

EMERGING TRENDS IN CONSTITUTIONAL LAW AND HUMAN RIGHTS JURISPRUDENCE



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Harmonising Adoption Laws in India: Need for Uniform Civil Code

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Abstract

The multiplicity of personal laws governing adoption in India. The Hindu Adoption and Maintenance Act (HAMA) for Hindus and related communities, Guardianship and Wards Act, for guardianship (not full adoption) for other communities, and the secular Juvenile Justice (Care and Protection of Children) Act (JJ Act) framework—results in inconsistency in adoption procedures, rights, eligibility, and effects. These legal inconsistencies give rise to legal loopholes and disadvantages for marginalised or non-conventional categories: e.g., persons of different religions, singles, those in live in relationships, LGBTQ+ persons, NRIs, children from certain backgrounds. The differential treatment may create unequal access to adoption and entail additional procedural difficulties. The process of adoption itself is sometimes delayed and/or complex in nature, often with multiple agency involvement, procedural steps, home studies, approvals, legal clearances, and coordination between inter-state agencies. These delays could result in the children spending more time in institutional care. Because the adoption law is intrinsically linked with the personal law and not a uniform civil law, there is a lack of standardization, equality, and predictability. This has raised several questions over whether instituting a Uniform Civil Code for adoption and, on a wider scale, for personal law matters would better achieve the constitutional ideal of equality and guarantee of rights as well as for the children and

adoptive parents alike. While Article 44 constitutionally mandates a Uniform Civil Code, its realization is complex and debated. Therefore, the principal problem is how India can move from a fragmented, religion-based legal adoption regime to a harmonized, child-centric, uniformly applicable adoption law that ensures clarity, fairness, efficiency, and respects constitutional values. This study intends to find an answer through an examination of the current adoption laws, analysis of the role of CARA, and the assessment of the need and feasibility for a UCC on adoption.

Keywords: *Uniform Civil Code, Central Adoption Resource Authority (CARA), Personal Laws, Juvenile Justice (Care and Protection of Children) Act, Adoption Laws.*

Introduction

Adoption, in legal and social terms, is the legal process by which a child is permanently placed in a family other than his or her birth family, and receives all the rights, responsibilities, and status of a biological child in that new family. According to one comprehensive review, "Adoption means the process through which the adopted child is permanently separated from his biological parents and becomes the legitimate child of his adoptive parents with all the rights, privileges, and responsibilities that are attached to the relationship." Legally, this transformation is far-reaching: it alters the parent-child relationship, inheritance rights, succession, and family status, and socially it can transform how the child is integrated into the family and community. In India, adoption has a lot of roots in religious and customary practices, beyond mere legal procedure; in many traditions, a child is adopted to carry on family lineage, perform funeral rites, or to provide a home for an orphan or abandoned child. (P. Kumari and B. Mourya, 2025)

Historically, adoption practices in India are ancient and embedded in the Hindu tradition, with references in Vedas and Smritis to the act of "dattaka" (giving away a child) and to ensuring