institution in ancient India largely helped to further family lineage, inheritance of property and succession. It was practised as an institution to help sonless fathers to further family name and lineage and get last rite and rituals performed as Hindu scriptures prescribe to obtain the salvation of souls and afterlife. Nevertheless, the inter-caste adoptions especially from higher to lower caste adoptions had not been practised. The son preference was evident in adoption whereas female girls' adoption was less frequently observed in ancient India despite the fact that in Indian mythology, there were dominant stories of female girls' adoptions. Additionally, women parents enjoyed no or relatively fewer rights to adopt a child. Hence, to conclude, gender, caste and religious beliefs significantly shaped the institution of adoption in ancient India.

**3.2. Adoption during medieval India:** In India, little has been systematically documented on laws governing child adoption practices in medieval Indian society (Gakul, 2019). Hindu religious sanctions profoundly influenced and shaped the social institution of adoption in Indian society with intersections of gender, caste and kinship in ancient India (Bharghava, 2005; Mitra, 2017; Baig & Gopinath, 1976). Nonetheless, in medieval times in India, Hindu religious influence has substantially weakened; and adoption within families gained momentum. Kinship and bloodlines become the predominant order of the time for adoption whereas childless couples considered adoption within the narrow family contexts. The bloodline defined the

relationships between its members were defined (Beth Rowen, 2016; Gakul, 2019). The medieval accounts trace childless King Gunthchramn of Burgundy in 577 AD adopted his nephew to inherit his throne.

Islam religion in India significantly influenced the child adoption practices in medieval India. Medieval Indian history is predominantly characterised by invasions and the dominance of Muslim rulers. Such invasions and dominance also resulted in the introduction of Islamic laws. However, Islamic laws in India do not recognize adoption therefore, child adoption among Muslims occurred under certain local laws. For an instance, Oudh Estates Act 1869 privileged Muslim Landlords to adopt sons. With the enactment of the Shariat Act in 1937, Islamic laws were applied to whole Muslims. If Muslims could establish a custom of adoption, a court has to recognize it and enforce it. Although, guardianship is recognized by Islamic doctrines (Gakul, 2019). Nonetheless, pre-Islamic Arabia had customs of adoption with a sense of comradeship. In Islamic Arabia, the concept of child adoption has received some form of recognition through the adoption of Zaid, who was the son of Haris by Prophet Muhammad.

Muslim laws in India do not recognize child adoption and thus during the 19<sup>th</sup> century, Muslims were allowed to adopt children under local laws alone. Although adoption was not allowed for Muslims, they were allowed to take up guardianships of abandoned and orphan children. With the enactment of the Shari at Act in 1937, Muslim personnel laws applied to all Muslims thereafter.

**3.3. Adoption in contemporary India:** Given the context of the multi-religious, multi-cultural and multi-lingual society of India, it is extremely difficult to delineate every aspect of the institution of adoption since adoption in India is governed by

different rules and legislation according to different religious groups (Ursekar, 1976). Nevertheless, it is critical to understand the institution of adoption in contemporary times (Groza et al, 2003). It is especially compelling when India has an estimated 158.8 million-child population aged between 0 to 6 years (Census, 2011), which was an increase from 163.8 million with 5 million adding to the child population in 2011. Out of these, Bharat et al (2003) estimate around 100,000 children are in institutions and nearly 4% have been estimated as orphaned. Raju (1999) observed that the number of orphan children growing especially in cities where extreme poverty causes children to enter into the child welfare system. In the traditional practice of adoption, poverty, death and wars in the olden days left many children often who were subsequently integrated by next kin either father's side or mother's side of the family. When children are left behind due to death, separation or abandonment and no relatives to take care of the child, adoption was considered as the best option.

However, in contemporary India, the institution of adoption is no longer considered for religious reasons alone. In lieu of it, child welfare, care and protection have come to the forefront in legislations and social policies (Groza et al, 2003). Evidently, the institution of adoption has been evolved through expanding its scope and purpose. Consequently, the traditional notion of adoption, being a merely personal and family interest to child welfare reform in modern times (Bhaskar et al, 2012). Colonial India has set a new era of child welfare and adoption enactments and codes. India's first Children's Act enacted by Madras and Bombay Presidencies in British India in the 1920s empowered the state with the responsibility to ensure the welfare of destitute and abandoned children, by providing care and protection (Bhargava, 2005; Bhaskar et al, 2012).

Post independent period also witnessed revolutionary changes in the areas of child welfare through social policies and legislations (Apparao, 1996).Raju (1999) found a class difference in the adoption of children, whereas upper-income families prefer female children while lower-income families prefer to adopt male children. Religion again add complexity to the institution of adoption; where children are born into a religion and inherit the religion of parents and if the father is unknown, the child inherits the religion of the mother.

In contemporary India, domestic adoption is guided by two legislation in the absence of uniform legislation across all Indian people. The Hindu Adoption and Maintenance Act (1956) provides a uniform act to all Hindu families whereas the fundamental difference of this act is that Hindu adoption is irrecoverable. Hindu biological parents can relinquish their child but once it is done, it is irrecoverable or it cannot be changed. For families of other religions in India like Muslims, Christians and Zoroastrians, enjoy a legal framework for guardianship. The contrast between these two legislations is pertaining to the inheritance where the Hindu act naturalize inheritance to an adopted son while the guardianship act for other religious groups do not although families can create trust funds, or wills for children (Groza et al, 2003).

In the 1980s, Groza et al (2003) traced the oral history of the first adoption facility evolved informally as added philanthropic services in a hospital, after a few committed citizens observed the 100% mortality of abandoned children. In a room donated by the hospital, community volunteers placed six abandoned children for placement among which five of them survived and were placed in families. Initial

time, children were placed with a couple who lost a child during childbirth by physicians but later this arrangement was changed and adoption practices were expanded to a fertility clinic where physicians began to request the childless couple to adopt a child. However, such adoptions were secreted and no formal adoption procedures were followed. Since then, the procedures expanded and been formalized over the years legally wherein now families apply to adopt, with a home study completed by social workers, and working with an agency for placement. Mostly, adoptions are now follow legal procedures and through established systems.

In a mixed method study, Groza et al (2003) observed progressive changes in adoption practices in India since the 1980s and ongoing adoption practices were positive while most adopted children were developmentally appropriate and had no health issues, perceptual challenges, or behavioural issues. This study showed positive parent-child relationships and conclude that most adoptions in India are successful in providing alternate families and parents. Bhasker et al (2012) observed that state and central governments closely monitor adoption agencies therefore such agencies function as an organized sector. Evidently, domestic adoption has gained more attention and preference therefore gradually increasing as a choice over inter-country adoption. Simultaneously, the growing economy and subsequent economic opportunities and access to medical (legal) termination of pregnancies and family planning programmes have cumulatively reduced the incidents of abandonment and surrendering of children (Bhasker et al, 2012).

Adoption was viewed as an alternate option for infertile couples, although adoption was shaped by many other intentions in India over historical periods. However, the



institution of adoption is an organized institution of practice with legal and professional practitioners in India, which marked a shift from parent centred adoption to child-centred adoption. Parents continued to adopt children even after they had biological children, according to Malm & Welti (2010), implying that some families chose adoption for causes besides fertility problems. Similarly, Sinha (2006) also argued that the origin of the custom of male child adoption as an object of affection and continued family lineage went behind the antiquity; therefore the intention of adoption in the changing scenario tends to complement alternate options for old age protection. Additionally, there is an increasing realization that institutionalization does more harm to children than it does good; therefore, Lilani (1995) argued that institutions have cumulatively have failed to solve problems of destitute children, instead, it aggravated problems; therefore creating alternate care facilities including fostering adoption would eventually reduce social spending in India.

Despite having a legally recognized status of adoption alongside established professional procedures associated with it, gender preference for boys has been historically continued to persist around adoption practices even in contemporary times (Choudhary, 1980). This has evidently reflected in nearly two-third of the institutionalized children were female children (Bagely, 1993). Under the Brahmin system of adoption, the adoption of the male child received significance and Hindus in general adopted male children as their heirs. Even if girls were at home, family inheritance was transferred to a boy and boys were expected to take care of the parents in old age (Bagley, 1993). Nevertheless, there is slow but steady changes in these trends over the decades since Dixit (2001) found profile changes in the adoptive parents and their preferences for a male child. He continued to argue that about 10

years before, prospective adoptive parents tended to adopt a male child. The scholar found the change where prospective parents wait about 8 to 9 months to adopt both female and male children, however, most couples come forward to adopt are childless couples.

In a study that examined public attitude to child adoption in an urban area of UP, Chatterjee (2006) found a positive attitude to child adoption as a practice, although none of the respondents was adoptive parents or children. The scholar subsequently argued that better education and improving socio-economic conditions would eventually lead to a positive attitude to adoption. However, fear of disapproval from immediate family members was an important factor ( Macchiwalla, 1981). Soroskye et al (1984) found that adoptive parents in western countries consciously decide on child adoption given the background that plausible hereditary risk for own biological children and instead they adopt children.

In profiling 62 adoptive parents in Punjab, Billimoria (1984) found the intention for most of the adoptive parents was family completion where the majority of parents were Hindus and Muslims. The duration of marital life range from 16 to 20 years and most parents constituted nuclear families. Hindu parents had a longer duration of marital life before child adoption in comparison to other religious groups wherein Bharath (1993) argued that Hindu parents take a longer time for accepting infertility and even more time to accept adoption, whereas childlessness was the main reason for adopting a child. Adopted children showed greater levels of drug misuse, perceived stress, and anti-social behaviour in a study of 5000 adoptees and matched controls (Sharma et al, 1996). In gender selection, upper and middle-income families began to

prefer female children for adoption, whereas religion continued to play a critical role in adoption (Raju, 1999). By the 2000s, there is a shift in preference of male children towards female children, although more than half of the adoptions reported are male child adoptions.

Studies suggest that most adoptions are due to the childlessness in couple and occur during a wide range of time from 5 years to 20 years of waiting for an own child alongside infertility treatment. The average years of adoption after marriage was estimated as 14 years with a mean age of adoptive mothers being 39.6 years at the time of adoption and fathers' being 41 years (Bhargava, 2005). Interestingly, the first child was usually adopted for meeting parental needs and the second child for the first child's needs. Evidently, older parents tend to adopt a male child while younger parents tend to adopt a girl child.

**3.4. Contemporary socio-behavioural studies:** Adoption as a social institution for forming a family, providing a family to abandoned, surrounded, and institutionalized children, and as a welfare approach has received national and international research and academic attention, which subsequently resulted in interdisciplinary research. The present review also focuses on reviewing important pieces of research in the areas of adoption from the lens of different disciplinary perspectives.

In his seminal review entitled 'Still Not Quite as Good As Having Your Own'? Towards A Sociology of Adoption in Annual Review of Sociology, Fisher (2003) observed that despite adoption being increased substantially, social studies on adoption continue to remain less. Similarly, family studies also devoted little space

and detail to discuss about adoption. In a subsequent review on family studies, Fisher (2003) found in 21 college texts and 16 readers on the family published from 1998 to 2001 offered little discussion on adoption. Additionally, such books also engaged in negative generalization without support from empirical data.

Fisher (2003) examined the prestigious scholarly journal in the areas of marriage and family studies named: “Journal of Marriage and Family” also gave little attention to adoption during the year 1990 to 2000. At present, the studies on adoption are mainly available by social workers, psychologists and psychiatrists from clinical and individualistic perspectives without giving adequate attentions to the social processes and social factors shaping adoption practices (Wegar , 1997).

In sociological studies, except a few such as Christine Bachrach, William Feigelman, H. David Kirk, Karaen March, Charlene Miall, Rita Simon, and Katarina Wager have conducted noteworthy studies on adoption, although their scholarly contribution received little attention (Fisher et al, 2003).

In line with Fisher (2003) argument on family forms in the United States, in India also, there are many single-parent families, women-led families, and nuclear families that have been formed through adoption (Cherayi, Jose & Sudhakar, 2019), especially among its urban middle class. Further, these families have increasingly been conceptualized not as a product of blood relationships but as a deliberate choice. The caste, ethnicity and social class alongside gender influence adoption. Hence, there is a sheer need to conceptualize child adoption and related concerns from an inter-

disciplinary perspective since this institution have historical, social, biological, psychological and developmental aspects in it (Yamuna, 2013).

**3.4.1. Social role theory:** In the sociological perspective, Krik's (1964) social role theory postulates loss as a key dimension of an adoptive family and for the adoptive couple. And this loss is the loss of birth history wherein adoptive parents tend to reject or deny the differences associated with adoption or acknowledge these differences. Such families constituted through child adoption tend to cope by using 'rejection of differences' rather than by 'acceptances of difference', which induce a higher incidence of problems in adoptive parent-child relationships. Kirk (1981) hypothesized that differences are superior to rejection when used as a coping strategy, therefore in a culture where support services and supportive networks are few and societal attitudes are indifferent. Consequently, it was further argued that in the background of poorly supportive social policies regarding adoption and absence of supportive networks, disclosing to the child about his or her adoption history may not help them in long term. Although, it does not mean that such information may be confided.

**3.4.2. Attachment theory:** The socio-behavioural scholars extensively used the theory of parent-child attachment development proposed by Bowlby (1969). This theoretical perspective assumes that early parent-child bonds serve as a foundation for the subsequent psychological and behavioural development of children. It postulates that humans have instinctual figures of attachment and if this attachment development disruption leads to the feeling of isolation and fear. When a child develops a good and healthy sense of attachment, it leads to a more positive sense of attachment and a

greater sense of security in children that was empirically validated extensively worldwide between attachment-disrupted children and biological children. Nonetheless, Yamuna (2013) argued that the implication of this theory has not been well-examined in the context of the adoptive parent-and-adopted child's attachment development process. This perspective is however useful in examining the attachment development of children placed for adoption and the effect of growing up with multiple caregivers.

**3.4.3. Biological perspective:** The biological perspective also aids in understanding adoptive parenthood and childhood. The primary assumption of this perspective is that the psychological and behavioural characteristics of individuals are strongly influenced by genetics. Behavioural genetics amplify the understanding of child behavioural and conduct disorders in the biological context, where gene-lead environment interaction. The comparative studies of traits among biological and adoptive parents and adopted children, children continue to show greater similarities in traits with biological parents and relatives than adoptive parents and their family members (Bohman, 1981; Loehlin, 1987).

**3.4.4. Philosophical orientation:** The western literature on adoption have formulated and conceptualized within the broader philosophical background of individualism and subsequent emphasis on autonomy in adoption. Such studies were oriented toward independence, autonomy and freedom (Yamuna, 2013) of the adopted child with due emphasis on separateness while oriental adoptions are oriented toward connectedness. The oriental families themselves stand on the value system of collectiveness. Consequently, in cultures where connectedness and collective existences were highly

valued, there is a need to establish lineage and genealogy and subsequent individuality may not do good to the adoptive family since legitimacy in the eastern context may be devalued. Ullrich (2019) argued that this connectedness among family members is a visible feature of Indian families and the family affiliation that shape all social interactions. Interestingly, most adopted families in Indian studies perceived that families are adopting children and not individuals who are adopting a child.

There are considerable numbers of children and adolescents who enjoyed support from special adults with respect to approval, emotional and instrumental support, shared time and activity significantly helped children to improve with positive development outcomes. Children with less or poor parental support tend to benefit better from such special adults than those who received adequate parental support (Darling et al, 1991; Galbo and Mayer-Demertrulias, 1996). Nevertheless, the relating self-worth of children and their respective special adults were complex due to the intensity of perceived parental domains alongside the fit between parent and child.

**3.4.5. Adoptive parent-child relationships:** Adoption brings challenges to the family adaptation as a child is placed in a family from different culture and background, despite the common belief that once a child is placed in a family, everything would go smooth (Panikar, 1987). Mostly, adoptive parents are aware that they are different from biological parents especially in areas of child-rearing practices. However, some adoptive parents tend to reject the difference between adopted and non-adopted children. In rejection of differences in adoptive parent-child relationships, there is a strong parental insistence of no difference between adoptive and non-adoptive children. Kirk (1964, 1981) hypothesised that such parental rejection of differences

discourages children from studying features of adoption and discussing their thoughts about adoption honestly and freely with their adopted parents. There appears to be a linear association between accepting of differences and positive adjustment of the adoptive family as a whole, according to the evidence (Brodzinsky, 1987). Kirk (1981) went on to say that adoptive parents who deny the difference are denying a relevant and perhaps critical component of their child's origin and identity. Nevertheless, Brodzinsky (1987) cautioned about overdoing of acknowledging child status as an approach tends to act as insisting difference, which may be damaging as rejecting differences.

Consequently, most adoptive families require assistance in order to effectively adapt and address challenges; wherein, acceptance of differences between adoptive families and non-adoptive families is critical with respect to promoting positive emotional growth within families (Borchers, 2003). Adoptive parents were more likely to face difficulties related to parenting and caring for children than parents of non-adoptive families; whereas adopted children were less likely to have a close relationship with parents (Mathew et al, 2007).

**3.4.6. Needs of adoptive children:** According to a comprehensive study of child-centric adoption, it provides an alternative avenue for the care and protection of abandoned, destitute, and neglected children by placing them in a family that provides a safe and secure environment in which they can experience pleasure, love, care, and expand to their maximum potential. Adoption also provides emotional, physical and maternal security and stop abuse and neglect of a child (Kalpana, 2013). Nevertheless, the adopted child needs family environments defined by openness, trust and free



communication. It would facilitate and encourage socio-emotional and behavioural development of the child in a safer and secure family environment with consistent parenting resulting in thriving (Wrobel et al,2003). Winnicott (1971) coined the term of an 'environment of holding' that implies not only physical holding by mother and fathers but also emotional and psychological systems of protection, security, support and caring, without which child could not thrive. According to their adoption studies, early adoptees who longed to meet their birth parents shared some qualities, namely (a) adoptive parents provided little information about biological parents, (b) relationship between adoptive parents and adopted child was less satisfying to the child, and (c) the negative self-image of the adopted child (Triselotis, 1973). Behavioural studies also suggest that adopted adolescent children tend to report lower levels of self-esteem and negatively perceived self-identity. Such adolescents continue to experience a sense of abandonment, feeling loss, and developing behavioural problems (Lobo & Vasudevan, 2002).

In adolescents' resolution of adoptive identity, Grotevant (2003) found three distinct characteristics viz., unexamined, limited, unsettled, and integrated. Adolescents' adoptive identity is initially unimportant to them, and in limited circumstances, they tend to reflect little difference between adoptive and non-adoptive households, if adoption is primarily beneficial. Adoption is quite important to the adolescent who perceives rejection and hostility in the unsettled. At last, in integrated, adoption is perceived as good wherein adolescent develops coherent and positive views about adoption in their lives. Additionally in general health, some studies (e.g., Mathew et al, 2007) suggest that adopted children tend to have poor health in comparison with

children in non-adopted families. Adoptive parents, therefore, need more proactive engagement in health promotion behaviours among these children.

Using a phenomenological investigation of purposively selected seven adoptive parents, Mitra (2017) investigated the socio-cultural and psychological factors that influence adoptive parents' parenthood during three adoption stages: pre-adoption, adoption, and post-adoption. In the pre-adoption phase, most parents believed that biological parenting is supreme and aspired; therefore, such parents underwent hormonal treatments for primary infertility, and also resorted to the in-vitro fertilization (IVF) technique. During treatment, women experienced melancholy, anxiety, and despair, while males were too concerned about their spouses' health. Female partners suffered more crises and despair as a result of years of painful treatments, and they were overly anxious about the durability of their marriage since they believe it is their job to give a child for the family. Often the initiation of discussion on adoption is by infertility experts, husband, wife and or other family members. Wife's initiation of discussion on adoption was determined by her education, economic contribution and family structure.

**3.4.7. Conclusion:** In contemporary times, the social categories namely caste, ethnicity and social class alongside gender continue to influence adoption. Hence, there is a sheer need to conceptualize child adoption and related concerns from an inter-disciplinary perspective since this institution have historical, social, biological, psychological and developmental aspects in it (Yamuna, 2013). The subsequent chapter entitled International Covenants, Treaties and Declarations of the Rights of the Child provides a detailed analysis of the international developments in the field of

child rights protection which has a due relevance in India's adoption-related social legislations and policies.

## Chapter-4

# International Covenants, Treaties and Declarations of the Rights of Child

**4.0. Chapter overview:** In this chapter titled: '*International Covenants, Treaties and Declarations of the Rights of Child*' reviewed extensive literature on UN conventions, treaties and declarations on the rights of children and child adoption. Subsequently, at the national level, this review examined constitutional and legislative safeguards pertaining to child adoption in India alongside offering a detailed discussion on diverse aspects of religion-specific adoption legislations in India in the absence of a uniform civil code that governs and regulate child adoption practices. Hence, under the chapter contents, covenants, treaties and declarations are discussed initially at the international level under the UN banner. Further, the review-examined adoption-related legislation and constitutional safeguards that govern and monitor adoption practices in India.

### **4.1. Contents of the chapter**

4.0. Chapter overview

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**4.2. Background:** Mathur (2011) in her extensive thesis argued that contemporary legal literature considers child adoption from the broader background of child abuse, abduction, selling, stealing of child or simply cheating because of money and faith. In the Geneva Convention on the Rights of Child (1924), Save the Children, an international non-profit organization constituted to work with children after the first world war, has internationally first recognized the need for safeguards, protection and care for children worldwide and this was subsequently accepted by the League of Nations. Later under the United Nations Organizations (UNO), humanity achieved the Universal Declaration of Human Rights (1948) that establishes universal and inalienable rights of all human beings despite their caste, age, creed, class, race and other categories of marginalities. Subsequent UN Declaration on the Rights of Child (1959); Covenant on Economic, Social and Cultural Rights 1976; Declaration on Social and Legal Principle Relating to Protection and Welfare of Children, with specifically Reference to Foster Placement and Adoption Nationally and Internationally (1986); and International Convention on the Rights of Child, 1989 set the background with mandates. These include for ratifying countries to enact local laws, legislations and policies to protect rights and promote the wellbeing of children in general and children in difficult circumstances.

**4.3. Geneva Declaration on the Rights of Child, 1924:** In 1924, the League of Nations adopted Geneva Declaration, which was a historic document and affirmed the first time in history, the rights specific to children internationally alongside the adults' responsibility towards children. This declaration was on the premise that 'Mankind owes to give the child the best it has to give' and it set for the key principles of child welfare and protection and viewed children as an investment for the future and it also

states mankind's obligations towards the child as to accept their duties towards children. The five mandates of the Geneva Declaration of the Rights of Child were (a) material needs was recognized as essential conditions for fostering normal child development, (b) enable moral and spiritual development, (c) special help when hungry, sick, disabled, or orphaned, (d) reclaiming the delinquent child, (e) first call to relief when the child is in distress. However, Desai (2019) critiqued that this Geneva Declaration was silent about what child was allowed to do and failed to provide an implementation mechanism as it was more of a political and moral position document rather than mandating legal binding.

**4.4. Universal Declaration of Human Rights:** Although there are mentions of human rights in ancient Greek polity; the Bill of Rights of England; the Bill of Rights in the United States of America, and the Declaration of the Rights of Man and the Citizens in France were earlier traces of Universal Declaration of Human Rights under the United Nations Organizations in 1948. The United Nations Charter restated its core belief in human rights, dignity, and value, and pledged all member states to foster equality and respect for the enforcement of rights and fundamental freedoms for all, regardless of race, nationality, class, religion, or gender. In UDHR (1948) Articles 16 (1), 16 (3) and 25 (2) deal with the rights of the child and family and mandate the state to protect them. However, UDHR does not impose an obligation on the state parties.

**4.5. Declaration of the Rights of Child:** The UN's Temporary Social Commission drafted a declaration on children's rights, which was later endorsed by the UN General Assembly in 1959. Although the signatories are not bound by this declaration, it states that children, due to their physical and mental immaturity, require special precautions

and care, as well as protection under the law, both before and after birth, and that humankind owes it to preserve the child's best interests. The declaration states that all children irrespective of their colour, race, ethnicity, sex, language, religion, property, birth and nationality are entitled to enjoy opportunities for physical, mental, moral and spiritual and social development alongside providing children with required nutrition, education, recreational and medical services. It also states that a child shall not be subjected to cruelty and punishment (Splitz,1996). Under the terms of this proclamation, no kid under the age of eighteen will be parted from his mother unless there are extraordinary circumstances. It also requires the state and public bodies to offer all feasible care to children, as well as maintenance for homeless children.

**4.6. International Covenant on Social, Economic and Cultural Rights:** This covenant was adopted by UN General Assembly on 16<sup>th</sup> December 1966 and came into force on 3<sup>rd</sup> January 1976. It commits state parties to provide and ensure individuals labour rights, rights to health, education and an adequate standard of living. This covenant has 31 articles where its Articles 10(1) and 10 (3) deal with children. While article 10(1) declares the widest possible protection and safeguards to family and family was considered as the foundational unit of society. And article 10 (3) envisages the special protection, safeguards and care which should be provided to children and young persons' without discrimination for the reasons of parentage or other reasons. The role of the family is emphasised in childcare and protection with adequate parenting while abandoned and destitute children should be protected and therefore be given in adoption.

**4.7. Declaration on Social and Legal Principles Relating to Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally:** UN General Assembly adopted it on 3<sup>rd</sup> December



1986 and came into force thereafter. It gave significant priority to parents to give care and protection to children, nevertheless, in the absence of parents or their incapability thereby, it states to entrust to the child to relatives. Article 5 states that when placing for care outside his own parents, it should be based on the best interest of the child. In article 8, it states that no child shall be deprived of his name, nationality, or legal representation unless the child, by virtue of the place has acquired a new name, nationality and legal representation. Article 10 to 12 deals with foster care, the prospective foster parents, the child's own parents and if possible, the child should be involved in the process of foster placement. And such foster care may continue until the child become major and also give the rights of the child to return to biological parents or for adoption. Article 13 to 14 deals with in-country adoption with a purpose to provide care and protection in the context where natural parents cannot give care and protection. All member countries and regions were directed to legislate appropriate and adequate legislation to recognize the child as a member of the adoptive family and accord him all pertinent rights and privileges. In inter-country adoption, couple or adoptive parents of the foreign country become the permanent and legal parents of the child(ren) of another country. Articles 17 to 24 deal with placing children for inter-country adoption. The duty is entrusted with state parties to develop policies and legislation and effective supervision for the protection of children involved in inter-country adoption. Laws and legislation should enact to prevent abduction and other forms of illicit child placement.

**4.8. The UN Convention on the Rights of Child:** UN General Assembly adopted the International Convention on the Rights of Child in 1989. It defines a child as any human beings under the age of 18 years. The Convention deals with the social, economic, and cultural as well as civil and political rights of the child. Article 20 and

21 of the convention directly deals with child adoption. When a child's rights are violated or continue to remain under significant threat of rights violation, alternate care should be sought including the possibility for adoption. In view of the best interest of the child, he or she may be either temporarily or permanently abusive family environment and such children shall be entitled to special protection and assistance provided by the state. Such protective acts may also include foster care placement. The child's best interest is a critical consideration as per article 21 and they shall ensure that such adoption shall be authorized through competent authority. The State can also consider inter-country adoption as an alternate option for childcare. Nevertheless, the state shall also supervise and monitor inter-country adoption. This declaration specially said that adoption is an alternate carving to a child when the natural family is unable to give care to a child.

**4.9. The Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption:** This convention came into force on 1<sup>st</sup> May 1995 and deals with international adoption, child laundering and child trafficking. The convention aimed to establish safeguards for children in inter-country adoption alongside protecting the best interest of the child. It also envisages establishing a cooperative system among contracting states in order to ensure safeguards, which are followed to prevent child abduction, the sale of, or traffic in children.

Desai (2017) argues that these international treaties, declarations, and agreements grant children the right to a family, as well as the right to protection before and after birth, to ensure that the adopted kid is not subjected to any ill-treatment, manipulation, or discrimination. It was also recognised that many traffickers utilise adoption as a

technique to traffic children, and these agreements made deliberate measures to protect the child's interests, particularly in the context of inter-country adoption.

#### **4.10. Constitutional and Legislative Safeguards and Child Adoption in India:**

Article 24 of the Indian Constitution extends the rights against exploitation to children below the age of 14 years. Article 45 of the Directive Principles of the state policy also envisions free and compulsory education to children alongside the directives on care, protection and rights of the children to a family (Mathur, 2011). Alongside, the International Convention on the Rights of Child (1989) and the Hague Convention on Inter-Country Adoption (1993) provide measures for care and protection of children who do not have family and parents and are institutionalized for a long time.

Nonetheless, India does not have a uniform civil law regulating adoption to its citizens. The Hindus have legally and customarily recognized institutions of adoption. Article 39 of the Constitution empowers the state that it shall “direct its policy towards securing that childhood and youth of the country are protected against exploitation and against material and moral abandonment” (Rao, 1975).

**4.11. The Hindu Adoption and Maintenance Act, 1959:** In the absence of a uniform civil code in India, there is only one complete legislation namely the *Hindu Adoption and Maintenance Act 1956* made extensive and revolutionary changes scraping religious motives behind Hindu adoption and equality in status was introduced. Under this act, women irrespective of their marital status such as widow, unmarried or married under certain circumstances received power to a adopt child whereas, under the traditional law, women were not permitted to adopt a child unless she is a widow.

Additionally, women could adopt either male or female children while traditionally girls were not given for adoption as girls were not allowed to perform religious rites. Further, the adoptee has property rights. The term Hindu has an expansive meaning in this act that expands to Buddhist, Sikh and Jains and other subsections of Hindu sects, whereas it excludes Muslims, Christians, Parsis and Jews. All laws of the central or state government concerning Hindus in its expansive meaning which came into force prior to the commencement of this act were ceased and received dominance. Previously Dattaka and Kirtima adoptions and other sub-forms were practised in different parts of India but the Hindu Adoption and Maintenance Act unified all these into unified form under this law. The Guardians and Wards Act of 1890 applies to Muslims, Christians, and Parsis and it deals with the guardian of the minor and assets of the minor. When appointing a guardian, the court shall consider many aspects relating to the care and protection of a minor child where the welfare of the child is one of the main concerns.

**4.12. The Child Bill, 1972:** It was introduced in the Parliament in 1972 envisages the uniform right of every citizen for adoption while it differentiates itself from Hindu Laws on adoption. The following are the significant features as identified (Rao, 1975, p.289).

- (i) It is thoroughly cosmopolitan and secular in nature as it applies to all citizens equally, uniformly, and without any discrimination of sex, caste, creed and religion;
- (ii) It provides for adoption by the means of a court order which has to be granted by the district court on an application made by the interested party

after taking due precautions with regard to the security and safety of the child to be adopted

- (iii) It seeks to equate, as far as possible, the status, rights, and obligations of the adopted child with that of a child born in lawful wedlock
- (iv) It provides all safeguards to prevent unsuitable adoptions or those made with mercenary or immoral objects and it is ensured that adoption of a child is allowed only when it is in the best interest of the child.
- (v) The requirement of the consent of the parent or guardian or the institution in which the care and custody of the child are, and the licensing of such institution to arrange for adoption are very significant features as they are capable of fraudulent and bogus adoption.
- (vi) The clause 10 of the Bill empowers the court to pass an interim order to give care and custody of the child to the applicant, pending the passing of the final order.

Nonetheless, this Child Bill introduced in the Parliament in 1972 was dropped due to the strong opposition from the Muslim community in India, although this influenced subsequent legislation and guidelines established for in-country adoptions.

The Ministry of Women and Child Development prepared a National Policy for Children in 1974.

**4.13. Juvenile Justice Care and Protection Act 2015:** The families and parents are the natural carers and protectors of the child (Institute of Legislative Research, 2015). This act was enforced in the whole of India on 16<sup>th</sup> January 2016. This act intends to provide care, support, protection, treatment, development, and rehabilitation of delinquent children and children in conflict with the law (Tyagi, 2015). JJ Act has a

separate chapter for adoption in order to simplify the adoption of orphan, abandoned and surrendered children. Central Adoption Resource Agency is a statutory body constituted under this act, with a position to supervise, monitor adoption in the country through established procedures of the law. Under this act, there are two categories of children namely children in conflict with law and children who are in need of care and protection. It also details the rights of the children who are placed for adoption and procedures involved in the process of adoption. It also deals with children who are legally free for adoption and extends a space for adoption across different religions.

**4.14. Lakshmi Kant Pandey vs. Union of India, 1984 AIR 469:** Lakshmi Kant Pandey was an attorney, the petitioner wrote to the Supreme Court alleging the malpractice and neglect on the side of private adoption agencies and social organizations facilitating the adoption of Indian children for foreign adoptive parents. He elaborated on the hazardous and long journeys that these children made to foreign countries along with examples of abuse and neglect they experienced from their adoptive parents, which results in sexual exploitation and impoverishment (Bhagwati, 1984). The court treated his letter as a writ petition, which laid the groundwork for the public interest lawsuit. The court stated in the ruling that the lack of legislative regulation of inter-country adoption in India could result in a slew of negative consequences for children. For instance, the children may be exposed to the abuses of trafficking or profiteering. The court takes initiative in consultation with several child and social institutions to preserve the child's welfare. It included a thorough set of administrative and normative safeguards for regulating inter-country adoption as a means of protecting children from abuse and maltreatment, abuse, and exploitation, as well as ensuring a fair and healthy family life for them (Bhagwati, 1984).

Although formulating procedures and standards the court referenced several relevant laws and policies including Articles 15 (3), 24, and 39 of the Indian constitution regarding the principles and child welfare embodied in the UN Declaration on the Rights of the Child (1959). The established measures included the requirement that expatriates who wanted to adopt be sponsored by appropriately licenced organizations in their home countries. Any adoption agency in India should not immediately accept an application from a foreigner for adoption. Inter-country adoption organisations that are approved by the Indian government must meet specific criteria and accept clear obligations for guaranteeing the safety and well-being of adopted children. Furthermore, the local courts must authorise all inter-country adoption proceedings (Bhagwati, 1984).

**4.15. Enforcement of the decision and outcomes:** Over many years, the Supreme Court's rules and norms governed adoption, and it became a powerful instrument for child rights campaigners. Following the verdict, some child and social welfare agencies involved in inter-country adoption placements thought there were some challenges in following the judgment's norms and standards, and appealed the court for clarity. In a supplemental judgement dated September 27th, 1985, the court addressed these problems. Besides that, in another case involving the petitioner's alleged non-compliance with the adoption proceedings and safeguards, the Supreme Court stated that any adoption conducted in contravention of the guidelines established forth in the judgement will result in the adoption being decreed invalid and subject the person involved to severe consequences, including prosecution (Bhagwati, 1984).

The government of India has fulfilled numerous Court directives including setting up a Central Adoption Resource Authority (CARA), which framed guidelines for the adoption of Indian children. It codifies the safeguards set forth by the Supreme Court judgment and other related decisions by the Court. Besides, there were the supplemental, if not consequential legislative innovations of the Juvenile Justice (Care and Protection of Children) Act, 2000 that is amended in 2006 and the Juvenile Justice (Care and Protection of Children) Rules, 2007.

**4.16. Central Adoption Resource Authority (CARA):** Juvenile Justice (Care and Protection) Act of 2015 constitutes a Central Adoption Resource Authority and similarly, all states were bound to constitute State Adoption Resource Agency at the state level. CARA is an autonomous body under the Ministry of Women and Child Development, Government of India. It was constituted in 1990 but received its autonomous status in 1999, registering it as a society under the Societies Registration Act of 1860. Its mandate is to find out loving and caring families for the orphan, abandoned, destitute and surrendered children.

Functions of CARA:

- a) To promote inter-country adoption and facilitate inter-state adoption in collaboration with state agencies;
- b) To monitor and control inter-country adoption;
- c) To construct guidelines on adoption and related matters as needed;
- d) To carry out the functions of the Hague Convention in relation to inter-country adoption;
- e) To perform any other functions that may be recommended.



Central *Adoption Resource Authority* (CARA) is the nodal body for the adoption of Indian children and is required to facilitate and promote in-country adoptions and regulate inter-country adoptions as a Central Authority of the Government of India.

#### **4.17. Adoption procedure for resident Indians**

**4.17.1. Registration and home study of the prospective adoptive parents:** The adoptive parents who want to adopt the child is required to register online portal through CARA in which they have to specify their preferences and upload the documents mandatorily as mentioned on the official website. After completing the registration process, adoptive parents can choose one of the specialised adoption agencies in their area for a home study conducted by a social worker. The agency issues a report that verifies the parents' eligibility for adopting a child and therefore is valid for three years. Once the agency has determined that the kid is eligible and suitable for adoption, they will make referrals for children who are legally available for adoption. Within 48 hours, prospective adoptive parents must reserve the child who has been referred to them. The adoption committee will then schedule an appointment to match the potential adoptive parents with an appropriate child (CARA, 2017).

Further, the adoption agency who prepare the home study report also likewise does the post-adoption follow-up on once in six-month basis for two years from the date of pre-adoption placement with the adoptive parents and the report will be uploaded on the Child Adoption Resource Information and Guidance System (CARINGS) along with photos of the children. The District Child Protection Unit prepare the post-adoption follow-up report in case of relocation of adoptive parents to a different place

of residence (CARA, 2017). In case of the decision of rejection in the home study report, the prospective adoptive parents may appeal against the decision to the Authority as given regulation fifty nine.

An Indian citizen, foreigner or Non-Resident Indian (NRI) can adopt a child in India. However, the procedures for adoption for the three will differ. There is no gender or marital discrimination that exists in the case of adopting a child in India. Only a couple who have successfully completed at least two years of marriage is eligible to adopt a child in India. They should possess a joint consensus regarding the adoption of the child. The difference in age of the parents and the adopted child mustn't be less than twenty-five years. It is stated by the Central Government of India that any child, whether he/she is an orphan, abandoned or surrendered child, can be legally adopted by following the proper procedures. It is important to note that the child has to be legally free to get adopted. The initiatives for such cases will be directed by the District Child Protection Unit. In order to adopt a child, the parents who are ready must be physically, emotionally, financially and mentally stable. They should not be suffering from any life-threatening diseases which may bring them immediate death or physical weakness. Excluding certain special requirements, a couple with three or more children are not allowed to proceed for adoption. Though a single female is allowed to adopt a child of any gender, a male in such marital status is not eligible by law to adopt a girl child of his own. In the case of single parents, their age has to be below fifty-five whereas, in the case of couples, their cumulative age has to be below a hundred and ten. (CARA, 2017)

There are certain procedures for adopting a child in India. It adheres to the multiple laws considered by the Central Adoption Resource Authority.

1. The adoptive parents have to get themselves registered with Recognised Indian Placement Agencies (RIPA) and Special Adoption Agency (SPA).
2. Continuous home study, counselling sessions, motivation and preparation classes will also be taken for the prospective adoptive parents.
3. These procedures require to be completed by the agency within three months from the date of registration of the adoptive parents.
4. The agency would inform the adoptive parents regarding the availability of a child for adoption. All the necessary details related to the child including the medical reports will be shared with the couples. They will also be allowed to share fruitful time with the child if they are satisfied with the details that have been shared with them.
5. The next procedure is the acceptance of the child by the adoptive parents. This happens only if they are completely satisfied with the details of the child. The adoptive parents are required to have to sign certain documents related to the acceptance of the child.
6. These documents that are completed and signed are then submitted to a lawyer for preparing a petition to be presented to the court. The adoptive parents are required to sign the petition in the presence of the court officer.
7. The adoptive parents will be allowed to take the child to a pre-adoption foster care centre to understand the requirements, behaviour and habits of the child. This helps the adoptive parents to understand more about the child from the nursing staff.
8. In the court-hearing session that happens, the parents require to answer the questions of the judge and should also have to decide the amount that has to be invested in the name of the child.

9. The adoption orders will be passed by the judge after the verification of the receipt of investment and other necessary documents.
10. In the post-completion stage of the adoption, the agency is required to submit follow up reports regarding the well-being of the child with the adoptive parents. This procedure continues from one to two years. (CARA,2017)

**4.17.2. Referral of a child from a Specialized Adoption Agency through Child Adoption Resource Information and Guidance System to prospective adoptive parents:** The seniority of the adoptive parents for child referral will be from the date of completion of registration process along with uploading the necessary documents in CARA portal. Based on the seniority, the adoptive parents shall be referred to the online profile of three children that include their photos, medical examination report, and child study report according to their preference category. Once after viewing the profile of the children, the prospective adoptive parents can reserve one child within 48 hours for possible adoption. A meeting between potential adoptive parents and the child may be arranged by the adoption agency. The entire matching procedure will be completed in 20 days from the date of the child's reservation (CARA, 2017). Further, if grounds of rejection is found to be due to non-justifiable reasons, the seniority of the prospective adoptive parents shall be retained.

**4.17.3. Pre-adoption foster care:** Within ten days of the date of matching and after signing the pre-adoption foster care undertaking format specified in the schedule, the child will be taken for pre-adoption foster care by the prospective adoptive parents. Similarly, as indicated in schedule IX, prospective adoptive parents must give notarized copies or original documents to the adoption agency (CARA, 2017).

**4.17.4. Legal procedure:** The adoption agency may file an application in the court regarding jurisdiction over the place where the adoption agency is located, with necessary original documents specified in schedule IX within 10 working days from the date of matching the child by the prospective adoptive parents. The court may hold the adoption procedure in-camera and arrange the case within two months from the date of filing the adoption application by the adoption agency as provided under subsection (2) of section 61 of the act. Similarly, registration of an adoption deed may not be mandatory as per the Act (CARA, 2017).

**4.17.5. Follow-up of the progress of the adopted child:** For a period of two years from the date of pre-adoption foster placement with the adoptive parents, the adoption agency that conducted the home study report may prepare the post-adoption follow-up report on a six-monthly basis. It will be prepared in accordance with Schedule XII and submitted to the Kid Adoption Resource Information and Guidance System, together with photographs of the child. Adoptive parents must notify the adoption agency that completed their home study as well as the District Child Protection Unit if they move (CARA, 2017). In addition, if the child has difficulty adjusting to his or her new environment or adoptive parents, the adoption agency will provide counselling to both the child and the adoptive parents.

**4.18. Concluding remarks:** International treaties, conventions, declarations, and covenants on the protection of the rights of the child under United Nations Organizations (UNO) and its organs, post-colonial India's social legislations and social policies pertaining to the institution of child adoption and child rights have taken up a revolutionary course that aim at protecting the best interest of the child principle. Appropriate and timely judicial activism at the apex level has helped to regularize and monitor the protection of the best interest of the child in both inter-

country and in-country adoptions, even in the absence of a uniform civil code regarding adoption regulation in India. Hence, the role of the judiciary in establishing and supervising child adoption in India under the Central Adoption Resource Authority (CARA) has been instrumental towards protecting the rights of the child in India placed for adoption.

## Chapter-5

# Adoption Experience of Adoptive Parents in Delhi: A Qualitative Analysis

**5.1.0. Chapter overview:** The narrative thematic analysis of qualitative in-depth interviews helped to organize the findings under five thematic areas namely (1) Child adoption preparedness, (2) Adoption experiences, (3) Emotional and psychological responses, (4) Social responses to adoption and (5) Social support and adoption. Initially, in child adoption preparedness, different aspects narrated are parental child adoption motives, parental perspectives on adoption, personal philosophies and worldviews and adoption decision. Secondly in adoption experiences contains experience with adoption procedures, gender preferences, adoption experience and perceptions of changes after adoption. Thirdly, in emotional and psychological responses to adoption, aspects narrated are parental emotional responses with regard to adopted children in terms of ignoring differences between biological and adopted children, disclosure concerns pertaining to informing adoption stories to children, and adoption-related discrimination. Fourthly in social responses to adoption narrate life partner responses to adoption, parental and family responses to adoption alongside neighbourhood responses to adoption. Finally in social support contains friends supports and parental and sibling support.

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5.7.1. Conclusions

**5.1.2. Pre-adoption preparedness:** In the first subsection of the analysis, the results provide detailed narratives on factors influencing adoption motives in adoptive parents, their perspectives on adoption, personal philosophy and adoption decision.

**5. 1.3. Adoption motives of adoptive parents:** There are diverse factors that motivate couples as well as single parent women to decide for adopting a child or more in life. Firstly, childless couples after receiving a medical diagnosis of impotency or repeated treatment failures decide to go for adopting a child or more in the family. The second groups are those adoptive parents whose personal philosophies and worldviews influence them to decide on adoption. Thirdly, single parents, especially single woman parents, who do not want to enter into marital relationships need adoption as a way of making the family complete.

Initially, there are diverse aspects of daily life that defines the adoption motives in prospective adoptive parents in Indian familial milieus. Some of the emotional, as well as psychological motives that inspire couples to adopt a child or more, are painful realizations that one or both in a couple-system were unable to conceive and give birth to a child. One's inability to procreate a child is attached to immense socio-

cultural pressures that induce and maintain diverse psychological and emotional problems in childless couples that range from chronic distress to anxiety and depression. For many childless couples, the realization that they cannot conceive it induces a considerable amount of distress and emotional pain; whereas some of such persons tend to self-impose blame themselves for not having children of their own. Once inability is established through medical diagnosis or repeated treatment failure to conceive, this sense of inability gets aggravated amounting to psychological distress with due implications for their mental health.

An adoptive father at Delhi NCR said:

“The head of the institutions [adoption agency] should be sensitive and more human, because when we think that my body is not ready to produce a child itself is painful and it is a failure for me. This is not alone but we have a natural attachment to child”.

Secondly, some couples who were biologically capable to conceive opt for adoption as their novel idea, which is attached to their personal worldviews and philosophies. In the contract to couples who were unable to procreate their own biological children, these couples tend to have a sense of superiority; because such couples repeatedly highlight that, they are naturally potent to procreate. Evidently, the feeling of being capable to procreate gives a sense of stronger selves to these couples in comparison to those couples who were unable to have children of their own. In a way therefore the sense of potency, contribute to adoption motives among urban middle-class couples.

An adoptive father at NCR Delhi said:

“When we came to know that it was not possible for us to have a biological child, we needed a child in the family so we decided [to adopt a child] because we wanted to have a happy family. We believed that it was not possible without a child. When we knew that we do not have a chance, with mutual consent, we [couple] decided for adoption. We wanted joy in the family and there will be someone for us in our old age!”.

Additionally, aspects that motivate couples for adoption are ‘happy family is not possible without a child’ and ‘sense of security during old age’. The couple’s internalization of traditional norms of a happy family with children tend to motivate childless couples to adopt; because, happiness, sense of purpose and meaning in life is attributed to life with children. Furthermore, adoption provides a sense of security during old age. In Indian families, adult children protect elderly persons are cared for and protected at residence, even in contemporary times. This is the predominant model of residence for the elderly during old age. Consequently, adoption is considered as a way to have someone close to self when aged.

Thirdly for single-parent women, adoption seems to provide a sense of empowerment because, in the first place, such mothers could stay connected to their own biological family, take care of their old parents and enjoy independent earning, which may not be feasible while entering into a marital relationship.

A single parent adoptive mother said:

“My mother is alone and I want to be her support. I Just do not want to go on with my life saying goodbye to her! I have the finance so I thought why should I waste it for myself [and] which can give to another person [and] it can have home. That will give a meaning. At that time, I was young I had this in

me, especially those who don't have a home...you know this world... many don't have an opportunity to have their own home...even from very young age I have great desire to help people..."

**5. 1.4. Parental perspectives on adoption:** For explicating the idea of adoption personalized by adoptive parents, we examined how do adoptive parents define the concept of child adoption in their own personal experience as adoptive parents. There are different ways in which adoptive parents personalize the idea of adoption namely, adoption is equal to giving birth to a child and ignoring the difference between a natural and adopted child. Initially, mothers, in general, tend to ignore differences between naturally born children and adopted children. Adoptive parents tend to equate the psychological and emotional processes by which they prepare themselves for parenthood through the adoption process. In consequence, adoptive parents tend to ignore differences and emphasis overtly on emotional aspects of adopting a new child to family and couple life such as happiness, love, care, meaning and sense of purpose in life with consistent references about exceptions to the biological process of pregnancy and childbearing.

Second, adoptive mothers also perceived that adoption is yet another way to offer the life-giving opportunity to an orphan or destitute child to whom loving and caring parents and family are denied due to varied circumstances. Some adoptive parents have evolved personal views and philosophies that nurture and foster the novel idea of adoption. It is characterised through considerable personal sacrifice such as denying a person's own inner urge to have a biological child either within a marital relationship

or a single parent and making a conscious decision to adopt children even when they are biologically capable of giving birth to children.

A Christian single parent woman at NCR Delhi said:

“I see it as a giving a life for another [child]. There are so many [children] in this world who are left without none to love and support. [Therefore] I felt instead of giving birth to another [child], why cannot we [referring to couple] give a life to who are already there. This is my concept of adoption”.

A Hindu married adoptive mother said:

“I feel adoption is equal to giving birth to a child. You know because it is like when you go for a natural process, it would take nine months for child [to grow] in womb. This is when you are preparing mentally and physically to become a parent. In adoption also, you undergo a process when you are preparing mentally, physically [and] meeting people. You are looking forward to new life in both the cases [therefore] I don't feel any difference”.

A Christian Single parent woman at NCR Delhi said:

“It is a childbearing process [although] it is not biological in nature. In mentally, it is as much as the same [biological] process! You know bearing a child, a biological child would be [and] I think if I tell you my own experience is the same”.

A Hindu married adoptive mother said:

“I feel happiness is there in the way you are expecting in yourself. It’ is a vision of a new life in your family. You are looking forward to add in your family a new member. I don’t see any difference”.

**5. 1.5. Personal philosophy:** Personal philosophy and worldviews substantially influence the decision to adopt children in some adoptive parents. Such parents decided for adoption even when they were physically competent to have their own children. The philosophy behind this decision was to give life to a child already born in the world without parents and family. Such parents tend to suggest childless parents go right away to adopt a child instead of undergoing infertility treatment procedures for life IVF, which is often traumatic for women. Philosophy seems like ‘*save a child*’ and ‘*saving is better than creating*’. Their worldviews help them personalize the notion of adoption as an alternate and even superior way of founding a family which is defined by sacrificing one’s own innate desire to have own children and instead of giving opportunity for an already homeless child to live in a family with parents.

An adoptive mother said:

“People who don’t procreate , be straight away advise them, why are you going for IVF, why are you doing so much, expense is one thing, but its trauma also for the woman to do IVF, it doesn’t work through , so much effort and energy, go and adopt a child, and save a child. It is better. I think saving is better than creating”.

An adoptive father said:

“I always tell them that you know I just have one philosophy in life that people are different and one must learn to accept that. So I appreciate and accept that for you this is crazy but you should understand and accept that for me it is not. Let us live our life our way I am not intervening in your life and I

would appreciate if you don't intervene in mine...like... if you don't want to support me, don't support me but don't criticize me”.

**5.1.6. Adoption decision:** The couples often make adoption-related decisions when they realize problems in conceiving after a definite medical diagnosis of infertility or repeated failures in fertility treatment. In consequence, couples themselves often come up with their own mutual decision to adopt a child or more. Once couples reach to a decision on adoption, they tend to subsequently inform and discuss with their parents and significant others including in-laws. Adoptive parents in their contemplative phase of adoption received help from their parents, in-laws, friends and religious leaders.

An adoptive mother at NCR Delhi said:

“We tried to have our own child for many years [but] it was not happening so we decided to go for adoption”.

An adoptive mother at NCR Delhi said”

“We were very clear about our decision [to adopt a child]. For me, adoption is about giving a child something of their rights...something they don't get...what is their rightful due. I think for me I can give a little better than what they would have been got from the agency. There are so many children are there already in the world, therefore no need to create a new one”.

An adoptive father at NCR Delhi said:

“We both [husband and wife] decided for adoption when thought about adoption came to our minds. We decided together six years after the marriage for adoption”.

A Christian adoptive father at NCR Delhi said:

“I discussed with my parish priest. He suggested us adoption is possible from Chandigarh. We went with him to that place [adoption agency]. We went to the missionaries of Charity and from there the child was chosen

A adoptive father at NCR Delhi said:

“I decided to adopt a child legally rather than verbally from others [because] there is chance to lose her again [and] to make my family happy!” .

A Hindu adoptive mother said:

The thought of adoption came after seven years of marriage. At that point we came to know it is difficult for me to conceive a child. that time we decided. Till then we thought if God gives a child, it is ok , if he doesn't it's also ok.

An adoptive mother living in Delhi said:

“We decided our own and later we asked our in-laws and uncles. All of them gave us positive responses and encouraged us. When we decided we contacted our parish priest Fr. Geepy and we went to Chandigarh and saw a child. After deciding .it took about six month's for us to start the adoption procedure”.



**5.2.0. Adoption experience of adoptive parents:** In the adoption experience subsection of results, the analysis narrates the adoption procedures, adoption experiences and their perceptions of change in their lives after adoption.

**5. 2.1. Adoption procedures:** Procedural delay related to adoption seems to range from 6 months to 2 years where the waiting period tends to cluster towards the upper ends. Adoptive parents were mostly dissatisfied with the duration of adoption procedures. Out of our in-depth interview participants, a few adoptive parents reported mere stratifying experience with adoption procedures. Few parents reported that their experience with CARA (Central Adoption Resource Agency) was positive and easy especially in the aspects of online application filing as well as status tracking with respect to progress in application. Nevertheless, CARA and designated adoption agencies were seemed prejudiced when single women approach the adoption and such prejudiced responses were evidently more from agencies. The single adoptive mothers reported that they experienced such prejudiced attitudes and treatment at every level during the entire procedure of adoption. Consequently, some adoptive parents tend to discourage other aspiring childless couples and prospective single parents from adopting children, explaining the procedural delays as well as prejudiced attitudes and treatment from CARA as well as designated adoption agencies.

An adoptive mother of NCR Delhi said:

“We were surprised about how smooth the entire process [even though] CARA is a government body but the process was very smooth. Whatever is written on the website, things happens exactly on the ground as well. We filled

up lots of forms and go to the court to get the decree. They were very extremely helpful people”.

A Hindu father of two adopted girls said:

CARA is professionally done through online, number you get it, you can see the progress of it , track it, you update online itself. When you called by the agency and meet them, it was all system because I think the accountability comes in a second process”.

An adoptive father in NCR Delhi said:

“There are so many children coming to the agencies for adoption and why don’t they [CARA] send this children to the prospective parent as early as possible? Still I do not understand that...”

An adoptive single parent woman at NCR Delhi:

“There were ten magistrates in the board [and] you have to go in front of them. You cannot go just and apply to them. After the application procedure, you have to go in front of them and explain your case. It is not very easy...it is not like you are going to buy vegetables from the market”

An adoptive Hindu mother from NCR Delhi said:

“I told them that it is a difficult and not easy procedure. Some of them after hearing the details of our story hesitated and dropped the idea [of adoption]”.

An adoptive single mother from Delhi narrated her experience with CARA:

“I am very upset with CARA. They were very unkind. They know that I am a single person and they wanted to give me a very sick child. I asked them, why are you doing this? Why don't you give this child to a doctor couple who can care this child well not to me a single parent who is working and caring alone a child. Afterwards they didn't give me any information. Even the Missionaries of Charity was not giving to a single parent. They give to the foreign parent not to the Indian single parent. They have given to Susmitha Sen but I didn't get. Being a Catholic I don't expect that. You know, you go to your own home and you don't get and you have to go to other place....”.

Adoptive parents, in general, were unaware of the procedures and associated delays when they plan for adoption. However, the adoption procedures seem to induce dissatisfaction and helplessness in adoptive parents. It is a phase in life needing support and guidance with counselling services to help set realistic expectations. Poor knowledge about procedures including legal aspects associated with adoption seems to task and burden prospective parents who have already been emotionally drained; due to their distress attached to childlessness. Nevertheless, prospective parents with support system outside the couple-system, such as support from in-laws, parents and spiritual leaders substantially help to reduce the anxieties and distress associated with adoption procedures. Many a time, rude and money-motivated engagement of agency personnel considerable fuelled their distress.

A Catholic mother at NCR Delhi said:

“I don't know....Father [religious priest] everything so we didn't have any barriers or difficulties. We had to go to the court and to make the papers ready.

It took around one year to make the adoption legally with proper documents.

After a year, they called us and handed over the original documents”.

A Christian adoptive father from NCR Delhi said:

“The [adoption] process not easy at all. I thought when I approach an adoption agency; they would be supportive [and] be helpful. In India, it is not actually so. I felt very bad that I had to defend myself 3 years to have a child. Even though I thought I am a Christian, it would be easy, but I was very much upset. My wife was very traditional and strong in faith. I could not accept and understand the rules and regulations of the certain agencies [because] we were very generous and helping church and helping the poor. The moment we need a help, this kind of help, we didn’t get it”.

And he continued saying:

“In many places [agency], people told us ‘we have a child and you come’, but you know when we went there, they behaved differently! All these places I booked the flights and going, but straight the way when we reach they demand you money”.

**5.2.2. Gender preference in adoption:** When deciding on adoption, most parents consider some of the culturally nourished qualities as well as future parenting-related challenges attached to gender as key factors to decide on gender selection of adopted children. For an instance, parents, in general, subscribes to girls’ qualities such as girls tend to remain soft, considering, loving, emotionally attaching, and caring to parents once they are grown up as adult children. Evidently, such qualities are valued as future-oriented rewards for adoption, especially when adoptive parents reach their

old ages. Further, adopting girls were perceived as easy to discipline them in comparison to boys. In adopting boys, on the other hand, adoptive parents perceive threat in respect to upcoming parenting challenges and future connectedness. Adoptive parents foresee possible risks for boys to turn oppositional to parental instructions, gender-related risks in developing high-risk behaviours such as alcohol and drug addiction, as well as gender-related stereotypical beliefs such as boys are rough, less emotionally expressive, difficult to discipline, and trust. Some adoptive parents acknowledge that adoption gives the convenience of gender selection, although gender selection is not possible in the biological process of pregnancy and child delivery.

An adoptive Christian father at NCR Delhi said:

“I told my wife to make a choice of either boy or girl [and] we decided that we would adopt a girl child. Although I asked my wife to make a choice, even my wish was also for a girl child. Now a days, people do not discriminate between boy or girl. I have seen some experience that girls love parents more than boys”.

An adoptive Christian mother at NCR Delhi said:

We decided to adopt a girl child because girls are more trustworthy and abiding and boys have bad habits like taking drugs and alcohol etc ( She laughs

An adoptive Christian mother at NCR Delhi said:

“I feel proud and happy to have an adopted girl child. I preferred a girl child although it is God who gives us boy or girl [she is referring to biological birth]”.

Perhaps, in adoptive parental decision on child gender is the most culturally biased decision that the adoptive parents make during the child adoption; whereas stereotypical beliefs and cultural images attached to gender play a critical role, especially among adoptive parents representing the urban middle class. I would argue that it is rather a decision influenced primarily by socio-economic statuses of adoptive parents; wherein girls were perceived as less risky in family system maintenance and continuity than boys (e.g., continue and maintain family status and assets). In contrary to this argument, adoptive parents of lower socio-economic statuses tend to prefer boys to girls with the same spirit of family system maintenance and continuity. Nevertheless, the fundamental difference is that girls were meant to maintain family continuity socially and economically whereas boys were perceived to maintain and advance the socio-economic status of overall households.

A Single adoptive woman parent said:

That we will go to the process and whichever child comes to us the first child we will take, the only thing that we were serious of we wanted a daughter. And we were very clear that, life are normal with a biological process, you can't see to a child when you have a biological process so we thought we should not be choosing a child if it is a non- biological ... and that's how we went ahead.

**5. 2.3. Adoption experience:** Adoption as an alternate way of having children in the life of childless parents brings them a whole lot of positive feelings of hope, joy, happiness, love, care and responsibility within individuals and in couple relationships. Evidently, adoption has improved couple relationships and communication, presence of children changed the activities of the daily living in couple life as child-rearing demands a considerable amount of quality time to spend caring and other associated responsibilities.

An adoptive mother at NCR Delhi said:

“It was completely instant [and] magical... she was like an angelic... she was very small and she could not even walk. She was 10 or 11 months old and she was very tiny of her age”.

A Hindu adoptive father from NCR Delhi said:

“I feel it is a great gift of God”.

A Hindu adoptive mother at NCR Delhi said:

“Well when we saw her [adopted daughter] first, what really struck me about her was her eyes! She has been very hopeful, very nice with bright with big eyes! We didn't have to think twice [as] we just looked at her, we realized that she is almost like a long-lost baby. So, we instantly fell in love with her and she also instantly came to our arms and we almost felt so complete and it was such a natural thing to happen! It's just you know...we were there to choose a child or whatever [but] she was like angelic [and] she was very small and she

could not even walk, she was 10/11 months old and she was very tiny of her age”.

A Christian adoptive mother at NCR Delhi said:

“It’s a good thing that people should adopt if there is a need as it really brings happiness in the family”.

A Hindu adoptive father at NCR Delhi said:

“I call them by name...they bring...actually the name “Sachi” itself is “joy” she is brought joy our family. Second child ‘Leha’s brings freshness into our life”.

A Single parent woman with an adopted girl child said:

“She is my everything. I have someone as my own”.

A Hindu adoptive parent said:

“I am ready to give testimony for the propagation of the adoption”

A Single parent woman with an adopted girl child said:

“I have my mother and she was alone. I wanted to be her support. I Just don’t want to go on with my life saying goodbye to her! I have the finance and then I said why just wasted for myself, which can give to another person who can have a home. That can make a meaning...”

Apart from positive emotional and psychological experiences of adoption, adoptive parents’ especially single women parents frequently repeat a sense of continuity as well as a sense of loneliness. In the first place, adoptive parents in couples’



relationships experience uncertainty due to the lack of children in life. It also seems to induce existential questions about the old age and afterlife such as ‘who shall take the family lineage forward?’ This was evidently more pressing for single-parent women of urban middle-class families. Hence, the adoption of a child to a family seems to meet the psychological need for a sense of continuity in life and relationships. Similarly, childless adoptive parents as both single parents as well as couples tend to face a high level of loneliness in life whereas adopting a child to the family break the loneliness as well as a sense of emptiness.

A Single parent woman at NCR Delhi said:

“I feel that I am on the top of the world... the best thing I feel is that all that I missed in my life because of the circumstances [now] I have a chance to give it to my child! Wherever I could not better in my life, I am happily making it for my child. That is my feeling. I wanted to have two children but unfortunately, I cannot go for it. Otherwise, I would have adopted two girls”.

An adoptive Christian father at NCR Delhi said:

“I go for my work every day and my wife always remains alone at home. I thought it is better to adopt a child. First, my wife suggested to adopt a child and I agreed to it”.

**5.2.4. Perceived change after adoption:** Adoption meets the emotional, psychological and social needs of adoptive parents as well as children. In respect of parental emotional and psychological needs, parents as couples tend to experience a sense of incompleteness in family life due to childlessness. Prior to adoption, couples

seemed to undergo psychological and emotional difficulties alongside treatment-related concerns. Such couples reiterate tremendous changes in their life after adoption after the coming of a child into their family life. Evidently, parents, in general, report a dull and depressive life and relationships have turned bright and hopeful after adoption. Parental time geography has changed with due focus on children. Initially, husbands tend to spend time outside the home after office hours but after adoption, they became more active in family affairs, reduced alcohol and other unhealthy habits. A couple together spends more family time with adopted children. In some families, the frequency of in-laws visits increased and relationships improved, hope was instilled and a sense of completeness was brought into the familial as well as couple relationships. More importantly, a sense of security is ensured for many childless couples after adoption. Hence, adoption, in general was useful for parents in improving their own relationships, emotional and psychological health and wellbeing.

An adoptive mother at NCR Delhi said:

“Without a child in the family, family life is incomplete. Even if there only one child, it matters a lot! With the coming of the child, there is a vast change in my family like a heaven and earth. Before I had a dull life and now after the child, I am more active”.

Another adoptive mother at NCR Delhi said:

“Our life has centred on her after her coming. There were a lot changes [and] we started coming back early from office, [because] we want to spend time with her. Everybody at home wanted to take care of her. My in-laws stayed

for about to 2-3 months with us when child came home. The main change was that she became the whole world for us”.

On the other side, children also emotionally and psychologically benefited as they began to experience strong attachment with parent figures and consistent parenting. Adopted children began to show a more stable emotional state, warmth and sense of security. The parents are happy and content about the strong emotional ties they enjoy with adopted children. However, some children show emotional symptoms such as fear, anxiety, distress where parents tend to associate such behaviours with their unknown past. Nevertheless, couple relationships substantially improved after adoption. Many parents reflected the quality of couple relationships prior to the adoption as conflict-ridden, anger and troublesome, however, the presence of adopted children significantly improved relationships and eased strains and distress. Evidently, child adoption helped to change the family environment as well as couple interaction patterns. It evidently brought happiness, joy and hope for the future and most importantly eased distress substantially, suggesting the therapeutic effect of the adoption of a child in familial and couple relationships.

An adoptive father at NCR Delhi said:

“She [adoptive daughter] is very attached to both of us [and] close to me so much as a father. My wife takes care of her studies. When she gets up in the morning, she wants to see me! But at night, she wants to sleeps with her mother”.

An adoptive mother at NCR Delhi said:

“My child is an emotional child. We saw the things, when we came also like when we touch her suddenly she gets shocked and get afraid. The touch was not very usual for her. Because the first 5 months there were no one to pamper her”.

An adoptive mother at Delhi NCR said:

“Before the adoption we used to even fight verbally in the family even over tiny issues but after the adoption everything was changed. All our attention were on child. As a result the whole family atmosphere got transformed, with full of happiness, joy, hope”.

**5. 3.0. Emotional and psychological responses:** Under this subsection of findings, there are three important subthemes namely ignoring differences between natural and adopted children, adoptive parental concerns regarding disclosure adoption story and parental experience of adoption stigma and discrimination are narrated.

**5. 3.1. Ignoring difference:** Adoptive parents generalize similarities of adoptive and biological children and their parent-child relationships in familial contexts. As children grow up, they tend to develop stronger emotional ties with adoptive parents. Such children also develop emotionally engaging relationships with other family members and relatives. Emotionality, closeness, attachment and love-such all positive emotions were evident in parent-child relationships.

A Christian adoptive mother at NCR Delhi said:

“I don’t actually see difference as I think all children are the same [and] family situations are also the same. As she grows up, she becomes more close to us.

Everybody has fallen more and more love with her as she grows up. My in-laws cannot wait to get here whenever they have summer holidays because they want to spend so much time with her! They do video call with her everyday [and] they are all taken by her”.

An adoptive Hindu father at NCR Delhi said:

“I do not find any difference between the biological and the adopted child. We have to love the adopted child than the biological child”.

An adoptive father said:

“There is no difference between the two. Even if I had my own biological child after the adoption, still there will be no difference. Both will be dear and equal”.

An adoptive mother at NCR Delhi said:

“For me there is no difference. All families know that we love our child more than others do. We love her doubly.( laughs and feels shy) nobody will ever notice that she is an adopted child. Because the reason is that we don't difference in our heart” .

A Single parent woman said:

“Not at all!...I feel they are better. Let me tell you that in the case of biological child, their parents take them for granted [because] their dream came true. They wanted to have a child and you got it”.

**5. 3.2. Disclosure concern:** There are diverse parental apprehensions, concerns, perceived and often misconceived thoughts about adoption disclosure to children among adoptive parents. Some parents are excessively concerned about disclosing adoption stories to their adopted children. Such parents often remain excessively fearful and anxious about the possible consequences of revealing or disclosing adoption history to children. They tend to act proactively in controlling adoption-related information and even familial discussion surrounding adoption in the presence of their children. Further, these parents tend to experience a sense of helplessness to reveal the adoption story to the child, although they feel it is important to disclose the adoption status to their children.

The predominant expression in situations of helplessness in disclosing the adoption story was '*She [adoptive child] is my life and I would never be daring enough to disclose*'. Yet another expression was '*I don't want [to disclose] and I wouldn't be able to [tell the story]*'. Some parents tend to wait for a suitable time to disclose the adoption story as part of their anxiety saying that '*I will disclose it to my child when a right time comes*'. Some others are seemed evidently prepared to confide the adoption story from their adopted children saying '*I never gave her a chance or opportunity to feel her that she is an adopted child*'. Those adoptive parents who think in this line tend to develop convictions that they love and care for their children in the same manner if they were to have their biological children; therefore, by default, there is no reason to disclose the adoption story to their children. Evidently, these parental perceptions tend to induce and maintain excessive fear, anxiety, helplessness, inability to accept adoption as a reality in life, raising concerns over psychological maladjustments in performing parental roles and responsibility with broader

implications for the well-being of both adoptive parents as well as their adoptive children.

An adoptive mother in Delhi NCR said:

“I never disclosed and I don’t wish. I always call by her name. I never gave her a chance or opportunity to feel her that she is an adopted child. She may not know that she is an adopted child because that such kind of situation never arose and I never discriminate her”.

A Hindu adoptive mother at Delhi NCR said:

“I don’t want to disclose the adoption story to my child because I don’t to look at or treat her as an adopted child. I feel that she is my own biological child. So I never told her and I don’t think there will be a need for to disclose”.

A Single woman parent at NCR Delhi said:

“I don’t want to disclose this to her at all now but when all her studies are over [and] she achieve a more safe and settled life I may tell her about it. Absolutely I will tell her but not now. There is a time for everything!”.

An adoptive Christian father at NCR Delhi said:

“We have not disclosed but she knows. She never shows to us that. In fact I don’t want and I will not able to disclose. She is my life so I never dare to disclose about it”.

An adoptive father at NCR Delhi said:

“I feel that she my own biological child. So I never told her and I don’t think there will be a need for to disclose”.

An adoptive Christian father at NCR Delhi said:

“I think we have to tell her in the future and I will do it. Even from the agency who gave us the child even told us that to disclose this matter to the child. I am not sure at what age I would reveal this to her. Surely, we will tell her. It is healthy to explain this story to her”.

However, there are other extremes where adoptive parents disclose the adoption story not only to their adoptive children but also to people in their neighbourhoods. Such parents tend to get support from the family, neighbourhood and at the workplace. More importantly, adoptive parents who disclose their adoption story on social media tend to provide social support to other adoptive parents. Also, felt that ‘*there are people like us*’. Some parents tend to develop the attitude that ‘*adoption is not a crime so why should once confide about it?*’ that gives them a sense of control and autonomy to deal with societal responses effectively.

An adoptive mother at Delhi NCR Delhi said:

“She grew old now [and] when she arrived here [at home], she was small [and] our immediate family and friends knew about it [adoption]. In a month’s time she turned one year old. When she turned two years old, we arranged a party with hundred 100 people. We announced to the entire friends and social circle that this is Anika. We did not hide about adoption from anyone. However, she



is started going to school and, if someone does not ask, I do not mention. So mostly, people don't know”.

An adoptive mother at Delhi NCR Delhi said:

“I have seen that on social media, people are very openly talking about adoption and very proudly about adoption. I feel very good It helped me understand that there are people like us in the world [and] are equally proud of their decision [to adopt], and were not hiding it. I have not done any crime [so] why should I hide it?”.

Evidently, those parents who disclosed their adoption story to their respective children used age-appropriate strategies. Parents, especially mothers used stories from Indian mythology to explain the concept of adoption to children at a tender age. Others used simple stories as a way to communicate the adoption story to the child. For an instance, a Hindu adoptive mother explained to her adoptive daughter about her adoption story in these words:

“I explained the concept, you know its [adoption's] only the difference is that you came from someone else's womb but you came from my heart. That is it. You are so special and therefore we really wanted you in our life! Initially, there were many questions from her but I think she is settled quiet well now. Honestly, I think she seems to be very settled with it and she is just nine years old now. Whatever the little she understands, she is very comfortable with the thought”.

A Hindu adoptive mother at NCR Delhi said:

“You know in Hindu mythology; we have Krishna and there are so many other examples in Cartoons also of adopted cases. I use such stories as example to inform my girl about how she became the part of me.”

An adoptive mother of girl child said:

“I told her that she was adopted and what is adoption. As I know she is just 8 years old and she wouldn't understand it in depth. So I told her that there are two ways that child comes in mothers stomach. But you didn't come through your mother's stomach but somebody else' and my mother was somebody”.

**5.3.3. Adoption discrimination:** In contemporary Indian society, the stigma and discrimination attached to adoption as an alternate way of founding a family have been reduced in the background of recent changes brought in by social legislation and constitution of legislative bodies namely the Central Adoption Resource Agency (CARA) and designated agencies. Contemporary development in national and international legislations and movements has positioned adoption as a strategy towards child welfare for orphan, destitute and abandoned children. Consequently, owing to recent changes in the purpose of adoption, traditional stigma and discrimination have substantially been reduced; although such discrimination continues to persist varyingly in different aspects of the everyday life of adoptive families. In the present study, it was evident that discrimination of adopted children continued to persist in some families, especially among relatives and neighbourhoods

An adoptive mother at NCR Delhi:

“I am not ready to go and give witness adoption, because adoption itself is a sign of discrimination. It may go against the idea of adoption without discrimination”.

**5. 4.0. Social responses to adoption:** The social responses to adoption contains child adoption decision invokes diverse responses from people around the couple-system namely partner within the couple-system, parents, family members, neighbours and friends.

**5.4.1. Partner response to adoption:** Parents’ decision to adopt a child invokes diverse responses from immediate others in parental social networks, who include life partners, parents, family members, friends and neighbours. The primarily was couple or life partners’ responses to the idea or wish for adopting a child. The pre-adoption stage usually characterises repeated failed attempts and waiting to conceive alongside costly infertility treatments, when the couple began to think for adoption. One of the partners in a couple-relationships often began to share a wish for adopting a child. In many circumstances, the couple is already exhausted; others began to think to align with, although some partners tend to further delay taking up a final decision for adoption. However, most couples form and come up with a joint decision for the adoption of a child, given the context of infertility and treatment failures. Nevertheless, this pattern is different for women single parents where initial support from parents and friends.

An adoptive Christian mother in NCR Delhi said:

"My life partner completely agreed to adoption as it was our mutual decision. We decided and later we shared our idea with my in-laws and all supported for adoption

**5.4.2. Parental responses:** Similarly, couples who have decided to adopt a child, usually such decisions are initially informed within the immediate family context, especially with parents. The analysis shows mixed initial responses from parents' dependents on the couple's reproductive potentials. Mostly in the contexts of repeated treatment failures and subsequent difficulties to get conceived, parents tend to favour adoption, especially among urban middle-class families. Nevertheless, adoption by single-parent women as well as couple who deny natural or biological children and prefer to adopt children instead have been faced with initially tough parental responses and resistance. In such situations, parents take a long time to understand and comprehend the personal philosophies and views of single-parent women in the first place and couples who do not prefer to have natural biological children.

An adoptive mother in Delhi said"

"After visiting a Unique Home [a childcare agency] we shared with our families our parents were very excited about adoption. It was because for many years they saw us keen on having a child. So they were very excited about it. In fact, my mother thought that we were very late in taking this decision [and] she was hoping it before this thought came to us. We got a very positive response and they were very excited wanting to know about adoption, how soon it would happen!"

An adoptive father in NCR Delhi said:

“I discussed it [adoption plan] with my father and mother and they were happy about it. My parents were very happy so also my relatives”.

An adoptive Hindu mother who preferred adoptive child to biological child in NCR Delhi said:

“Initially my parents couldn’t understand why am I doing? [And] what am I doing? But now they understand my point of view [and] they are proud of what I am doing! They understand now that people can be different. It is not wrong for me to adopt even when I can have a biological child! My dad has a traditional view of life where women is supposed to give birth [and] then only you are complete! So if God is giving you this opportunity, why would you not want to take that forward? He used to say that: so it is not right to do what you are doing’ [and] I believe that it was his traditional thought! He doesn’t think like that now”.

An adoptive Christian father at NCR Delhi said:

“I discussed it [adoption plan] with my father and mother and they were happy about it. My parents were very happy so also my relatives”.

**5.4.3. Family response:** Mostly, among adoptive parents of urban middle-class families both nuclear type or in extended families, other family members showed mixed responses. Family members, in general, were receptive and welcoming to adoption decisions made by childless couples. However, in cases of single women’s decision to continue living unmarried and after adopting a child or two were not well received among family members. Similarly in the case of the couple who wants to

adopt a child while denying biological children even when they can have also received such stigmatized responses from family members. Additionally, the couple also perceived that some family members had a vested interest in their family asset so that they tend to negatively react to the decision to adopt a child.

A single parent said:

I am not in problem with anybody so far. People are happy about it [and] they think that it's a nice thing to do. My neighbours are trying to find out how they can go about it. And you know, how their friends can go about it.. and I helped a lot of them.

**5.4.4. Neighbourhood responses:** Neighbours, in general, have an acceptance of adoption as a method of complementing marital life to childless couples, whose inabilities to conceive and deliver a child after prolonged treatment and established infertility conditions. However, society in general places relatively inferior or second preference to adoption in comparison to biological children. It is evident when parents use psychological defence in attitude such as “I don't care”, or “I never bothered about what others would say”. It is further evident in general hesitance of adoption as a way of founding a family for single-parent women. Neighbourhoods become critical when reproductively intact couples decide to constitute a family through child adoption.

A Single parent woman said:

“...I never bothered to care much about what society thinks about it [adoption]. I think what is lacking to happen in cities that are more

metropolitan is that people are more likely to be receptive about it. In smaller set up or smaller town, I think there could be objection or resistance especially in small town joint family set up”.

Another single parent woman at Delhi said:

“In fact, no one has asked any such questions! If anyone asks, they want to know how is it possible to adopt a child and how to go about it...They felt a lot of benefit.”

An adoptive Christian mother at NCR Delhi said:

“Initially they asked many questions about the child and the place from where she was adopted and later nobody asked. Earlier some were indifferent but now all love her. My relatives really love her. Some people may be speaking, but I don't know... No one directly talk ill about her to us. A few others asked our adoption story so that they could also adopt”.

A Hindu adoptive father said:

“In general, their question is that “why”? why did I think of it? It is especially when I could have my own [child]. Some of my friends think that I am abnormal! And asked Why do I think so differently ...how did this thought even come to you... ‘like are you so mad’”... you are crazy!”

A Hindu adoptive mother said:

“As long as my intentions are clear and I know what I am doing, I really don't care about these people because I know eventually they will understand. Even

if they don't understand, I am ok with it because you know it is their life and I am not asking them to do what I have to do, so I just should be allowed to do what I have to do!"

**5.5.0. Social support and adoption:** Social support is instrumental for adoptive parents where such support arises from friends, neighbours, colleagues, and family. Some parents also received religious leadership in adopting children.

**5.5.1. Friends support:** Although initial discussion on adoption as an option to extend family and relationship often begins within a couple-system, couples immediately seems to discuss about their idea of adoption with immediate and close friends. Friends indeed support prospective adoptive parents to decide on the adoption-related decision. Further, peers and friends also seemed to facilitate adoption procedures as well as information about procedures, apart from instrumentally helping alongside needed emotional support.

An adoptive father at NCR Delhi said:

"In our friend's circle, I am from Patna and Dimple is from another place[ and] our friends live in many places. We have a number of friends who adopted children. It was not very unnatural so once we made up our minds we went with proper thing, we applied to the two places, we put it up CARA and nothing happened so we started visiting some homes, and that luck would how we landed up in Unique Home".



**5.5.2. Parental and sibling support:** Similarly, adoptive parents appeared to receive significant support from their parents and siblings during the pre-adoption, adoption, and post-adoption phases. In the pre-adoption phase, social support ranges from the collection of information on adoption procedures and sharing with prospective parents, extending much valued emotional support to prospective parents. During adoption, prospective adoptive parents undergo so many uncertainties, confusions and difficulties in decision-making. It is where immediate family members seemed to support prospective adoptive parents. In the post-adoption phase, immediate family members (which include in-laws, parents and so on) tend to positively engage with the child, adoptive parents and assist them in child-rearing. In cases where adoptive parents received familial acceptance for adoption as well as acceptance of the adopted child, it was likely to result in better integration of the child into the family.

A single parent woman in NCR Delhi said:

“I mean we were lucky to be having very supportive parents and friends and siblings. I think Anika is a darling everywhere she was and whether it is in the friends circle or in the family circle I think she is ...”

An adoptive father at NCR Delhi said:

“My relatives were not so happy because of the property. They were expecting our property but when we shared our desire, they had to accept. When they saw the child, they were very happy [and] now there is no problem. We stay in Delhi and for the holidays, we visit them”.

**5.6.0. Adoption experience of adopted children:** Under this section, the adoption experience of adopted children were narrative under four thematic areas namely child perceptions of parents and family, parental disciplining and corrections, sense of skills and mastery, and parental bonding and comfort.

**5.6.1. Child perception of parents and family:** Adopted children, in general, develop a sense of belonging to adoptive parents and tend to develop a positive attitude to parenting and parental disciplining. Some children of adolescent age who were informed about their adoption history seemed to personalize their adoption status in a healthy manner. It also helped children to develop strong emotional ties and bonding with adoptive parents, and positively perceived the disciplining role of their adoptive parents as ‘natural order of thing’ with a personalization that parental disciplining meant for their larger good and wellbeing.

Some children legitimize adoptive parents arguing that the mere biological process of giving birth does not make a person parent. In lieu, one becomes a parent when he or she adequately engages in delivering parental roles. Mostly, adopted children experience wellbeing therefore when they think about adoption, they felt content and happy as they could join this family and especially with their adoptive parents, who cared, loved, emotionally attached, met their needs as children and young adolescents. Such children also reported that parental disciplining and upbringing helped them to become good persons and prepared them for a good future, which would not have been possible unless adopted to their families.

An adolescent boy said:

“The person who gives birth is not important but a person who makes our life is very important. Therefore, from my heart, I have been grateful and happy in

a way I was brought up and the way they have been teaching me! And the way they are helping me in my life. It is a wonderful thing even if I have got birth from them, but to learn so much of things from them and to inculcate best thing they are providing us for our wellbeing and for our future”.

**5.6.2. Parental disciplining and corrections:** As evident in parental narratives where parents tend to ignore differences of parenting roles in adopted and natural children, the analysis also revealed such internalizations in children. Adopted children engage in comparison between natural children and adopted children and tend to ignore any differences between these two groups of children and their parents. Adopted children clearly compare natural parent-child interactions with adoptive parent-adopted child relationships, with a propensity to reduce differences through ignoring mechanisms and maximise sameness and similarities. For an instance, adopted children tend to argue that they are disciplined and corrected, two parental functioning implying punishments or negative experience. All children tend to argue that it is for their wellbeing and larger good in future. The researcher wishes to pinpoint that adopted children frequently refers back to the natural parent-child relationships where disciplining and corrections occurred. It can be viewed as a maximizing similarity between natural and adopted parent-child relationships, implying that adopted child internalized their adopted status, which is not natural therefore he or she frequently occupied with the notion of sameness and similarities, at least when prompted to open up on the parent-child relationship.

An adolescent adopted boy said:

“I don’t feel uneasiness or discomfort of being said or being feel that I am not from their own blood. Every child gets scolding for mistakes. It has nothing to

do with to whom they were born or how they were born. It is all about how they brought me up [and] how they treat me”.

An adopted child said:

“I saw other kids and myself when I compare...I would say I would refuse if someone says there is a difference! In a same way others children [natural children] who get scolding, we also get scolding [from my parents]. When I see scolding, I do not feel it as embarrassment for oneself but I would say that it is for our improvement”.

An adopted girl child said:

“It is good for one to understand and to improve those things the person is doing wrong. So I don’t think that the person is doing wrong. So I don’t feel it as scolding. It is good for us to improve”.

An adopted child said:

“I feel as normal as my own [biological] parents. Whenever I am late from the school or when I make mistake, they correct me but I took it very positively”.

More realistically, some children reported that they felt upset and worried when they come to know that they are not from adoptive parent’s blood but later they settle down, and the parents were affectionate and loving therefore, the emotional bonding and attachment overtake the negative effects of punishment and negative parent-child interaction. It evidences positively personalizing parent-child relationship. Nonetheless, adopted children often do not associate adoption in relation to

disciplining and correction where some of them explicitly reported that adoption has nothing to do with scolding or even appreciating and believed that parents are doing everything for their betterment.

An adopted child said:

“I feel upset, but every parent corrects their children and I never felt that they had adopted me or why they are scolding me or correct me”.

An adolescent girl who was adopted said:

“One best thing I can say that adoption has nothing to do with [parental] scolding, beating or appreciation. All emotions come one by one according to the situations”.

**5.6.3. Sense of skills:** Evidently, adopted children engage in all household chores and assist their parents. Some children assist them in cattle rearing, milking, cleaning and other household chores, after school hours. Such participation and engagement helped them to acquire a sense of mastery and skills leading to an improved sense of selves through meaningfully contributing to households. On the other side, such engagement with adoptive parents helped them to learn new skills, increased parent-child bonding and interaction resulting in many forms of learning in daily life.

An adolescent boy said:

“I help my parents to look after the buffaloes, milking them, cleaning and other house chores, because my mother was not so well. They appreciate me! As soon as I am back from the school, I begin my work. I learned all the

works from my mother. I am so proud that I could learn all these works. Now I am able to do everything. Whenever I talk with an unknown person, she [mother] used to correct me saying that you don't know them [and] their intention in mind".

**5.6.4. Bonding and comfort:** Adopted children reported that they were satisfied with their lives and felt grateful to their adoptive parents. They considered their lives with their parents as blessings. Such children seemed to have healthy interaction and attachment with their parents. Many adopted children shared intimacy and strong bonding with their adoptive mothers and reported that their mothers were able to easily recognize and understand their moods, feelings and needs. On the whole, parent-child relationships were perceived positively and children experienced a healthy relationship leading to their wellbeing.

An adopted child said:

"I always go to my mother's side when I am upset. I don't even need to go to her as she always understands my emotions from my face".

Another adopted child said:

"It is always being caught, it's get caught earlier than, so it is automatically comes out and mothers are always the best person with whom we can share the things".

A child said:

“My relationship is good with my parents and they have taught me at most loving, care and all, ah.. and they provide me with everything what I need, what I... and they do know what I was to do in life and they will bring, they are standing for me in every step, I don't feel unwanted at any time. They, they do know that I am there for them and they are there for me. And nothing will happened in their course of life until our.. God calls us”.

### **5.7.0 Perspectives of lawyers on Adoption**

CARA, or the Central Adoption Resource Authority, is the official nodal entity in charge of adoption procedures and facilitation. Key informant interviews with lawyers revealed that the inter-country adoptions are taken care by the authority which provides detailed descriptions, guidance, and support for adoption procedures. Both from the perspective of the adoptive parents and the child, the official nodal entity of CARA serves a crucial role from the initiation of adoption process till the end and beyond. People's attitudes and mindsets toward adoption have significantly improved. There has been an increase in the adoptive parents who are wholeheartedly willing to adopt children. It can be seen in the rise in the adoption of female children, as well as in the number of parents who want to adopt children after having their own biological child. In the period 2018-19, 2,398 girls were adopted out of a total of 4,027 children. It's a good indicator that adoption is now seen as a responsible and societal necessity rather than a charitable act. It is an effect of the societal awareness through governmental schemes and policies to change the viewpoint in having girl child. The improvement in the adoption in case of girl child shows the success of such initiatives from the side of government as well as non-governmental organizations. Even if the adoption rates are satisfactory, the adoptive parents tend to be in a rush for completing the procedures. In the case of two years' time period, they mostly get dissatisfied due

to the long procedures. Also, domestic adoptions of children with special needs are quite rare.

Parents who want to adopt a child must first register online with CARA, where they can declare their choices and provide papers, according to CARA's official website. Following receipt of the registration, the parent can select a Specialised Adoption Agency for a Home Study conducted by a social worker based on their region. The report is good for three years and verifies that the parents are suitable for adoption. After they have been found to be eligible and acceptable for adoption, they are offered referrals of children who are legally available for adoption. Within 48 hours, prospective adoptive parents have to reserve a child who has been referred to them. Following that, an appointment needs to be made with the agency's adoption committee to match the PAP with a suitable child.

Some of the children in this category are put up for adoption. Those children, however, are not in such a particular special situation. In the case of adoptive parents, a doctor's certificate is required to prove that they are free of any major diseases or medical conditions that could result in their immediate death. The home study undertaken by the social worker also categorises those cases. If one of the parents lives overseas, the adoption process gets more difficult because it may be necessary to declare where the child will live following the adoption.

It is dependent on the family's location. The cost of living in rural areas would be lower than in a metropolitan city. As a result, no specific figure has been established.

It is always recommended that the adopted child be informed that he or she has been adopted in a timely manner, at an appropriate age, and in a proper manner. This gives transparency and long-term attachment between the adoptive parents and the adopted child. Adoption is not a taboo subject, but rather a viable option for having a family.



When discussing the legal aspects of adoption with lawyers, it is known that there are some revisions that most adoptive parents are unaware of. This could explain their fascination with the demand for an immediate adoption procedure.

The lawyers say that some parents may feel compelled to adopt all the sibling children or may be willing to do it on their own. More than two siblings are usually too much for a parent to handle. As a result, more than two siblings are difficult to place and can be reserved immediately through CARINGS' Immediate Placement service. Children of the same gender can be adopted by adoptive parents. They can register for the next child after adopting one child, which could take two years. In addition, if the parents want to adopt siblings, they can do so. Adult children have been adopted in some situations, however if there is a sibling, they cannot be separated under the law. But a male single parent is not allowed to adopt a girl child. Legally, there are no provisions for such an adoption process. In the case of a married couple, they are required to give consent from both the sides.

If the adoptive parent and the adopted child are unable to settle after the pre-adoption phase, the legal problems become more problematic. In such circumstances, the Specialised Adoption Agency or the District Child Protection Unit offers appropriate counselling to the adoptive parents and their adopted child. They only disrupt or dissolve adoption if they suspect that the adoptive parents and adoptee are unable to work with one another. Disruption refers to the child being removed from the adoptive family because to problems in the child's adaptation with them during pre-adoption foster care by the PAP, before the legal process of adoption is completed. The legal procedures for child adoption are explicitly defined in subsection 52 of Section 2 of the Juvenile Justice Act, 2015. The act is significant because it protects the adoption child's safety. The child can legally be an orphan,

abandoned, or surrendered child who has been declared legally free for adoption by the Child Welfare Committee, or a child or children from a previous marriage who have been surrendered by their original parents for adoption by the adoptive parent(s). The age difference between the child and either of the PAP should not be less than 25 years, as stated in the regulations. Adoptions by relatives or step-parents, on the other hand, are exempt from this rule. According to the amended laws, adoptions can be dissolved under rare circumstances. If the child does not adjust following the court order for adoption, the adoption must be lawfully dissolved by the same court that issued the order. In India, disruptions are more common in elderly children, due to a combination of poor parental counselling and a lack of preparation on the part of the children. Adoptive parents often have realistic expectations of their adopted children, which can lead to discord and divorce. There are occasions when the youngster refuses to settle in the home and wishes to return to the institution. This can happen if the child is not counselled to understand that having a family is preferable to growing up in an institution.

The role of lawyers in adoption is important next to the crucial role conducted by CARA and the social worker. There are several legal formalities, document signing and declarations that has to be done from the side of the adoptive parents in the process of adopting a child. These legal formalities may not be familiar to the adoptive parents who wish to adopt a child. Therefore, the assistance and guidance of a lawyer from the initial to the final stage of adoption. As the adoption act is completed by the executing of the adoption deed after verification of the required documents and declaration forms, the court procedures have to be carried out by a right lawyer who has good experience and knowledge in the procedures that has to be followed and the important points that has to be taken care while approaching for

adoption before a court. Even after the adoption process, the lawyer can assist the adoptive parents for clarifying further legal consequences which may occur by time. Also, in the dissolution of adoption, in case, the involvement and assistance of lawyer is important.

### **5.7.1 Perspective of Social Workers on Adoption**

Key informant interview with social workers shows that it is significant for a social worker to have an essential home study regarding the adoption process. Home study and follow up of the progress are major duties of social workers related to adoption centres. A home study is conducted and is essential at the stage before the process of adoption. While the follow up of the progress happens after the adoption. Though the process of home study is conducted for about one year or more in foreign countries, the case in India is different. It is only conducted for a period of two or three months. While comparing the necessities, both home study and follow up activities are crucial in the process of adoption. As children who do not have their native parents usually goes through a stage of trauma related to lack of proper care and protection from parents, it is important to study the background and other essential details of the parents who willingly come to adopt the child. For this purpose, the social worker conducts a home visit to know the basic details such as the number of members in the family, health status, hygiene, financial stability, family structure etc. It is to know the motive of the parents who wish to adopt the child. Mostly the parents will be having no children of their own which makes them approach the orphanages and adoption centres for the purpose of adopting a child. Though it is the present circumstance of the parents, the majority would later have children of their own. There can be instances where these parents would begin to neglect or reduce their attention towards the adopted child. Such interactions and family visits from the side of the social

workers would help in maintaining a fruitful relationship with the family which also makes them aware of the legal consequences of neglecting the adopted child. From the perspective of the social workers, usually, they get positive feedbacks from such parents even if they get blessed with their own child. Such parents consider the adopted child as a 'godchild' as they wish to believe that the blessing of their own child is due to the arrival of the adopted child to their family.

Interaction with the family also helps to understand the family bonding with their relatives. This is essential in cases when both the parents die unexpectedly and the child again becomes an orphan. Those relatives who eye on the money of these parents try to harass, exploit and torture the adopted child giving the intense and in-depth feeling that he/she doesn't belong to the family where they were adopted. The acceptance of the child from the side of the relatives is also a crucial factor in adoption that has to be taken care of by the social workers who conduct regular visits in the family. More than the attitude of the relatives, it is the attitude of the adoptive parents and their parents that is concerned. Usually, grandparents suggest their children for such adoptions which automatically brings a positive situation to their family. If conditions are worse, it may lead to unsatisfactory ends. The case of adoption does not confine to the limits of just the parents who are willing to adopt. The social, familial, economic, cultural and other essential factors are also important. A social worker also conducts combined interviews for the parents and also does it separately to know the relationship and bond between them. It is to trace whether any family issues make them in trouble that has the potential to separate them in the near future. This process is also extended to near relatives and also friends to know more about the couples.

These home study reports submitted by the social worker to the agency and then to the concerned judge who handles the case is important as it decides the decision of the judge whether to hand over the child to the couples who are willing to adopt the child. The adoption takes place only when the judgement is accepted and passed. But there is a provision for a pre-adoption period where the child is allowed to be in the family that has submitted their adoption application. The pre-adoption custody period varies according to the process of judgement, mostly from one month to two months. Even though the child is temporarily handed over to the adoptive parents, there will be proper monitoring from the side of the social workers regarding the safeguard and condition of the child in the new family. Moreover, even after adoption, the social worker is assigned to visit the family to ensure that the parents take care of the child in the proper manner by accomplishing the required vaccinations, health care, mental care etc. It happens immediately after the process of adoption with a gap of three months. After one year of such a process, the social workers extend the gap to one year for such visits to prepare reports. It is required to conduct such report-related visits and enquiries for a period of two years from the side of the social worker. In some cases, some agencies and adoption centres take control of the process for a period of five years. After the acceptance of adoption, the social workers always insist on the adoption deed that is taken through a registration office. This is important because it is with this registration, the child becomes eligible to be equal as a biological child of those parents. It brings access to the wealth and property of the parents for the child.

Sometimes, some parents possess anxiety and uncertainty regarding the process of home visits, counselling sessions, interviews, acceptance of adoption by the court, registration processes etc. It may make them anxious enough to detain from the

process of adoption. In such cases, it is the role of the social worker to assist them to make them aware of the importance of such procedures. The position of a social worker in the process of adoption is high as the whole process is depended on the report provided by the social worker after several home visits and other interactive sessions. If the social worker provides a negative report, the adoption won't happen.

Even after the adoption, the parents have the option to contact the social workers for proper guidance to bring the adopted child. During the period of the pre-adoption stage, if any problems regarding the adoption and the process of taking care of the child occur, either the parents can give back the child to the agency through the social worker or the social worker can even report the same to the authority to take the child back from the parents. The social workers have the right to do such procedures to make sure the safeguard of the child from the parents.

**5.7.1. Conclusions:** The narrative thematic analysis has yielded five key thematic areas namely child adoption preparedness, adoption experiences, emotional and psychological responses, social responses to adoption and social support and adoption. The results initially explored narratives on factors influencing adoption motives in adoptive parents, their perspectives on adoption, personal philosophy and adoption decision. The analysis reveals the adoption procedures, adoption experiences and their perceptions of change in their lives after adoption. Three important subthemes were further identified namely ignoring differences between natural and adopted children, adoptive parental concerns regarding disclosure adoption story and parental experience of adoption stigma and discrimination are narrated. Additionally, the social responses to adoption contain child adoption decision invokes diverse responses from people around the couple system namely partners within the couple-system, parents, family members, neighbours and friends.

Finally, social support is instrumental for adoptive parents where such support arises from friends, neighbours, colleagues, and family. Some parents also received religious leadership in adopting children.

Adopted children, in general, develop a sense of belonging to adoptive parents and tend to develop a positive attitude to parenting and parental disciplining. Adopted children also enjoy strong emotional bonding with their adoptive parents. They experienced wellbeing therefore when they think about adoption, they felt content and happy as they could join this family and especially with their adoptive parents, who cared, loved, emotionally attached, met their needs. Adopted children, on the other hand, have a tendency to compare natural parent-child interactions to adoptive parent-adopted child relationships, with a tendency to reduce differences through ignoring mechanisms and promoting sameness and similarities. Further, the adopted children often do not associate adoption in relation to disciplining and correction where some of them explicitly reported that adoption has nothing to do with scolding or even appreciating and believed that parents are doing everything for their betterment. Child engagement in household works helped them to learn new skills, increased parent-child bonding and interaction resulting in many forms of learning in daily life.

# Chapter -6

## Discussion

**6.1.0. Chapter overview:** Under the chapter entitled '*Discussion*', the researcher made an effort to discuss the institution of child adoption in India with due emphasis upon giving a holistic perspective. Initially, the discussion dealt with the evolution of adoption over historical time periods. Following that, the discussion moved to national and international covenants, treaties, legislation and social policy measures to protect children's rights, as well as the changing fabric of child adoption in modern Indian culture. This discussion also included current trends in inter-disciplinary child adoption research. The researcher attempted to study and narrate adoption motives, shifting adoption narratives, adoption preparedness, changing adoption intents, and social responses to adoption in the second half of this discussion chapter.

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**6.1.2. Inter-disciplinary perspectives on child adoption:** The disciplinary constructions of the concept ‘*adoption*’ in the prevailing body of literature are predominantly legal, social, cultural and religious in nature (Carlson, 1965; Reitz & Watson, 1992). The behavioural and psychological studies tend to focus on post-adoption adjustment, parenting and so on (Fisher, 2003; Krik, 1964; Wegar, 1997; Cherayi, Jose & Sudhakar, 2019; Kalpana, 2013). The scholars on social sciences conceptualize adoption as a socially constructed concept and a social institution guided by socio-cultural and normative value systems, governing the “universal human themes of abandonment, parenthood, sexuality, identity and sense of belonging” (Fisher, 2003; Yamuna, 2013).

The legal scholars define the concept of adoption predominantly from a process and methodical perspectives namely pre-adoption, during adoption, and post-adoption and methodical in terms of adoption and guardianships with the transfer of inheritance, lineage, privileges and rights equating with natural or biological child and severance with natural or biological families and parents (Manooja,1993).

The religious texts and authorities in ancient Hindu India envision adoption as an alternative for the biological son that helps attain parental as well as ancestral salvation. Adoption in ancient times were kinship-based, gender and caste specific (Desai, 2019; Rajagopalachari, 1985; cited in Bajpai, 1996). The adoption of the male offering was highly regarded if the male offering was from same caste, family, or kinship-based. Male offerings have a unique meaning in Hindu families since it is thought that by making male offerings, their parents will be saved (Ullrich 2019; Mathur, 2006; Baig & Gopinath, 1976; Mitra, 2017; Mehta, 1992). The caste influenced adoption practices as adoption of a child from upper castes to lower caste was prohibited in ancient India (Mitra, 2017; Desai, 2019). Hence, to sum up, the concept of adoption is not a static one rather dynamic as it has a temporal, dimension, where adoption motives strictly from religious reasons during the ancient time had been evolved to meet the welfare and psychosocial needs of an adopted child and adoptive parents.

**6.1.3. Child adoption in ancient India:** From a historical perspective, this study reviewed contemporary institutionalized adoption practices in India. For reviewing the literature on the historical evolution of adoption practices in ancient, medieval and modern times, this study adopted Historical Literature Review (HLR), which is a

comprehensive analysis of books, scholarly articles, and other sources relevant to a specific topic i.e., the evolution of adoption institutions in India.

Historically, adoption had been observed in ancient civilizations, although the intent, principles and rules regarding this institution varied across cultures and over historical time (Bajpai, 1996). Where in primitive societies, kinship had guided and governed the institution of adoption in ancient societies. Adopting a child into a family meant completely severing one's ties to one's previous family and promising loyalty and commitment to the new family (Bajpai, 1996). Hindu religious sanctions profoundly influenced and shaped the social institution of adoption in Indian society with intersections of gender, caste and kinship in ancient India (Bharghava, 2005; Mitra, 2017; Baig & Gopinath, 1976).

In the past, premarital and adulterous sexual encounters, as well as subsequent pregnancies and childbearing, were generally shunned in India due to familial and social regulations and supervision (Cherayi, Jose & Sudhakar, 2017).

Unwed mothers are stigmatised and ostracised in their communities, albeit the level of stigma varies by group. Stigmatized mothers who have children out of marriage have been considered as polluted, undervalued, and undervalued sub-humans, forcing them to abandon or place their children for adoption (Mitra, 2017; Cherayi, Jose & Sudhakar, 2017).

Many natural mothers placed their children for adoption due to the death or desertion of their spouses given the background of socio-economic pressures (Mitra, 2017). The institutionalized children were also negatively portrayed as unfit for adoption

(Narang, 1982) as they were regarded as lacking pure blood and family name. Bhattacharya (1992) identified two major motives for adoption: (a) family property and lineage inheritance, and (b) the fulfilment of the last rite for parents. According to Baig and Gopinath (1976), adoption was not purely a natural desire to have a kid as an object of affection or as a compassionate gesture in prehistoric days. Instead, it was based on factors such as the protection of the elderly, the perpetuation of the family name and lineage, the security of family property, and the solemnization of the father's final rites.

Julius Jolly's 'History of Hind Law of Partition, Inheritance and adoption' (1885), that adoption was practised during the Vedic period. Nevertheless, this institution had not enjoyed social sanction since society tended to attach low ranks and privileges to adopted sons as compared to the natural offspring, which in turn implied less societal acceptance and unpopularity ascribed to the institution of adoption.

Adoption in Hindu mythology meant raising someone else's child as one's, including multiple examples of adoption of son, while daughter adoption was also common in ancient times. Although references to adoption may be found in ancient works by Manu, Vasista, and Saunaka, Nanda-Pandita's *Dattaka-mimasa* was a seminal work prepared in the early 17th century on the topic of adoption in India. Later the '*Dattaka-mimasa*' was used by British authorities in India as the Hindu Law of adoption and used for framing adoption laws for Hindus. Ancient texts of Manu, Vasista and Saunaka have secular as well as religious objects. In religious object, pertain to the spiritual benefits to the adopter and his ancestors by having a son for

offering funeral rituals, which is considered essential for the salvation of souls as per Hindu scriptures.

*Kritima form of adoption:* Desai (2017) described Kritima adoption that exists in Mithila and its adjoining districts. As per this form, either men or women can adopt. Interestingly, both husband and wife can individually adopt sons for each of them, if they desire so even without the consent of her husband. It also makes it possible for widows to adopt. Adoption has two motivations according to Dattaka Chandrika: (a) to perform obsequial ceremonies for the adopted father and his ancestors, and (b) to be the adoptive father's heir. Mauthr (2006) furthered her discussion by pinpointing the paradoxes surrounding the adoption in ancient Indian mythology. For an instance, mythology is full of stories of babies adopted such as mythological figures like Sita of Ramayana and Lord Krishna of Mahabharata. Other figures were Daan Veer Karan and Shakuntala. However, such paradoxes are evident when some women of upper castes were denied off certain ritual rights where gender and caste prominently influence and shape adoption practices, which have a continuing influence in contemporary times.

Adoption as an institution in ancient India largely helped to further family lineage, inheritance of property and succession. It was practised as an institution to help sonless fathers to further family name and lineage and get last rite and rituals performed as Hindu scriptures prescribe to obtain the salvation of souls and afterlife. Nevertheless, the inter-caste adoptions especially from higher to lower caste adoptions had not been practiced. The son preference was evident in adoption whereas female girls' adoption was less frequently observed in ancient India despite the fact that in

Indian mythology, there were dominant stories of female girls' adoptions. Additionally, women parents enjoyed no or relatively fewer rights to adopt a child. Hence, to conclude, gender, caste and religious beliefs significantly shaped the institution of adoption in ancient India.

The caste, ethnicity and social class alongside gender influence adoption. Hence, there is a sheer need to conceptualize child adoption and related concerns from an interdisciplinary perspective since this institution have historical, social, biological, psychological and developmental aspects in it (Yamuna, 2013).

**6.2.1. Child adoption in medieval India:** Adoption laws and regulations in medieval India have not been well documented; whereas, the medieval Indian adoption practices were shaped by Muslim laws of Muslim rulers, who established their kingdoms in India. By this time, Hindu influences had come down. Nonetheless, the adoption within families gained momentum and the Kinship and bloodlines become the predominant order of the time for adoption. Childless couples have considered adoption within the narrow family contexts where the bloodline defined the relationships between its members. Islam religion in India significantly influenced the child adoption practices in medieval India. Medieval Indian history is predominantly characterised by invasions and the dominance of Muslim rulers. Such invasions and dominance also resulted in the introduction of Islamic laws. However, Islamic laws in India do not recognize adoption therefore, child adoption among Muslims occurred under certain local laws.

**6.3.1. Child adoption in contemporary India:** Under the sub-theme of ‘Child adoption in contemporary time’ this discourse dealt with continuing or ongoing religious hangover on adoption, progressive social legislation and child adoption, continuing influence and new trends of gender on adoption decision, and changing the intention of adoption in contemporary time in the country.

**6.3.2. Religious hangover on adoption in contemporary India:** Given the backdrop of a multi-religious, multi-cultural, and multi-lingual Indian culture, where norms and procedures for adoption are religion particular, experts of child adoption studies in India agree that it is difficult to delineate all facets of the institution of adoption (Ursekar, 1976; Groza et al, 2003). Traditionally, poverty, death and wars left many children orphans. Such children had subsequently integrated to next kin in father’s side or mother’s side of the families. Adoption was considered as the best option when children are left behind due to death, separation or abandonment and no relatives to take care of the child, (Raju, 1999). As observed elsewhere, the purpose of adoption in ancient India was to further family lineage, inheritance and succession, which helped sonless fathers to further family name, lineage, and get the last rite, performed for the salvation of the soul.

Nevertheless, the institution of adoption has no longer been considered for religious reasons alone in contemporary times. In lieu, there is an increasing realization that child adoption is a welfare option institutionalized through social legislations and policies (Bhaskar et al, 2012; Groza et al, 2003). Present study findings provide confirmatory evidence that some married couples subscribe to higher-order worldviews where they give up their aspiration to have children for themselves even



when such couples were biologically fit to give birth to children! Instead, they adopted three girl children, self-realizing the idea of giving life to orphan and destitute that has already lost their parents and families due to varied circumstances. Nonetheless, this progressive era of changes in adoption practices has begun as early as the British period when India set a new era of child welfare and adoption enactments and codes. India's first Children's Act enacted by Madras and Bombay Presidencies in British India in the 1920s empowered the state with the responsibility to ensure the welfare of destitute and abandoned children, by providing care and protection (Bhargava, 2005; Bhaskar et al, 2012). However, the width and depth of such progressive legislations in British India were small and tokenistic where original changes began during the post-colonial world under the aegis of the UN efforts through a series of international covenants, treaties, and protocols regarding human rights, child rights and adoption, progressively influencing social legislations and policies in member states including India.

**6.3.3. Social legislation and adoption in India:** Post-colonial India, the Hindu Adoption and Maintenance Act (1956) provide a uniform act to all Hindu families whereas the fundamental difference of this act is that Hindu adoption is irrecoverable. Hindu biological parents can relinquish their child but once it is done, it is irrecoverable or it cannot be changed. People of non-native religions such as Islam, Christians and Zoroastrians are under the Guardianship and Ward Act, which provides a legal framework for guardianship. Whereas, the contrast between these two legislations are pertaining to the inheritance wherein the Hindu act naturalize inheritance to an adopted son while the guardianship act for other religious groups do not, although families can create trust funds, or wills for children (Groza et al, 2003).

Desai (2019) argues in her comprehensive study that the Juvenile Justice Care and Protection Act (2015) has a few clauses dealing with adoption, and situates the debate in the context of the drive for a uniform civil code. She claimed that because children require protection and care, a common civil code is required, and she demanded that the leading political parties at the federal level establish a uniform civil code. Also, the study suggested that such uniform civil laws should incorporate provisions “relating to the capacity of the person for taking the child in adoption, the capacity of the person giving in adoption, persons capable of being taken in adoption and conditions of valid adoption. It should also contain provisions to dealing with various kinds of adoption such as family adoption, single adoption, open adoption, adoption of the child of the spouse of second marriage and adoptions by a transgender” (Desai, 2019; p.441). As a result, given the complete lack of unified civil laws in India, recent research reveals that faith continues to complicate the institution of adoption, with children born into a religion inheriting the religion of their parents; and if the father is unknown, the religion of the mother (Raju, 1999; Bhargava, 2005; Bhaskar et al, 2012). Therefore, it is important to have uniform laws regulating adoption practices in modern India keeping in view the protection of children’ best interests.

**6.3.4. Gender and adoption:** The son preference was evident in adoption whereas female girls’ adoption was less frequently observed in ancient India despite the fact that in Indian mythology, there were dominant stories of female girls’ adoptions. Additionally, women parents enjoyed no or relatively fewer rights to adopt a child. Therefore, gender significantly shaped the institution of adoption in ancient India. In post-colonial India, the gender preference for male children continued to act at the central stage of adoption decisions in adoptive parents and their families (Choudhary,

1980). Such trends continue to persist a decade later in different parts of the country wherein Bagley (1993) observed supportive findings with an estimate of nearly two third of the institutionalized children were girls.

Nonetheless, Raju (1999) observed class differences in child adoption in contemporary India, whereas upper-income families prefer female child while lower income families prefer to adopt male children. Qualitatively, my interaction with prospective adoptive parents of lower socio-economic status opined that they prefer a male child who would continue to take care of their family when parents are in old age and continue their family legacy forward (Field Note, 2021). In the qualitative situational analysis, parents consider cultural paintings of qualities and parenting challenges attached to a child's gender to decide on a male or female child. Adoptive parents representing higher socio-economic status perceived those girls' qualities of softness, considering, loving, emotionally attaching, and caring to parents once they are grown up as adult children. Such qualities were valued as future-oriented rewards for adoption in old age. Adopting boys on the other side, adoptive parents perceived threat in respect to upbringing parenting challenges and future connectedness. It is therefore evident that the custom of male child adoption with the objectives of family lineage and affection has slowly replaced. It is by changing intentions of adoption as an alternate strategy for old age protection for adoptive parents (Sinha, 2006; Choudhary, 1980).

Groza et al. (2003) noticed gradual modifications in adoption practises in India since the 1980s, and continued adoption practises were favourable, with the majority of adopted children being developmentally appropriate and having no health issues,

sensory challenges, or behavioural issues. Authors also found positive parent-child relationships concluding that mostly adoptions in India are successful for providing alternate families and parents. The state and central governments closely monitor adoption agencies therefore such agencies function as an organized sector and consequently the domestic adoption significantly increased against international adoption (Bhasker et al, 2012). Whereas, institutionalizing children indeed harmed children's healthy growth and development, sustaining adverse emotional, psychological, mental health outcomes (Choudhary, 1980).

**6.3.5. Changing intentions of adoption in contemporary time:** Qualitative phenomenological investigation evidences adoptive parental worldviews and personal philosophies substantially shape adoption decision, although infertility continues to remain at the central stage of adoption-related decision making in adoptive parents. The philosophies behind the adoption decision were to give life to a child already born in the world without parents and family. Philosophies seem like '*save a child*' and '*saving is better than creating*'. Wherein worldviews help them personalize the notion of adoption as an alternate and even normatively superior way of founding a family. Other scholars on adoption practices also observed similar practices that parents continued to adopt children even when they were either having biological children still go for adoption and some others deliberately decide not to have children and in lieu, they prefer to go for adoption. For some others, especially urban middle-class women, adoption is an alternate way of founding a family avoiding the hustle involved in entering into formal marital relationships, conceiving and giving birth to children. As per the studies by Fisher (2003), in India, as in the United States, there is an increasing number of single-parent families, women-headed households, and

nuclear families formed through adoption (Cherayi, Jose & Sudhakar, 2019), especially among its urban middle class. Similarly, Malm & Welti (2010) observed that role of infertility has slowly taken backstage from the central factor shaping adoption decision, where the conventional idea of families began to change into the single parent, the woman headed, same-sex marriage and consequently formed families.

However, the childless couple continues to remain as the most frequently reported aspect that adoption-related decisions among adoptive parents in contemporary India. Mostly, the qualitative findings reveal that emotional and psychological motives behind the adoption of children often remain infertility and childlessness. Couples often undergo painful realization that they don't be able to give birth to children; because even in contemporary times, infertility in married couples is associated with immense societal disgrace and resultant socio-cultural pressures that induce and maintain a myriad of emotional and psychological problems that range from chronic distress to anxiety and depression. Consequently, when childless couples receive a medical diagnosis of impotency or repeated treatment failures leads to go for adoption, they arrive at a decision to adopt a child as an alternate way to expand their families. Similarly, there is ample body of literature suggesting that adoptions are due to childlessness in couples and occur during a wide range of time from 5 years to 20 years of waiting for an own child alongside infertility treatment (Bhargava, 2005).

**6.3.6. Role of Judiciary in contemporary adoption practices:** Public interest litigation provided a new edge to judicial activism in the case of Lakshmikant vs. Union Government of India on inter-country adoption of disserted children from India alongside the detailed narrative of grave realities faced by this population. It resulted

in a landmark intervention of the apex court of India marking a new era of child adoption with far-reaching results on safeguarding the interest of the child/children placed for adoption. The apex court's intervention thereafter resulted in establishing guidelines and safeguards to protect the rights of the child in adoption, constituted a Central Adoption Resource Agency as nodal authority to regularise child adoption legally and ethically where child safety, child rights, child protection, which served the best interest of the children.

#### **6.3.7. Domestic adoption procedures and Central Adoption Resource Authority:**

Adoptive parents who wish to adopt a child must complete an online registration form through CARA, in which they must describe their choices and provide the relevant documentation, as detailed on the official web page. After submitting their application, adoptive parents can choose one of the specialised adoption agencies in their area for a home study, which is conducted by a social worker. The agency prepares a report that verifies the parents' eligibility for adopting a child and is valid for three years. Once the agency has determined that the child is eligible and suitable for adoption, they will make referrals for children who are legally available for adoption.

Furthermore, the adoption agency that prepares the domestic research report also conducts post-adoption follow-up with the adoptive parents every six months for two years from the date of pre-adoption placement with the adoptive parents, and the report is uploaded to the 'Child Adoption Resource Information and Guidance System (CARINGS)' along with photos of the children. In the event that adoptive parents move to a new location, the District Child Protection Unit creates a post-adoption

follow-up report. If the prospective adoptive parents disagree with the rejection decision in the home study report, they may appeal to the Authority under regulation Fifty nine .

## **Discussion of Qualitative Findings**

**6.4.0. Background:** Locating within the broader philosophical approach (Creswell, 2009), this qualitative phenomenological study was based on in-depth interviews with adopted children, their parents and key informants. The narrative thematic analysis yielded to surface themes such as parental adoption preparedness, personal worldviews and philosophies and adoption decision, adoption experience, adoption stigma and discrimination and social support. The researcher made an effort to discuss the findings of these qualitative phenomenological narratives under key and sub-thematic areas wherein overall effort was to reconstruct the adoption experience of adoptive parents and their adopted children.

**6.4.1. Adoption motives of adoptive parents:** Diverse factors are motivating adoptive parents to decide for adopting a child. Childless couples after receiving a medical diagnosis of impotency or repeated treatment failures lead to go for adoption. Further some adoptive parents' personal philosophies and worldviews influence them to decide on adoption. Single parents who do not want to enter into marital relationships need adoption as a way of making the family complete. According to Vandivere, Malm, and Radel (2009), the primary motivation for adoption (cited by 81 percent of adoptive parents) is to give a permanent home for a kid in need. Other concerns include the desire to extend the family, infertility, and the parents' desire for their child to have a sibling (Malm, Vandivere & McKlindon, 2011).

There are emotional and psychological motives inspiring couples to adopt a child after painful realizations that couples were unable to conceive and give birth to a child. Similarly, Jennings et al (2014) revealed that more common motivations for adoption is due to infertility and the parents want to expand their family. However, Howell-Moroney (2014) indicated the reasons for adoption alongside infertility are creating a difference in a child's life, fulfilling a responsibility to society and altruism.

Inability to procreate child is attached to immense socio-cultural pressures that induce and maintain diverse psychological and emotional problems from chronic distress to anxiety and depression. Related to these findings, adoptive parents reported higher level of psychological distress as compared to parents who do not adopt. This is especially true for those who found as having a difficult child and dysfunctional child-parent interactions (Lionetti, Pastore, & Barone, 2015). Furthermore, adopted children were more likely than non-adopted children to have more disputes in their lives. They frequently have issues with developing a sense of self and integrating into the family

Evidently, some couples on the other side were biologically capable to conceive but they opt for adoption as their novel idea to find a family, in the broader background their personal worldviews and philosophies. The feeling of being capable to procreate gives them a sense of stronger selves in comparison to those couples who were unable to have children of their own children.

Further, the couple's internalized traditional norms of a happy family with children tend to motivate childless couples to adopt. It is because, happiness, sense of purpose and meaning in life is attributed to life with children. In Indian families, adult children



protect elderly persons at home even in contemporary times; therefore, adoption is regarded as a way to have someone close to self when aged. Having children is a crucial component of practically everyone's life, regardless of culture. On the other side, not having children is often considered a life tragedy and curse that has a significant impact overall family and even on the community. It has been observed inverse psychological consequences (Dyer, 2007). According to reports, childbearing is highly prized in developing economies, and childless couples frequently face issues ranging from divorce to overt social exclusion to more subtle kinds of social humiliation, all of which contribute to psychological misery and loneliness (Rutstein and Shah, 2012; Aina, 2007; Ameh et al., 2007). Furthermore, because most poor nations lack a social security system, older people are fully reliant on their children. As a result, the majority of infertile couples will go to great lengths to conceive, avoiding the psychological and social challenges that come with the childless situation (Boivin et al., 2007).

For single-parent women, adoption provides a sense of empowerment because, in the first place, such parents could stay connected to their own biological family, take care of their old parents and enjoy independent earning, which may not be feasible while entering into a marital relationship. A qualitative enquiry has been conducted among 71 involuntary childless women reported that these women have experienced stigmatization in terms of self-identity and social censure (Miall, 1986; 1996). They further reported a feeling of shame, discredited, negative, isolated, sexually inadequate and guilty. Evidently, womanhood and motherhood are based on the assumption that women should have children with biological relations (Roach, 1992; Miall, 1996). Moreover, voluntary and involuntary childlessness is conceptualized as

deviant attributes that are subject to stigma as they violate social norms of acceptable behaviour particularly the failure to procreation (Veevers, 1980; Miall, 1986; 1996).

**6.4.2. Parental perspectives on adoption:** To explicate the idea of adoption personalized by adoptive parents, we examined how do adoptive parents define the concept of child adoption in their own personal experience and worldviews. There are different ways in which adoptive parents personalize the idea of adoption namely, adoption is equal to giving birth to a child and ignoring the difference between a natural and adopted child.

Adoptive mothers, in general, tend to ignore differences between naturally born children and adopted children. Adoptive parents tend to equate the psychological and emotional processes by which they prepare themselves for parenthood through the adoption process. In consequence, adoptive parents tend to ignore differences and emphasis overtly on emotional aspects of adopting a new child to family and couple life such as happiness, love, care, meaning and sense of purpose in life with consistent references to exceptions of the biological process of pregnancy and childbearing.

Adoptive mothers perceived adoption as a legitimate way to offer the life-giving opportunity to an orphan or destitute child to whom loving and caring parents and family are denied. Personal views and philosophies are nurturing this novel idea of adoption. It is characterized through considerable personal sacrifice such as denying once own inner urge to have a biological child either within a marital relationship or a single parent and making a conscious decision to adopt children even when they are biologically capable of reproduction.

**6.4.3. Personal philosophy:** Personal philosophy and worldviews substantially influence the decision to adopt children in some adoptive parents. The philosophy behind this decision was to give life to a child already born in the world without parents and family. Philosophy seems like *'save a child'* and *'saving is better than creating'*. Their worldviews help them personalize the notion of adoption as an alternate and even superior way of founding a family.

**6.4.4. Adoption decision:** The couples make adoption decisions after realizing problems in conceiving. In consequence, couples themselves come up with mutual decisions to adopt a child. Once couples reach a decision, they subsequently inform and discuss it with their parents and significant others like in-laws. Adoptive parents in their contemplative received help from parents, in-laws, friends and religious leaders.

**6.5.1. Adoption experience of adoptive parents:** In the adoption experience subsection of results, the analysis narrates the adoption procedures, adoption experiences and their perceptions of change in their lives after adoption.

**6.5.2. Adoption procedures:** Procedural delay related to adoption seems to range from 6 months to 2 years where the waiting period tends to cluster upper ends. Adoptive parents were mostly dissatisfied with a delay in adoption procedures. A few adoptive parents reported mere stratifying experience with adoption procedures and reported experience with CARA (Central Adoption Resource Agency) was positive. Nevertheless, CARA and designated adoption agencies were seemed prejudiced when single women approach adoption and such prejudiced responses were evidently more

from agencies. The single adoptive mothers reported experiencing such prejudiced attitudes and treatment at every level during the entire procedures of adoption.

Some adoptive parents tend to discourage aspiring childless couples and prospective single parents from adopting by explaining procedural delays and prejudiced attitudes from CARA as well as designated adoption agencies. Adoptive parents, in general, were unaware of the procedures and associated delays when they plan for adoption. However, the adoption procedures induce dissatisfaction and helplessness in adoptive parents. It is a phase in life needing support and guidance with counselling services to help set realistic expectations. Poor knowledge about procedures including legal aspects associated with adoption seems to task and burden prospective parents who have already been emotionally drained; due to their distress attached to childlessness. Nevertheless, parents with a support system outside couple-system help reduce anxieties and distress associated with adoption procedures. Many a time, rude and money-motivated engagement of agency personnel fuelled their distress

**6.5.3. Gender preference in adoption:** Mostly parents consider cultural qualities and parenting challenges attached to a child's gender to decide on a male or female child. Parents perceive that girls' qualities of softness, considering, loving, emotionally attaching, and caring to parents once they are grown up as adult children. Such qualities are valued as future-oriented rewards for adoption when adoptive parents reach their old ages. In adopting boys, on the other hand, adoptive parents perceive threat in respect to upcoming parenting challenges and future connectedness. Gender selection during pregnancy is illegal in India, however, when parents go for adoption the registration portal allows them to choose a preference for either boy or girl child.

In the past few years, it has been noted that a growing preference for girl children over boys in the adoption system of India (Bhargava, 2005; Bharat, 1993). This trend may seem contrary to outlooks in a culture where female infanticide and feticide are still intense problems; nonetheless, it can be explained with the same causes. In the process of matching, babies to the selection preferences noted by parents in the waiting list include fair-skinned, healthy girls are usually the prior chance to get picked up (Groza et al., 2003). Adoptive parents foresee possible risks for boys to turn oppositional to parental instructions, gender-related risks in developing high-risk behaviours such as alcohol and drug addiction, as well as gender-related stereotypical beliefs such as boys are rough, less emotionally expressive, difficult to discipline and trust.

Perhaps, the adoptive parental decision on child gender is the most culturally biased decision adoptive parents make during the child adoption; whereas stereotypical beliefs and cultural images attached to gender play a critical role, especially among adoptive parents representing urban middle class. Further, a desire to correct the inequalities done to the girl children in India, adoption agencies and parents believe a variety of other reasons that why more adoptive parents prefer girl child over boys (Barth & Brooks, 1997). An intensified sense of social consciousness, for example, could be accompanied by a fear of how people in advanced social circles may judge adoptive parents. There is a possibility that adoptive parents are afraid of selecting a boy because others may perceive them negatively (Groza, Kalyanvala, & BSSK Research Team, 2003).

Women are generally the channel in the adoption process and many of them prefer to parent the girl child since they want to enjoy the same gender particular activities and

toys of their childhood. It is also evident that adoptive women parents tend to think that they would have a good handle on how to raise a girl child has been one itself (Collishaw, Maughan, & Pickles, 1998). Single women often choose girl child because they believe it is easy to raise a girl child without a father. On the other hand, many women were afraid of raising boys supposing that boys are more disruptive, active, dirty and loud and when they turn into their teenage they will engage in more challenging and risky behaviour (Feeney, Passmore, & Peterson, 2007).

I would argue that it is rather a decision influenced primarily by socio-economic statuses of adoptive parents; wherein girls were perceived as less risky in family system maintenance and continuity than boys (e.g., continue and maintain family status and assets). Similarly, adoptive parents are more likely to choose a female child over a boy child. According to a recent survey, roughly 2398 girl children were adopted out of a total of 4027 children in 2018-19. Furthermore, in relation to the total number of children who are actually qualified for adoption, a big number of parents are waiting, and any child of any gender provided will be adopted.

In contrary to this argument, adoptive parents of lower socio-economic statuses tend to prefer boys to girls with the same spirit of family system maintenance and continuity. Nevertheless, the fundamental difference is that girls were meant to maintain family continuity socially and economically whereas boys were perceived to maintain and advance the socio-economic status of overall households. Gradually, for educated urban parents adoption is not merely a last resort due to failure of having a biological child. Numerous adopt to have a difference and invariably take into account the social evils that Indian women face when they are conceived. This realization and social consciousness play a vital in both directly and indirectly more adoptive parents opt for girl child despite the long waiting list (Raju, 1999).

On the other hand, some parents have a fear that how boys react to them in their old age. There is a cultural conviction that boys may be troublesome at a later age when they learn about their adoption. As a result, people believe that girls are likely to have a stronger and healthier connection with their parents. The notion that girls are more caring and attached, however, is a trust that is quite pervasive. Mostly, adoptive parents prefer a girl child because they think girls will look after them better in their old age. Despite these varying ideas, numerous traditional communities remain to opt for boys over girls whether adopted in even biological (Passmore et al., 2006; Baig & Gopinath, 1976).

**6.5.4. Adoption experience:** Adoption as an alternate way of having children in the life of childless parents brings them a whole lot of positive feelings of hope, joy, happiness, love, care and responsibility within individuals and in couple relationships. According to Baltimore (2008), the majority of adopted parents described their adoption experience as rewarding, positive, and fulfilling. They continually quoted the word 'blessed' for explaining their experience and families. In addition, the adoptive parents reveal that their parenting experiences are the same as all other parents and adoption as a matter of fact issue. The adoptive parents are more obliged, committed and eager to be parents when compared to biological parents. They are concerned about their children as other parents. Society needs to be educated about facets of this complex problem (Winkler et al., 1988; Brinich and Speirs, 1990; Hummer, 2000).

Adoption is associated with a number of obstacles, including exposure to pre-adoption risk factors, attachment disorders, and loss, all of which are likely to contribute to an increased likelihood of adjustment issues amongst adopted children (Zeanah et al., 2009; Selwyn et al., 2014; DeJong, Hodges, & Malik, 2016). Adoptive parents' measure of readiness prior to adoption is clearly linked to adopted children's

behavioural, emotional, family, and relational functioning (Simmel, 2007; Goldberg & Smith, 2013). Surprisingly, approaches with adoptive parents must recognise the unique obstacles that adoptive families encounter, such as the effects of bonding difficulties, early trauma, grief, and helping the adoptee understand the meaning and implications of adoption (Rushton et al., 2005; Brodzinsky, 2011; Woolgar, 2013).

Adoption is referred to a lifelong process and it is imperative for the adoptive parents to understand the various emotions and psychological adjustments that arise in adoption throughout a lifetime (Passmore, Foulstone, & Feeney, 2006). It was found that adoption improved couple relationships, communication, presence of children changed the activities of the daily living in couple life. Apart from positive emotional and psychological experiences of adoption, adoptive parents' especially single women parents frequently repeat a sense of continuity as well as a sense of loneliness. Although adoption is frequently viewed as a happy and exciting occasion, it can also have lifelong challenges for members in the adoption such as adopted children, adoptive parents and their extended families. The positive features and challenging issues of adoption are dependent upon many factors that include the personality of the adoptive parents, couple relationships, openness, family dynamics and the changes happening in the world around them (Rosenberg, 2002; Raju, 1999).

In the first place, adoptive parents in couples' relationships experience uncertainty due to the lack of children in life. It also seems to induce existential questions about the old age and afterlife such as 'who shall take the family lineage forward?' This was evidently more pressing for single-parent women of urban middle-class families. Hence, the adoption of a child to a family seems to meet the psychological need for a sense of continuity in life and relationships. Schooler (1995) indicates that the adoptive parents experience the issues such as loss, rejection, shame and guilt, grief,



identity, intimacy, mastery and control. Adoptive parenthood, like other types of child rearing, is known to offer both enormous joy and a significant amount of suffering. Although each adoption is unique and the adoptive parents have different experiences and feelings, it also depends upon how other intimate relationships (extended family members and friends) support them (Groza, Chenot, & Holtedahl, 2005).

**6.5.5. Perceived change after adoption:** Adoption meets the emotional, psychological and social needs of adoptive parents as well as children. In respect of parental emotional and psychological needs, parents as couples tend to experience a sense of incompleteness in family life due to childlessness. Such couples reiterate tremendous changes in their life after adoption after the coming of a child into their family life. Initially, husbands tend to spend time outside the home after office hours but after adoption, they became more active in family affairs, reduced alcohol and other unhealthy habits. A couple together spends more family time with adopted children. In some families, the frequency of in-laws visits increased and relationships improved, hope was instilled and a sense of completeness was brought into the familial as well as couple relationships. Hence, adoption, in general, was useful for parents in improving their own relationships, emotional and psychological health and wellbeing.

Adoption is a time of transition that changes the adoptive parents' identities. Adoptive parents may take some time to acclimatize to their new identity and ponder about the expectations that come with it. Adoptive parents, on the other hand, may be concerned that they will not feel like parents once the adoption process is through and they begin living with the child (Ananthalakshmi et al., 2001). The sense of being a parent may take a long time to develop, but eventually you will be able to meet your child's needs and create a reciprocal relationship (Apparao, 1997; Juffer & van IJzendoorn, 2007).

The adoptive parents feel the change in their life that they tend to spend time with their child in their busy schedules. They care for the everyday routine of the child and helping the child to cope up with the new environment gradually leads to self-identification of being a parent and fulfilling the complete feeling in the family (Barth & Brooks, 1997). When adoptive parents refer to themselves as parents, they often feel a feeling of entitlement and obligation. These individuals are encouraged to go past their sentiments of not even being "capable" or "deserving" of caring for their child. They get at ease in their new position, accepting the responsibility and feeling fully qualified to provide parenting for their child (Hersov, 1990). There are numerous reasons that adoptive parents help them to adjust in their new parental status and as a family. It includes milestones in their life such as birthdays, holidays and other ceremonies.

Further, adopted children began to show a more stable emotional state, warmth and sense of security. The parents are happy and content about the strong emotional ties they enjoy with adopted children. However, some children show emotional symptoms such as fear, anxiety, distress where parents tend to associate such behaviours with their unknown past. Evidently, child adoption helped to change the family environment as well as couple interaction patterns. It evidently brought happiness, joy and hope for the future and most importantly eased distress substantially, suggesting the therapeutic effect of the adoption of a child in familial and couple relationships.

**6.6.0. Emotional and psychological responses:** There are three important subthemes viz., ignoring differences, adoptive parental concerns and adoption stigma and discrimination.

**6.6.1. Ignoring difference:** Adoptive parents generalize similarities of adoptive and biological children and their parent-child relationships in familial contexts. As children grow up, they tend to develop stronger emotional ties with adoptive parents. Such children also develop emotionally engaging relationships with other family members and relatives. Emotionality, closeness, attachment and love-such all positive emotions were evident in parent-child relationships.

**6.6.2. Disclosure concern:** Adoptive parents have apprehensions, concerns and misconceived thoughts about adoption disclosure to children. They often are excessively fearful and anxious about the possible consequences of disclosing adoption history to children. They tend to act proactively in controlling adoption-related information. These parents experience helplessness in revealing the adoption story to the child. Adoptive parents think that they love and care for children in the same manner if they were to have biological children; therefore, no reason to disclose the adoption story to their children. These parental perceptions induce excessive fear, anxiety, helplessness and difficulty to accept adoption as a reality in life. It leads to poor maladjustments in performing parental roles and responsibilities, reducing the wellbeing of both parents and children. However, some adoptive parents disclose adoption story not only to their adoptive children but also to people in their neighbourhood. Adoptive parents disclose adoption story in social media tends to provide social support to other adoptive parents.

**6.6.3. Adoption discrimination:** In contemporary Indian society, the stigma and discrimination attached to adoption as an alternate way of founding a family have been reduced. It was evident that discrimination of adopted child continued to persist

in some families, especially among relatives and neighbourhoods. Link and Phelan (2001) reveal that the concept of adoption and stigma is attached that has observed key determinants of psychological wellbeing of the adoptive parents. Further, Grotevant et al (2000) concluded that these stigmatizing beliefs made the social construct of adoption as a personal identity issue that becomes challenging for adoptive parents. This stigma or characterization may manifest themselves among some adoptive parents as feelings of social differences or prejudices.

**6.7.0. Social responses to adoption:** The social responses to adoption contain child adoption decision invokes diverse responses from people around.

**6.7.1. Partner response to adoption:** Parents' decision to adopt a child invokes diverse responses from immediate others, who include life partners, parents, family members, friends and neighbours. The formation of adoptive identity and the role of society including friends, neighbours, relatives and other people around play a vital role in this formation. Link (2001) suggests that society shall attempt to reduce these stigmas as they lead to beliefs and attitudes resulting in stereotyping, labelling, setting apart, discriminating and devaluing. Therefore, the connection contends society shall be cognizant of these social labels used when they speak about adoption. Likewise, these labels are linked with undesirable attributes resulting in adoptive parents feel to be different. Furthermore, Rosenhan (1973) reveals the use of labelling cause powerlessness and depersonalization. Despite the fact that society acknowledges the negative implications of labelling, it continues to use labels in sneaky and covert ways. The concept of adoption, for example, is paired with stigmatising language, terms, and labels, such as not having "true" parents and not being a "genuine" child. In

this context,'real' denotes biological, implying the word's opposite social construction and association with adoption (Miall, 1987; Bartholet, 1993). Evidently, this is congruent with the statement made by Brodzinsky (1993) that either insistence or denial of difference may be difficult for an adoptive parent's sense of identity.

In life partners' responses to the idea or wish for adopting a child, the pre-adoption stage usually characterizes repeated failed attempts and waiting to conceive alongside costly infertility treatments, when the couple began to think for adoption. There are many reasons that the adoptive parents take the decision for adoption. Some parents adopt as they are incapable of having children of their own and believe that adoption is an alternate approach to fulfil their family. Other parents adopt for a variety of reasons, including helping a specific child, expanding their family, and social justice. Parents who adopt due to infertility have already been disappointed and heartbroken about their inability to have a biological child (Van Gulden, & Bartels-Rabb, 1994).

One of the partners in a couple-relationships often began to share a wish for adopting a child. In many circumstances, the couple is already exhausted; others began to think to align with, although some partners tend to further delay taking up a final decision for adoption. However, mostly couples form and come up with a joint decision for the adoption of a child given the context of infertility and treatment failures. Nevertheless, this pattern is different for women single parents where initial support from parents and friends.

**6.7.2. Parental responses:** Couples' decisions are initially informed to parents. Mostly in the contexts of repeated treatment failures and subsequent difficulties to get conceived, parents favour adoption. Nevertheless, adoption by single-parent women as well as couple who deny natural or biological children and prefer to adopt children

instead have been faced with initially tough parental responses and resistance. In such situations, parents seem to take time to understand and comprehend personal philosophies and views of single-parent women in the first place and couples who do not prefer to have natural biological children.

**6.7.3. Family responses:** The family members, in general, were receptive and welcoming to adoption decisions made by childless couples. In cases of single women's decision to continue living unmarried and after adopting a child or two were not well received among family members. Similarly in the case of a couple who wants to adopt a child while denying biological children even when they can have also received such stigmatized responses from family members. Additionally, the couple also perceived that some family members had a vested interest in their family asset so that they tend to negatively react to the decision to adopt a child. In line with this connection, March (1995) identified reactions on the adoption of the family members that they created social discrimination, stigma and exclusion based on their lack of hereditary ties to their families. For instance, an adoptive parent reported that his uncle stopped the relation with him, reasoning that 'the blood relationship (adopted child) ended there. Similarly, four adoptive parents reported that there are not receiving an inheritance from their parents because of they were no blood relationship. The adoptive parents further reported that stigma is attached to adoption because of the compulsion of the biological family. They were not able to answer the questions regarding the adoption of other family members. Mostly, this stigma is based on others views on their legally missing blood relationship with the adopted child (Hamilton, Cheng, & Powell, 2007).

**6.7.4. Neighbourhood responses:** Neighbourhoods, in general, have an acceptance of adoption as a method of complementing marital life to childless couples, whose inability to conceive and deliver a child after prolonged treatment and established infertility conditions. However, society in general places relatively inferior or second preference to adoption in comparison to biological children. It is further evident in general hesitance of adoption as a way of founding a family for single-parent women. Social support is instrumental for adoptive parents where such support arises from friends, neighbours, colleagues, and family. Adopted parents enjoy higher levels of social support from various sources such as their parents, other family members, friends, neighbours and colleagues. They tend to be psychologically and emotionally stable and can be seen at a lower risk of psychological distress (Keck & Kupecky, 2009).

Initial discussion on adoption as a way to extend family and relationships often begins within the couple system. The couples immediately discuss about their idea with immediate and close friends. Friends indeed support prospective adoptive parents to decide on adoption-related decisions. Peers and friends facilitate adoption procedures and information about procedures, apart from instrumentally helping alongside needed emotional support. For prospective adoptive parents, a friend could do many things along the way to adoption. The adoptive parents will be in need of encouragement no matter in what stage they are in. In the initial stage of adoption, friends just need to listen to their fears, anxieties, excitement and other concerns related to adoption. The friends support and validate these feelings can enable the adoptive parents to continue in strength. This support is imperative even after they bring the child at home (Kirk, 1984; Melina, 1986; Pavao, 1998).

**6.7.5. Parental and sibling support:** Adoptive parents and siblings provide crucial assistance during the pre-adoption, adoption, and post-adoption phases. In the pre-adoption phase, social support might include gathering information about adoption procedures and sharing it with potential parents, as well as providing much-needed emotional support. During adoption, prospective adoptive parents undergo so many uncertainties, confusions and difficulties in decision-making. It is where immediate family members seemed to support prospective adoptive parents. Evidently, Bhargava (2005) indicates that the adoptive parents need family support from their parents and relatives throughout the adoption process. Because once the child brings home, these supports make the adoptive parents in reducing the anxieties and boost their confidence level for better parenting.

This support is invaluable for nurturing the child and having a positive experience in the changes of life after adoption (Eldridge, 2009). Hence, the family play a crucial role in the healing process of concerns of adoptive parents in the adoption process. They need emotional support as well as reassurance during the adoption process (Gray, 2007). Further, in the post-adoption phase, immediate family members (which include in-laws, parents and so on) tend to positively engage with the child, adoptive parents and assist them in child-rearing. In cases where adoptive parents received familial acceptance for adoption as well as acceptance of the adopted child, it was likely to result in better integration of the child into the family.

**6.7.6. Child experience of adoption:** Adopted children, in general, develop a sense of belonging to adoptive parents and tend to develop a positive attitude to parenting and parental disciplining. For some children of adolescent age, who were informed about their adoption history seemed to personalize their adoption status in a healthy manner. It also helped children to develop strong emotional ties and bonding with



adoptive parents, and positively perceived the disciplining role of their adoptive parents as ‘natural order of thing’ with a personalization that parental disciplining meant for their larger good and wellbeing. Adoption has substantial benefits not only for the adoptive parents but for the children too. Adoption provides children with an opportunity for experiencing life in a way that their birth parents do. It provides the children with a loving and stable home environment. This is one among the most noted significant impacts on children who have been adopted. This simply indicates that having a home that they can live in every day and the child has the financial resources needed to live like other children (Nickman et al., 2005; Grotevant, 1997).

Some children legitimize adoptive parents arguing that the mere biological process of giving birth does not make a person parent. In lieu, one becomes a parent when he or she adequately engages in delivering parental roles. Mostly, adopted children experience wellbeing therefore when they think about adoption, they felt content and happy as they could join this family and especially with their adoptive parents, who cared, loved, emotionally attached, met their needs as children and young adolescents. Such children also reported that parental disciplining and upbringing helped them to become good persons and prepared them for a good future, which would not have been possible unless adopted by their families. Perhaps having healthy psychological and emotional support throughout the years and a reliable routine with opportunities that include sports, music and other interesting activities. The adopted parents welcome an adopted child into their family with unconditional love and show them a strong bonding family model, which results in a huge benefit, thereby feels comfortable and stable in the long way (Miall, 1996).

As evident in parental narratives where parents tend to ignore differences of parenting roles in adopted and natural children, the analysis also revealed such internalizations in children. Adopted children engage in comparison between natural children and adopted children and tend to ignore any differences between these two groups of children and their parents. Many children while growing up come to know the truth that they were adopted and chosen out of love and completing the family of their adoptive parents. As a result, the adopted children develop a strong bonding with their adoptive parents (Krusiewicz & Wood, 2001).

Evidently, adopted children tend to engage in comparison between natural parent-child relationships and adoptive parent and adopted child relationships with a tendency to minimize differences through the mechanism of ignoring and maximized similarities. For an instance, adopted children tend to argue that they are disciplined and corrected, two parental functioning implying punishments or negative experience. All children tend to argue that it is for their wellbeing and larger good in future. The adopted child is getting better educational support that encompasses success in their personal as well as social life. The adoptive parents want to see their children succeed in each way includes psychologically, emotionally, physically, educationally and spiritually. The parents help them to reach these goals and provide them learning opportunities that mould their skills and natural capabilities. The transformation from child grows into an adult, knows that who they are and what they want in their life (March & Miall, 2000).

The researcher wishes to pinpoint that adopted children frequently refers back to the natural parent-child relationships where disciplining and corrections occurred. It can be viewed as a maximizing similarity between natural and adopted parent-child relationships, implying that adopted child internalized their adopted status, which is

not natural therefore he or she frequently occupied with the notion of sameness and similarities, at least when prompted to open up on the parent-child relationship. More realistically, some children reported that they felt upset and worried when they came to know that they are not from adoptive parents blood but later they settle down, and the parents were affectionate and loving therefore, the emotional bonding and attachment overtake the negative effects of punishment and negative parent-child interaction. It evidences positively personalizing parent-child relationship. Nonetheless, adopted children often do not associate adoption in relation to disciplining and correction where some of them explicitly reported that adoption has nothing to do with scolding or even appreciating and believed that parents are doing everything for their betterment.

It is seen that adopted children participate in all home chores and support their parents. After school, some children assist them with cow rearing, milking, cleaning, and other home chores. As a result of their participation and engagement, they gained a sense of mastery and skills, which led to an increased sense of self through contributing meaningfully to homes. On the other side, such engagement with adoptive parents helped them to learn new skills, increased parent-child bonding and interaction resulting in many forms of learning in daily life. The children reported that they experience love and support not only in good times but also in bad times of their life. This is relevant for children learning how to navigate the world. This indicates that adoption provides the children with an automatic extra support system which is invaluable for the children (Johnson, 2002).

Many adopted children were satisfied with their new life and have felt grateful to their adoptive parents and consider their life with parents as a blessing. Such children seemed to have healthy interaction and attachment with their parents. Many adopted

children shared intimacy and strong bonding with their adoptive mothers and reported that their mothers were able to easily recognize and understand their moods, feelings and needs. Overall, parent-child relationships were perceived positively and children experienced a healthy relationship leading to their wellbeing. It has been observed that adoptive children experienced unconditional love, no matter what the ups and downs of life bring. The adopted child through adoption gets a special space in a family to grow and thrive. They are given the chance to see and experience the world with new opportunities as other children in the family. This allows them to start dreaming about their life with a well-rounded support system that encourages them each phase of their life (Kohler, Grotevant, & McRoy, 2002).

**6.7.7. Concluding remarks:** Fisher (2003) observed that despite adoption is being increased substantially; social studies on adoption continue to remain less. At present, the studies on adoption are mainly available by social workers, psychologists and psychiatrists from clinical and individualistic perspectives without giving adequate attention to the social processes and social factors shaping adoption practices (Wegar 1997). According to Fisher (2003), same as in the case of the US, there are a growing amount of single parent families, women-headed households, and nuclear families formed through adoption in India (Cherayi, Jose, & Sudhakar, 2019), particularly among the country's urban middle class.

Hence, this study was an effort to examine the adoption experience of adoptive parents in the state of Delhi NCR, where in-depth interviews of adoptive parents and adopted children explored the lived through the experience of adoptive fathers and mothers. Whereas, the key informant interviews intent to analyse situations leading to

adoption decisions, procedures and guidance adoptive parents received in the process of adopting children in the state of Delhi.

Subsequently, the narrative thematic analyses yielded five thematic areas viz., child adoption preparedness, adoption experiences, emotional and psychological responses, social responses to adoption and social support and adoption. Evidently, the narratives on adoption motives in adoptive parents, their worldviews and personal philosophies of adoption decisions were reasonably articulated in this study. The results revealed that the adoption procedures, adoption experiences and perceptions of change in their lives after adoption.

Additionally, the subthemes further identified were ignoring differences between natural and adopted children, disclosure of adoption concerns and adoption stigma. The social responses to adoption contain child adoption decision invokes diverse responses from people around the couple system when namely partner within the couple system, parents, family members, neighbours and friends. The study also revealed the critical role of social support acting as instrumental for adoptive parents, wherein social support arises from friends, colleagues and neighbours.

## Chapter- 7

### Summary of Findings & Conclusion

#### **Chapter overview:**

- Chapter contents
- Historical Narrative Review Findings
- Qualitative Phenomenological Findings
- Conclusions

#### **7.1.0. Child adoption in ancient India**

- From a historical perspective, this study reviewed contemporary institutionalized adoption practices in India.
- Historically, adoption had been observed in ancient civilizations, although the intent, principles and rules regarding this institution varied across cultures and over historical time (Bajpai, 1996).
- Where in primitive societies, kinship had guided and governed the institution of adoption in ancient societies.
- The adoption of child into a family therefore meant for a complete severance of ties from one's original family and a promise of allegiance and loyalty to the new family (Bajpai, 1996).
- Hindu religious sanctions profoundly influenced and shaped the social institution of adoption in Indian society with intersections of gender, caste and kinship in ancient India (Bhargava, 2005; Mitra, 2017; Baig & Gopinath, 1976).

- Many natural mothers placed their children for adoption due to the death or desertion of their spouses given the background of socio-economic pressures (Mitra, 2017).
- The institutionalized children were also negatively portrayed as unfit for adoption (Narang, 1982) as they were regarded as lacking pure blood and family name.
- Bhattacharya (1992) found two important reasons for adoption namely (a) inheritance of family property and lineage (b) the performance of the last rite for parents.
- Baig and Gopinath (1976) explained that adoption during ancient times was not strictly the natural desire to have a child as an object of affection or as an act of compassion.
- Instead, it rested on certain considerations such as old age protection, the perpetuation of name and continuation of family lineage, security of family property and solemnization of the last rite to the father.
- Julius Jolly's 'History of Hind Law of Partition, Inheritance and adoption' (1885), that adoption was practised during the Vedic period.
- Nevertheless, this institution had not enjoyed social sanction since society tended to attach low ranks and privileges to adopted sons as compared to the natural offspring, which in turn implied less societal acceptance and unpopularity ascribed to the institution of adoption.
- In Hindu mythology, the term adoption meant for upbringing someone's else child as one's own with several instances of adoption of sons, although daughter's adoption was also prevalent in ancient times.

- In '*Dattaka-mimasa*' of Nanda-Pandita was a classical work drafted in the early 17<sup>th</sup> century on the topic of adoption in India, although references to adoption were evident in ancient texts of Manu, Vasista and Saunaka.
- Later the '*Dattaka-mimasa*' was used by British authorities in India as the Hindu Law of adoption and used for framing adoption laws for Hindus.
- Ancient texts of Manu, Vasista and Saunaka have secular as well as religious objects. In religious object, pertain to the spiritual benefits to the adopter and his ancestors by having a son for offering funeral rituals,
- *Kritima form of adoption*: Desai (2017) described Kritima adoption that exists in Mithila and its adjoining districts. As per this form, either men or women can adopt.
- Interestingly, both husband and wife can individually adopt sons for each of them, if they desire so even without the consent of her husband. It also enables widows to adopt.
- In *Dattaka Chandrika*, there are two motives for adoption namely (a) to perform obsequious rites of the adoptive father and his ancestors and (b) to be the successor of the adoptive father.
- Mauthr (2006) furthered her discussion by pinpointing the paradoxes surrounding the adoption in ancient Indian mythology.
- Adoption as an institution in ancient India largely helped to further family lineage, inheritance of property and succession.
- It was practised as an institution to help sonless fathers to further family name and lineage and get last rite and rituals performed as Hindu scriptures prescribe to obtain the salvation of souls and afterlife.



- Nevertheless, the inter-caste adoptions especially from higher to lower caste adoptions had not been practised. The son preference was evident in adoption whereas female girls' adoption was less frequently observed in ancient India despite the fact that in Indian mythology, there were dominant stories of female girls' adoptions.
- Additionally, women parents enjoyed no or relatively fewer rights to adopt a child. Hence, to conclude, gender, caste and religious beliefs significantly shaped the institution of adoption in ancient India.

### **7.1.1. Child adoption in contemporary India**

There is a consensus among scholars of child adoption studies in India that it is difficult to delineate every aspect of the institution of adoption

- It is because of the context of multi-religious, multi-cultural and multi-lingual Indian society; where rules and regulations are religion-specific for adoption
- Traditionally, poverty, death and wars left many children orphans. Such children had subsequently integrated to next kin in father's side or mother's side of the families.
- Adoption was considered as the best option when children are left behind due to death, separation or abandonment and no relatives to take care of the child, (Raju, 1999).
- The purpose of adoption in ancient India was to further family lineage, inheritance and succession, which helped sonless fathers to further family name, lineage, and get the last rite, performed for the salvation of the soul.
- The institution of adoption has no longer been considered for religious reasons alone in contemporary times.

- there is an increasing realization that child adoption as a welfare option institutionalized through social legislation and policies
- Nonetheless, this progressive era of changes in adoption practices has begun as early as the British period when India set a new era of child welfare and adoption enactments and codes.
- India's first Children's Act enacted by Madras and Bombay Presidencies in British India in the 1920s empowered the state with the responsibility to ensure the welfare of destitute and abandoned children, by providing care and protection (Bhargava, 2005; Bhaskar et al, 2012).
- However, the width and depth of such progressive legislations in British India were small and tokenistic where original changes began during the post-colonial world under the aegis of the United Nations efforts through a series of international conventions, treaties, and protocols regarding human rights, child rights and adoption
- Such international efforts progressively influenced social legislations and policies in member states including India.

**7.1.2. Social legislation and adoption in India:** Post-colonial India, the Hindu Adoption and Maintenance Act (1956) provide a uniform act to all Hindu families whereas the fundamental difference of this act is that Hindu adoption is irrevocable.

- Hindu biological parents can relinquish their child but once it is done, it is irrevocable or it cannot be changed.
- People of non-native religions such as Islam, Christians and Zoroastrians are under the Guardianship and Ward Act, which provides a legal framework for guardianship.

- Whereas, the contrast between these two legislations are pertaining to the inheritance wherein Hindu act naturalize inheritance to an adopted son while guardianship act for other religious groups do not, although families can create trust funds or wills for children
- In her extensive study that Juvenile Justice Care and Protection Act (2015) contains a few provisions to deal with adoption and locate the discussion within the background of the movement for uniform civil code (Desai, 2019).
- She argued that child is in need of protection and care, therefore, we need uniform civil code, demanding the political will from side of ruling political parties at the Central government to legislate uniform civil code.
- Her study suggested that such uniform civil laws should incorporate provisions “relating to the capacity of the person for taking the child in adoption, the capacity of the person giving in adoption, persons capable of being taken in adoption and conditions of valid adoption.
- It should also contain provisions to dealing with various kinds of adoption such as family adoption, single adoption, open adoption, adoption of the child of the spouse of second marriage and adoptions by a transgender” (Desai, 2019; p.441).
- Hence in the absence of uniform civil laws in India, the contemporary studies suggest that religions continue to add complexities to the institution of adoption;
- Wherein children are born into a religion and inherit the religion of parents and if the father is unknown, the child inherits the religion of the mother (Raju, 1999; Bhargava, 2005; Bhaskar et al, 2012).

- It is important to have uniform laws regulating adoption practices in modern India keeping in view of the protection of children's best interests

**7.1.3. Gender and adoption:** The son preference was evident in adoption whereas female girls' adoption was less frequently observed in ancient India despite the fact that in Indian mythology, there were dominant stories of female girls' adoptions.

- In post-colonial India, the gender preference for male children continued to act at the central stage of adoption decisions in adoptive parents and their families (Choudhary, 1980).
- Such trends continue to persist a decade later in different parts of the country wherein Bagley (1993) observed supportive findings with an estimate of nearly two-third of the institutionalized children were girls.
- Nonetheless, Raju (1999) observed class differences in child adoption in contemporary India, whereas upper-income families prefer a female child while lower-income families prefer to adopt male children.
- Qualitatively, my interaction with prospective adoptive parents of lower socio-economic status opined that they prefer a male child who would continue to take care of their family when parents are in old age and continue their family legacy forward (Field Note, 2021).
- In the qualitative situational analysis, parents consider cultural paintings of qualities and parenting challenges attached to a child's gender to decide on a male or female child.
- Adoptive parents representing higher socio-economic status perceived those girls' qualities of softness, considering, loving, emotionally attaching, and caring to parents once they are grown up as adult children.

- Such qualities were valued as future-oriented rewards for adoption in old age. Adopting boys on the other side, adoptive parents perceived threat in respect to upbringing parenting challenges and future connectedness.
- It is therefore evident that the custom of male child adoption with the objectives of family lineage and affection has slowly replaced. It is by changing intentions of adoption as an alternate strategy for old age protection for adoptive parents
- Groza et al (2003) observed progressive changes in the adoption practices since the 1980s and ongoing adoption practices were positive while most adopted children were developmentally appropriate and have no health problems, sensory difficulties or behavioural problems.
- Authors also found positive parent-child relationships concluding that mostly adoptions in India are successful for providing alternate families and parents.
- The state and central governments closely monitor adoption agencies therefore such agencies function as an organized sector and consequently the domestic adoption significantly increased against international adoption (Bhasker et al, 2012).
- Whereas, institutionalizing children indeed harmed children's healthy growth and development, sustaining adverse emotional, psychological, mental health outcomes (Choudhary, 1980).

**Changing intentions of adoption in contemporary time:** Qualitative phenomenological investigation evidences adoptive parental worldviews and personal

philosophies substantially shape adoption decision, although infertility continues to remain at the central stage of adoption-related decision making in adoptive parents.

- The philosophies behind the adoption decision were to give life to a child already born in the world without parents and family. Philosophies seem like ‘*save a child*’ and ‘*saving is better than creating*’.
- Wherein worldviews help them personalize the notion of adoption as an alternate and even normatively superior way of founding a family.
- Other scholars on adoption practices also observed similar practices that parents continued to adopt children even when they were either having biological children still go for adoption and some others deliberately decide not to have children and in lieu, they prefer to go for adoption.
- For urban middle-class women, adoption is an alternate way of founding a family avoiding the hustle involved in entering into formal marital relationships, conceiving and giving birth to children.
- In line with Fisher (2003) argument on family forms in the United States, in India also, there is an increasing number of single-parent families, women-headed families and nuclear families formed through adoption (Cherayi, Jose & Sudhakar, 2019), especially among its urban middle class.
- Malm & Welti (2010) observed that role of infertility has slowly taken backstage from the central factor shaping adoption decision, where the conventional idea of families began to change into single parent, woman-headed, same sex marriage and consequently formed families.
- Childless couple continues to remain as the most frequently reported aspect that adoption-related decisions among adoptive parents in contemporary India.

- When childless couples receive a medical diagnosis of impotency or repeated treatment failures led to go for adoption, they arrive at a decision to adopt a child as an alternate way to expand their families.
- There is ample body of literature suggesting that adoptions are due to the childlessness in couple and occur during a wide range of time from 5 years to 20 years of waiting for an own child alongside infertility treatment (Bhargava, 2005).

### **7.2.0. Qualitative Phenomenological Study Findings**

**7.2.1. Adoption preparedness:** It provides a detailed narrative of factors influencing adoption motives in adoptive parents, perspectives on adoption, personal philosophy and adoption decision.

#### **7.2.2. Adoption motives of adoptive parents:**

- There are diverse factors motivating parents to decide for adopting a child.
- First, childless couples after receiving a medical diagnosis of impotency or repeated treatment failures lead to go for adoption.
- Second, some parents' personal philosophies and worldviews influence them to decide on adoption.
- Third, single parents, especially women parents, who do not want to enter into marital relationships need adoption as a way of making the family complete.

#### **7.2.3. Emotional and psychological motives:**

- There are emotional and psychological motives inspiring couples to adopt a child after painful realizations that couples were unable to conceive and give birth to a child.

- Inability to procreate a child has attached with immense socio-cultural pressures that induced and maintained diverse psychological and emotional problems ranging from chronic distress to anxiety and depression.
- However, although some couples were biologically capable of conceiving, they opted for adoption as their novel idea to found and complete their family. It is highly influenced by their personal worldviews and philosophies.
- However, the feeling of being capable of procreating gives them a sense of stronger selves in comparison to those couples who were unable to have children of their own.
- The couple's internalized norms of a happy family with children tend to motivate childless couples to adopt; it is because, happiness, sense of purpose and meaning in life is attributed to life with children.
- In Indian families, adult children protect elderly persons at home even in contemporary times; therefore, adoption is regarded as a way to have someone close to self when aged.
- For single-parent women, adoption provides a sense of empowerment because, in the first place, such parents could stay connected to their own biological family, take care of their old parents and enjoy independent earning, which may not be feasible after entering into a marital relationship.

**7.2.4. Parental perspectives on adoption:** There are different ways in which adoptive parents personalize the idea of adoption

- Adoption is equal to giving birth to a child and ignoring the difference between a natural and adopted child.



- Adoptive mothers tend to ignore differences between naturally born children and adopted children. They equate psychological and emotional processes by which they prepare themselves for parenthood through the adoption process.
- In consequence, adoptive parents tend to ignore differences and emphasis overtly on emotional aspects of adopting a new child to the family
- And changes in couples' life such as happiness, love, care, meaning and sense of purpose with consistent references to exceptions of biological pregnancy and childbirth process.
- Adoptive mothers perceived adoption as a legitimate way of life-giving opportunity to an orphan or destitute child to whom loving and caring parents and family are denied off.
- Personal views and philosophies are nurturing this novel idea of adoption. It is characterised through considerable personal sacrifice such as denying a person's own inner urge to have a biological child either within a marital relationship or as a single parent and making a conscious decision to adopt children even when they are biologically capable of reproduction.

**7.2.5. Personal philosophy:** Personal philosophy and worldviews substantially influence the decision to adopt children in some adoptive parents.

- The philosophy behind this decision was to give life to a child already born in the world without parents and family.
- Philosophy seems like '*save a child*' and '*saving is better than creating*'. Their worldviews help them personalize the notion of adoption as an alternate and even superior way of founding a family.

#### **7.2.6. Adoption decision:**

- The couples make adoption decisions after realizing problems in conceiving. In consequence, couples themselves come up with mutual decisions to adopt a child.
- Once couples reach a decision, they subsequently inform and discuss it with their parents and significant others like in-laws.
- Adoptive parents in their contemplative received help from parents, in-laws, friends and religious leaders.

**7.2.7. Adoption experience:** The results narrate the adoption procedures, adoption experiences and perceptions of change in lives after adoption.

#### **7.2.8. Adoption procedures:**

- Procedural delay in adoption seems to range from 6 months to 2 years where the waiting period tends to cluster at upper ends. Adoptive parents were mostly dissatisfied with the delay of adoption procedures.
- A few adoptive parents reported satisfying experience with adoption procedures and reported experience with CARA was positive.
- Nevertheless, CARA and designated adoption agencies were seemed to remain prejudiced when single women approach adoption and such prejudiced responses were evidently more from agencies.
- The single adoptive mothers reported experiencing prejudiced attitudes and treatment at every level during adoption procedures.
- Some adoptive parents tend to discourage aspiring childless couples and prospective single parents from adopting by explaining procedural delays and prejudiced attitudes from CARA as well as designated adoption agencies.

- Adoptive parents were unaware of the procedures and associated delays when they plan for adoption.
- Adoption procedures induce dissatisfaction and helplessness in adoptive parents.
- Poor knowledge of adoption procedures seems to task and burden prospective parents who have been already emotionally drained; due to their distress attached to childlessness.
- Nevertheless, parents with a support system outside the couple system help reduce anxieties and distress associated with adoption procedures.
- Many a time, rude and money-motivated engagement of agency personnel fuelled their distress
- Hence, it is a phase in life needing support and guidance with counselling services to help set realistic expectations.

**7.2.9. Gender preference in adoption:** Most parents consider cultural qualities and parenting challenges attached to a child's gender to decide on a male or female child.

- Parents perceived that girls' qualities of softness, considering, loving, emotionally attaching, and caring to parents once they are grown up as adult children.
- Such qualities are valued as future-oriented rewards for adoption when adoptive parents reach in old age.
- In adopting boys, on the other hand, adoptive parents perceive threat in respect to upcoming parenting challenges and future connectedness.
- Adoptive parents foresee possible risks for boys to turn oppositional to parental instructions, gender-related risks in developing high-risk behaviours such as alcohol and drug addiction

- Adoptive parents also subscribe to gender-related stereotypical beliefs such as boys are rough, less emotionally expressive, difficult to discipline and trust.
- Perhaps, the adoptive parental decision on child gender is the most culturally biased decision adoptive parents make during the child adoption
- Whereas stereotypical beliefs and cultural images attached to gender play a critical role, especially among adoptive parents representing the urban middle class.
- Evidently, gender selection is partially influenced by the socio-economic statuses of adoptive parents;
- Wherein girls were perceived as less risky in family system maintenance and continuity than boys (e.g., continue and maintain family status and assets).
- In contrary to this argument, adoptive parents of lower socio-economic statuses tend to prefer boys to girls with the same spirit of family system maintenance and continuity.
- Nevertheless, the fundamental difference is that girls were meant to maintain family continuity socially and economically;
- Whereas boys were perceived to maintain and advance the socio-economic status of overall households

**7.2.10. Adoption experience:** Adoption as an alternate way of having children in the life of childless parents brings them a whole lot of positive feelings of hope, joy, happiness, love, care and responsibility within individuals and in couple relationships.

- Adoption improved couple-relationships, communication, presence of children changed the activities of the daily living in couple life.

- Apart from positive emotional and psychological experiences of adoption, adoptive parents' especially single women parents frequently repeat a sense of continuity as well as a sense of loneliness.
- In the first place, adoptive parents in couples' relationships experience uncertainty due to the lack of children in life.
- It seems to induce existential questions about the old age and afterlife such as 'who shall take the family lineage forward?'
- This was evidently more pressing for single-parent women of urban middle-class families.
- Hence, the adoption of a child to a family seems to meet the psychological need for a sense of continuity in life and relationships.

**7.2.11. Perceived change after adoption:** Adoption meets the emotional, psychological and social needs of adoptive parents as well as children.

- In parental emotional and psychological needs, parents as couples tend to experience a sense of incompleteness in family life due to childlessness.
- Such couples reiterate tremendous changes in their life after adoption after the coming of a child into their family life.
- Initially, husbands tend to spend time outside the home after office hours but after adoption, they became more active in family affairs, reduced alcohol and other unhealthy habits.
- Couples together spend more family time with adopted children.
- In some families, the frequency of in-laws visits increased and relationships improved, hope was instilled and a sense of completeness was brought into the familial as well as couple relationships.

- Hence, adoption, in general, was useful for parents in improving their own relationships, emotional and psychological health and wellbeing.
- Adopted children began to show a more stable emotional state, warmth and sense of security. The parents are happy and content about the strong emotional ties they enjoy with adopted children.
- However, some children show emotional symptoms such as fear, anxiety, distress where parents tend to associate such behaviours with their unknown past.
- Child adoption helped to change the family environment as well as couple interaction patterns.
- It brought happiness, joy and hope for the future and most importantly eased distress substantially, suggesting the therapeutic effect of the adoption of a child in familial and couple relationships.

**7.2.12. Emotional and psychological responses:** There are three important subthemes viz., ignoring differences, adoptive parental concerns and adoption stigma and discrimination.

- **Ignoring difference:** Adoptive parents generalize similarities of adoptive and biological children and their parent-child relationships in familial contexts.
- As children grow up, they tend to develop stronger emotional ties with adoptive parents. Such children also develop emotionally engaging relationships with other family members and relatives.
- Emotionality, closeness, attachment and love-such all positive emotions were evident in parent-child relationships.

- **Disclosure concern:** Adoptive parents have apprehensions, concerns and misconceived thoughts about adoption disclosure to children.
- They often are excessively fearful and anxious about the possible consequences of disclosing adoption history to children.
- They tend to act proactively in controlling adoption-related information. These parents experience helplessness in revealing the adoption story to the child.
- Adoptive parents think that they love and care for children in the same manner if they were to have biological children; therefore, no reason to disclose the adoption story to their children.
- These parental perceptions induce excessive fear, anxiety, helplessness and difficulty to accept adoption as a reality in life. It leads to poor maladjustments in performing parental roles and responsibilities, reducing the wellbeing of both parents and children.
- However, some adoptive parents disclose adoption story not only to their adoptive children but also to people in their neighbourhoods.
- Adoptive parents disclose adoption story in social media tends to provide social support to other adoptive parents.

**Adoption discrimination:** In contemporary Indian society, the stigma and discrimination attached to adoption as an alternate way of founding a family have been reduced.

- It was evident that discrimination of adopted child continued to persist in some families, especially among relatives and neighbourhoods.

**7.2.13 Social responses to adoption:** The social responses to adoption contain child adoption decision invokes diverse responses from people around.

- **Partner response to adoption:** Parents' decision to adopt a child invokes diverse responses from immediate others, who include life partners, parents, family members, friends and neighbours.
- In life partners' responses to the idea or wish for adopting a child, the pre-adoption stage usually characterises repeated failed attempts and waiting to conceive alongside costly infertility treatments, when the couple began to think for adoption.
- One of the partners in a couple-relationship often began to share a wish for adopting a child. In many circumstances, couple is already exhausted; others began to think to align with, although some partners tend to further delay taking up a final decision for adoption.
- However, most couples form and come up with a joint decision for the adoption of a child, given the context of infertility and treatment failures. Nevertheless, this pattern is different for women single parents where initial support from parents and friends.

**7.2.14. Parental responses:** Mostly in the contexts of repeated treatment failures and subsequent difficulties to get conceived, parents favour adoption.

- Nevertheless, adoption by single-parent women as well as couple who deny natural or biological children and prefer to adopt children instead have been faced with initially tough parental responses and resistance.
- In such situations, parents seem to take time to understand and comprehend personal philosophies and views of single-parent women in the first place and couples who do not prefer to have natural biological children.



**7.2.15. Family responses:** The family members, in general, were receptive and welcoming to adoption decisions made by childless couples.

- In cases of single women's decision to continue living unmarried and after adopting a child or two were not well received among family members.
- In the case of the couple who wants to adopt a child while denying biological children even when they can have also received such stigmatized responses from family members.
- Couples also perceived that some family members had a vested interest in their family assets so that they tend to negatively react to the decision to adopt a child.

**7.3.16. Neighbourhood responses:** Neighbourhoods, in general, have an acceptance of adoption as a method of complementing marital life to childless couples, whose inability to conceive and deliver a child after prolonged treatment and established infertility conditions.

- However, society in general places relatively inferior or second preference to adoption in comparison to biological children.
- It is further evident in general hesitance of adoption as a way of founding family for single-parent women.

**7.2.17. Social support and adoption:** Social support is instrumental for adoptive parents where such support arises from friends, neighbours, colleagues, and family.

- The couples immediately discuss their idea with immediate and close friends. Friends indeed support prospective adoptive parents to decide on the adoption-related decision.

- Peers and friends facilitate adoption procedures and information about procedures, apart from instrumentally helping alongside needed emotional support.
- Parents and siblings provide critical support to adoptive parents during pre-adoption, during adoption and post-adoption phases.
- In the pre-adoption phase, social support range from a collection of information on adoption procedures and sharing with prospective parents, extending much valued emotional support to prospective parents.
- During adoption, prospective adoptive parents undergo so many uncertainties, confusions and difficulties in decision-making. It is where immediate family members seemed to support prospective adoptive parents.
- In the post-adoption phase, immediate family members (which include in-laws, parents and so on) tend to positively engage with the child, adoptive parents and assist them in child-rearing.
- In cases where adoptive parents received familial acceptance for adoption as well as acceptance of the adopted child, it was likely to result in better integration of the child into the family.

### **7.3.1. Conclusions**

To examine historical evolution and contemporary concerns of child adoption in India with a special reference to the NCR Delhi. The researcher concurrently used both primary and secondary data to analyse to answer key research questions. Using historical review for secondary data, the study examined socio-economic and religious factors that influenced adoption, national and international legislation, treaties, covenants, and policy frameworks shaping contemporary domestic adoption in India,

apart from the role of the Indian judiciary in regularizing adoption practices. Using a phenomenological investigation, this study examined adoptive parental as well as adoptive children's adoption experiences in varied facets.

The review of literature provided insights into the concept adoption, which is not a static one rather dynamic as it has a temporal dimension. In ancient India, the adoption motives strictly from religious reasons during ancient times evolved to meet the welfare and psychosocial needs of an adopted child and adoptive parents. Adoption as an institution in ancient India largely helped to further family lineage, inheritance of property and succession. It was practised as an institution to help sonless fathers to further family name and lineage and get last rite and rituals performed as Hindu scriptures prescribe to obtain the salvation of souls and afterlife.

Nevertheless, the inter-caste adoptions especially from higher to lower caste adoptions had not been practised. The son preference was evident in adoption whereas female girls' adoption was less frequently observed in ancient India despite the fact that in Indian mythology, there were dominant stories of female girls' adoptions. Additionally, women parents enjoyed no or relatively fewer rights to adopt a child. Hence, to conclude, gender, caste and religious beliefs significantly shaped the institution of adoption in ancient India. The caste, ethnicity and social class alongside gender influence adoption. Hence, there is a sheer need to conceptualize child adoption and related concerns from an inter-disciplinary perspective since this institution has historical, social, biological, psychological and developmental aspects in it.

In medieval India, the child adoption laws and regulations have not well documented systematically. Further, Muslim laws of Muslim rulers across kingdoms established in India shaped the medieval Indian child adoption practices. Nonetheless, the Hindu religious influences had come down, wherein the adoption within families gained momentum guided by kinship and bloodlines. Kinship became the predominant order of the time for adoption. Childless couples have considered adoption within the narrow family contexts where the bloodline defined the relationships between its members. Islam religion in India significantly influenced the child adoption practices in medieval India. Medieval Indian history is predominantly characterised by invasions and the dominance of Muslim rulers. Such invasions and dominance also resulted in the introduction of Islamic laws. Although, Islamic laws in India do not recognize adoption, therefore, child adoption among Muslims occurred under certain local laws. However, Muslim laws in India accepted guardianship.

In contemporary times, the social categories namely caste, ethnicity and social class alongside gender continued to influence adoption. Hence, there is a sheer need to conceptualize child adoption and related concerns from an inter-disciplinary perspective since this institution have historical, social, biological, psychological and developmental aspects in it (Yamuna, 2013). The International Covenants, Treaties and Declarations of the Rights of the Child were the critical international developments in the field of child rights protection which has a due relevance in India's adoption-related social legislations and policies in contemporary times.

The qualitative phenomenological investigation alongside narrative thematic analysis to qualitative data analysis has yielded five key thematic areas namely child adoption

preparedness, adoption experiences, emotional and psychological responses, social responses to adoption and social support and adoption. The results initially explored narratives on factors influencing adoption motives in adoptive parents, their perspectives on adoption, personal philosophy and adoption decision. The narrative thematic analysis further revealed the adoption procedures, adoption experiences and their perceptions of change in their lives after adoption. Three important subthemes were further identified namely ignoring differences between natural and adopted children, adoptive parental concerns regarding disclosure adoption story and parental experience of adoption stigma and discrimination are narrated.

Additionally, the social responses to adoption contain child adoption decision invokes diverse responses from people around the couple system namely partner within the couple system, parents, family members, neighbours and friends. Finally, social support is instrumental for adoptive parents where such support arises from friends, neighbours, colleagues, and family. Some parents also received religious leadership in adopting children.

Adopted children, in general, develop a sense of belonging to adoptive parents and tend to develop a positive attitude to parenting and parental disciplining. Adopted children also enjoy strong emotional bonding with their adoptive parents. They experienced wellbeing therefore when they think about adoption, they felt content and happy as they could join this family and especially with their adoptive parents, who cared, loved, emotionally attached, met their needs.

However, the adopted children tend to engage in comparison between natural parent-child relationship and adoptive parent and adopted child relationships with a tendency to minimize differences through the mechanism of ignoring and maximizing sameness and similarities. Further, the adopted children often do not associate adoption in relation to disciplining and correction where some of them explicitly reported that adoption has nothing to do with scolding or even appreciating and believed that parents are doing everything for their betterment. Child engagement in household works helped them to learn new skills, increased parent-child bonding and interaction, resulting in many forms of learning in daily life.

When critically weighing the evidences generated in these primary and secondary investigations, it was clear that socio-economic and religious factors significantly influenced the evolution of child adoption as an institution over ancient, medieval and modern times. Although, the colonial era inaugurated a new sense of welfare-oriented child adoption entrusting the child safety and protection as a state subject. Given the context of treaties, covenants, and legal frameworks under the UN and its organs, and India being signatory in most of such treaties and covenants, post-colonial India witnessed substantial changes in the fields of child adoption. The noted characteristics of increased inter-country adoption during the 1960s to 1980s and a subsequent change of course from inter-country to a boom of domestic adoption, thanks to the effective judicial activism by the supreme court of India. It helped to bring out systematic procedures and guidelines in practice under Central Adoption Resource Authority that regularize and monitored every adoption in India. It further helped in ensuring the best interest of the child placed for adoption with a due emphasis on in-country adoption as a priority. Such efforts were instrumental in ensuring a home for

every orphan child, who in turn experiences wellbeing, meeting their psychosocial and emotional needs for intimacy, safety and security finally leading to optimal child growth and development.

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***Thesis title:***

Adoption System in India: *Changing Scenarios and Challenges with Special*

*Reference to the State of Delhi*

Researcher's Name: Sini Paul

Department of Political Science

Lovely Professional University:

*In-depth Interview Guide for Adoptive Child*

***Introductory Remarks:***

I am Mr/Ms...Sini Paul ., a PhD scholar in Adoption Studies in India. I am working on my PhD thesis entitled Adoption System in India: Changing Scenarios and Challenges with Special Reference to the state of Delhi. At first, I think for agreeing to participate in this interview and share your valuable experiences, worldviews and insights related to adoption.

Before we begin this interview, I remind you that all information we discuss during interview shall be kept confidential and be used only for the purpose of my PhD thesis. All personal identifiers shall be removed and instead codes shall be assigned to each interview I conduct, so that your privacy is completely ensued. Please you may remember that you have every right to ask clarifications, and discontinue this interview at any point in time during the interview if you desires so. It shall not bring any consequence. Please feel comfortable throughout the interview process, and ask me if you have any clarification!

Do you have any questions, if you are OK with it, lest us being now!

**Interview guide begins here!**

**General descriptions:**

- 1) Can you tell me about your home? And about your parents, sisters/brothers and so (if you have)?
- 2) How are they all doing? How do you feel about home? Explore:

**Parent child interaction sub-theme:**

- 1) In your experience, how affectionate and loving your parents are?
- 2) Explore: parental worthiness as child perceived
- 3) If you are upset, where do you seek to get comfort?
- 4) How do you feel when your parent corrects you when you do a mistake?
- 5) Follow up: feeling hurt/feeling of embarrassed/
- 6) How do you feel when you parent praise you?
- 7) Follow-up: feeling happy/excited/beams with pride
- 8) How do you value your relationship with your parent?
- 9) What happens when you are away from your child?
- 10) What happens when you get angry with your parent?
- 11) Explore: suppress anger/show anger/become aggressive/discuss about this feeling with parent
- 12) What are the situations in which you try to please your parent?
- 13) Follow up: strategies child use to calm down parents?
- 14) How do you feel when your parent criticise or punish you?
- 15) How do you feel when your parent spend time with other child?
- 16) When you are in bad mood, how does your parent respond?

**Child well-being questions:**

1) How satisfied are you when you think about your life as a whole

Explore: (i) At home, how satisfied are you?

(ii) At school, how satisfied are you?

(iii) At community, how satisfied are you?

2) What makes you feel good about your life?

3) What makes you feel anxious and distressful about your life?

4) And how do you cope or manage with these stress?

5) To whom you get comfort and help when you are in distress?

**Adoption stigma and discrimination:**

1) Can you tell situations in which you are disrespected/devalued/less respected as you are an adopted child?

2) Explore: who perpetuate such devaluation, underlined purpose

3) Have you come across experience where people around you consider you less good as you are an adopted child?

4) Have you experienced people around you keep a (social) distance from you as you are an adopted child?

5) Follow-up: not considering you as not equal with other children, not treating you as equal partner in conversations and so on.

6) How people in your family treat you with other children? How good you feel about it

**Concluding question:**

1) Is there anything important that you want to tell me which I much probably missed out asking you?

Thank you very much for your time and cooperation with this interview.

## **Adoption System in India**

### **Changing Scenarios and Challenges with Special Reference to the State of Delhi**

**Researcher's Name: Sini Paul**

**Department of Political Science**

**Lovely Professional University:**

### **In-depth Interview Guide for Adoptive Parents**

#### ***Introductory Remarks:***

I am Ms Sini Paul., a PhD scholar in Adoption Studies in India. I am working on my PhD thesis entitled Adoption System in India: Changing Scenarios and Challenges with Special Reference to the state of Delhi. At first, I think for agreeing to participate in this interview and share your valuable experiences, worldviews and insights related to adoption.

Before we begin this interview, I remind you that all information we discuss during interview shall be kept confidential and be used only for the purpose of my PhD thesis. All personal identifiers shall be removed and instead codes shall be assigned to each interview I conduct, so that your privacy is completely ensured. Please you may remember that you have every right to ask clarifications, and discontinue this interview at any point in time during the interview if you desires so. It shall not bring any consequence.

Please feel comfortable throughout the interview process, and ask me if you have any clarification!

Do you have any questions, if you are OK with it, lest us being now!

1. Tell me about your family (name of family members, gender, ages, their relationship with you)?
2. How do you define 'adoption' in your experience as an adoptive parent (father/mother)
3. How is adoption discussed in your family (F/up: in parent-child interactions/couple interactions/with other family members/friends etc.)
4. What words do you use to define 'your adopted child' and 'biological child' if you have both! ‘
5. Can you share with me your adoption story in a detailed way?
6. F/up: what made you to decide for adoption (personal/ familial/couple factors)
7. How did you go about the process of adoption and how did you feel about it?
8. =F/up: what are the barriers/difficulties you found during adoption procedure?
9. =what are the personal, couple, familial cost you made to adopt a child?
10. =how did your life partner, family and relatives responded to it?
11. =do you remember any changes in the ways in which they (partner/family/relatives) behaves, show attitudes towards you change before and after adoption?
12. How do/did you inform the adoption story to your adopted child? If not yet disclosed, what is your plan to disclose?
13. F/up: if at all you are ready for disclosing the adoption story to your child, what you think/fear are the potential problem, if you disclose the adoption story?

14. How do you present the adoption story to your biological children (if you have)?
15. What are the ways in which your biological children respond to your adoption?
16. What people in general ask you about your adoption story?
17. F/up: And how do you answer/ respond?
18. Why do you think they ask such questions?
19. Have ever come across experience where people talk negatively about adoption?
20. F/up: Please give an example!
21. F/up: please explain if you ever experienced a positive/negative situation of due to adoption
22. Do you think families with adopted child/ren are different from other families?
23. F/up: if so WHY?/ WHY NOT?
24. What do you think society in general think about adoption?
25. F/up: why do you think that?
26. In your opinion, what idea/information should be disseminated to others with respect to adoption?

Probes:

- Can you tell me more about that?....
  - Can you clarify what do you mean by that?
  - Tell me what you think about it
27. Are there any other things that you would like to share with me, which we did not talk?



28. Do you like to suggest other parents and children who would be interested in participating in this study?

**Adoption System in India: Changing Scenarios and Challenges with Special  
Reference to the State of Delhi**

Researcher's Name: Sini Paul

Department of Political Science

University: Lovely Professional University

*In-depth Interview Guide for Lawyers*

***Introductory Remarks:***

I am Mr/Ms....Sini Paul , a PhD scholar in Adoption Studies in India. I am working on my PhD thesis entitled Adoption System in India: Changing Scenarios and Challenges with Special Reference to the state of Delhi. At first, I think for agreeing to participate in this interview and share your valuable experiences, worldviews and insights related to adoption.

Before we begin this interview, I remind you that all information we discuss during interview shall be kept confidential and be used only for the purpose of my PhD thesis. All personal identifiers shall be removed and instead codes shall be assigned to each interview I conduct, so that your privacy is completely ensured. Please you may remember that you have every right to ask clarifications, and discontinue this interview at any point in time during the interview if you desires so. It shall not bring any consequence. Please feel comfortable throughout the interview process, and ask me if you have any clarification!

Do you have any questions, if you are OK with it, lest us being now!

**Interview guide begins here!**

**Role of lawyers**

- 1) What is your view about adoptive parents approach?
- 2) Why girls are adopted more?
- 3) What is your view about CARA?
- 4) What is your view about Juvenile Justice Act 2000?
- 5) Can a male a male single parent adopt a girl child? What does the law say about it?
- 6) Is there any provision for dissolution of adoption according to Indian Law?
- 7) What according to you the role of lawyers in adoption process?

Thank you very much for your time and cooperation with this interview.

***Thesis title:***

**Adoption System in India: Changing Scenarios and Challenges with Special  
Reference to the State of Delhi**

Researcher's Name: Sini Paul

Department of Political Science

University: Lovely Professional University

*In-depth Interview Guide for Social Workers*

***Introductory Remarks:***

I am Mr/Ms.... Sini Paul, a PhD scholar in Adoption Studies in India. I am working on my PhD thesis entitled Adoption System in India: Changing Scenarios and Challenges with Special Reference to the state of Delhi. At first, I think for agreeing to participate in this interview and share your valuable experiences, worldviews and insights related to adoption.

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Do you have any questions, if you are OK with it, lest us being now!

## **Interview guide begins here!**

### **Role of social Workers**

1. What is the requirement of home study by the social worker?
2. What factors should be taken care of while considering adoptive parents?
3. What do you think would happen if the role of a social worker in adoption is exempted from the entire process?
4. Apart from the educational qualifications, what quality do you personally think that a social worker should possess related to adoption?
5. Are there any challenges for a social worker who takes care of the adoption process? If so, what are they?
6. What are the necessary details that have to be taken care of while conducting a home study and its follow up?
7. What is the importance of a social worker while considering the psychological aspect of adoption?
8. Several procedures have to be followed for adopting a child. Which stage of adoption requires the utmost care from a social worker? Why?

Thank you very much for your time and cooperation with this interview.