

# India's Orphans

## FOR EXPORT ONLY?

Business of selling children in the garb of "Adoption" goes on and it is hard to dismantle this adoption-mafia which has come up in India.

by Anant Asthana



**M**e: I don't understand you guys' opposing inter-country adoption. You are extremists.

Arun: Anjali! Give that book to Anant.

Anjali: But I have brought that book for registrar.

Arun: No, give it to him. It makes more sense to give it to him rather than giving it to the registrar.

Anjali: Ok!

So that's how I got hold of this book called "The untold story of the Romanian orphans" which carries a bold tag of "FOR EXPORT ONLY". Anjali is a friend of mine, based in Pune, Maharashtra and works exposing hind side of foreign (inter-country) adoptions. Arun is from Germany where he was given into adoption from India when he was a child. He grew up in Germany with a huge crisis of identity, which led him to search his mother in India. Since then, exposing the cruel side of inter-country adoptions is something very personal to him, having been a survivor of it. Their tireless campaign on this particular issue is inspirational and their anger is provocative.

My first encounter with Arun was on Skype when he told me that I should not be feeling very proud of having been part of a Committee which drafted Bill for Indian Secular Adoption Law. As he was concerned that the law permitted inter-country adoptions without even understanding what it was. He was feeling that the Bill could never see the light of the day. At that point of time I felt miserable while facing the truth, but then I kept on meeting Anjali, Arun's Indian counterpart and listening to scary stories of children given into foreign adoptions from her. This made me to re-think about the issue.

And now I have this book which gives me an opportunity to look at "Foreign adoptions" in Romania. Thankfully Romania got rid of it as it stopped foreign adoptions completely but in India, it remains a debatable issue.

The very basic question which Anjali-Arun duo poses is- How Adoption is a Child Welfare Instrument? They ask me to think about it. I think and think deeper into it. I meet people and ask them about their opinion. Bharti Ali, a teacher whom I met during my child rights work, says that she is yet to see a family who went for adoption because they wanted to help a child. Each one of them tried to have their own child, went to doctors, took all medical measures and after failing to have one, ended up in adoption. Therefore the concern of Anjali-Arun is valid and makes a lot of sense. Adoption is not always a measure to help a child who needs better care. More often it is about adults' need to have a child. This book also says the same. As I move further, let me just tell something about this book and its author. Author is Roelie

Post and this book is the result of her diary which she kept writing during her work for the European Commission. Romania needed to reform its child rights policy as one of the conditions for its future membership in EU. Book says that Roelie, during her work, finds that the inter-country adoption system in place was nothing short of a market for children, riddled with corruption.

Book tells us that after Romania redrafted its laws putting in modern child protection alternatives, a ferocious lobby that wanted to maintain inter-country adoptions stepped out of Romania in search of new avenues.

In India, this lobby is at its best. No wonder when India's Juvenile Justice Law was being amended, a clause which restricted adoption to Indian parents, got deleted just before it was notified in August, 2006. The December, 2005 report of Parliamentary Committee which examined the draft did not contain any comment in favour or against this clause. How it got deleted? I am trying to find out with no success so far. Then Bharti tells me that this happens all the time when anything is done on adoption. Things change without even one notice it or get to know about it at the very last moment. She tells me that when guidelines for regulating adoptions were being drafted, a consultation was called and inputs were taken. But when the final guidelines came out, it contained provisions which were not suggested during consultation. From where did those provisions came in? Lobby? I don't know.

What I have come to know so far is that there are parents, extremely poor, living in villages and small towns of India, hoping that their children are getting educated somewhere in a foreign country, oblivious of the fact that they were made to sign adoption deeds in the name of education papers. They don't know that their children are never going to return and that they will die with hope only. Anjali helps such people in finding their beloved ones, conducts private investigations to expose culprits and also approaches courts seeking punishment to those culprits. Anjali tells that the fight is not easy and no one supports these kinds of initiatives. No charity or funding organisation comes ahead to financially support such causes. She depends on individual help to sustain her work. Same is the story of Arun. He works as an insurance agent, earns money from his job, feeds his family and saves money to be able to come to India occasionally to do advocacy and meet people. When I met him just few days back at my house, when he was in India for a short while on a similar visit. This time when he met me, he reminded me of the need of exposing the "Adoption-

Mafia" in India.

Now, I am beginning to understand that everything done in the name of "Child Rights" is not always the same and there is also market and economy involved into it. Charity is not always charity. There is a politics involved in it. "Compassion" is not always "Compassion", there is "Need" and "Greed" involved in it. It disillusions me. But then I also know that it is better to know rather than remain apathetic as the later is more dangerous. Rolie in her book has narrated an experience:

"Friday, 7 January

As anyone else I had followed during Christmas the Tsunami victims. When I saw on CNN a blond-blue-eyed boy who lost his parents, described as a Swedish 'orphan', I thought:

'No, not again, no orphans please, no trade in children.'

It was then I realised I probably was overreacting and had become over-sensitive to the word orphan. Not long after, newspapers reported child traffickers were preying on Tsunami orphans. There was evidence of traffickers, children were being taken illegally out of the area and children had been offered for sale. UNICEF, UNHCR and Terre des Hommes urged no way children should be adopted from this area...I could only conclude I was not over-sensitive after all, but rather over-experienced."

Business of selling children in the garb of "Adoption" goes on and it is hard to dismantle this adoption-mafia which has come up in India. It is not that no one has ever noticed it. Way back in 1984, Supreme Court of India put a caution in Lakshmikanth Pande Case, observing:

"But while supporting inter-country adoption, it is necessary to bear in mind that the primary object of giving the child in adoption being the welfare of the child, great care has to be exercised in permitting the child to be given in adoption to for-

eign parents, lest the child may be neglected or abandoned by the adoptive parents in the foreign country or the adoptive parents may not be able to provide to the child a life of moral or material security or the child may be subjected to moral or sexual abuse or forced labour or experimentation for medical or other research and may be placed in a worse situation than that in his own country."

Then in 2010, once again Supreme Court reminded about creating a law to regulate adoption in India. It said in August 2010:

"We also request the Law Commission to consider recommending legislation on the matter of inter-country adoptions as at present there is no legislation on the subject and there is a pressing need for the same. The Law Ministry, Government of India, may also look into the matter."

The question which arises now is as to why something so emphatically being raised by the Supreme Court of this country time and again is not being attended seriously by our Government. Why there is yet no law on regulating adoption in this country? We must ask as to who is reaping benefits from the absence of such law? Why

there is a hesitation on this issue? If Romania (and recently Russia) can stand up for its children, why can't India? Are we just ok with our children being sailed away to foreign hands? There is no pride in saying that we as a nation cannot take care of our children and that's why they should be given away. We must stand up in full responsibility for our children and we must give our children their right to retain their identity and to let them remain with their soil, families, community and culture. ■



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*(Author is a lawyer in Supreme Court of India. This column is narration of his experiences and views while he is now looking into adoption issue in India. He can be contacted at anant.asthana@gmail.com)*