

Anand Kaper  
Adopted from India

Every time the airplane touches the India soil, I'm home again. That feeling is getting stronger the more often I go. Each time I spend walking through the crowded streets of "Maximum City"<sup>1</sup> Mumbai and staring at all those people, I wonder whether I did pass a member of my family.

In the past few years I have visited the orphanage I have been adopted from for many times. Over and over again I have asked them for more information regarding my birth family. Until now, adoption records from this children's home remain undisclosed to me and other adoptees.

According to my adoption papers I was born in Habib Hospital, Dongri, Mumbai on October 9th, 1976. The name of the hospital is mentioned in an affidavit from Shradhanand Mahilashram, the children's home I was relinquished after six days.

In 2002 I visited Habib Hospital. I went through the birth records and found out there were two children born on October 9th 1976, a boy and a girl. According to the information in the affidavit, this information presumably is about me. I also found a name, and an address and more information regarding the woman (my mother?) who gave birth and the delivery of her child (me?).

Some years later I went through this information again. I also visited the BMC office (BrihanMumbai Municipal Corporation). I found out the girl who was born on that day has been registered by the hospital, but the boy wasn't. According to Indian law, registry of birth and death is compulsory and should be reported to the concerned registrars.<sup>2</sup> For what reason didn't they register the boy's birth?

It appears the births of many adoptees are not registered, though they are born in hospitals or maternity homes. So officially we don't exist. Then how can we be adopted by court order and a judge's verdict? And how come we can leave the country on an Indian passport?

With extensive research and some help from locals I found a man who has been living on the address I found in Habib Hospital. This old man told me he has three sisters, but none of them delivered a child in 1976. According to his information the address I found is correct in every detail, but the name has to be fictional.

He told me stories about a girl in his neighborhood who became pregnant, and of family next door who had paying guests from all over India. If he told the truth, then tracing my mother is impossible. With this in mind, I realized I didn't become closer at all.

Back in Habib Hospital, I shared my experiences with the person in charge, Ms Razia. Even nowadays women are admitted in the hospital without any identity check, she replied. This means a woman who wants to deliver anonymously, can still be admitted without revealing her real name.

If there are any birth records kept, then adoptees have to question whether this information is correct. And still nothing's changing.

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<sup>1</sup> Mehta, S. (2004). Maximum City – Lost and Found. New York

<sup>2</sup> [http://www.delhi.gov.in/wps/wcm/connect/DOIT\\_DES/des/home/facts+about+births+and+deaths+registration/registration+of+births+and+death+act+1969+delhi](http://www.delhi.gov.in/wps/wcm/connect/DOIT_DES/des/home/facts+about+births+and+deaths+registration/registration+of+births+and+death+act+1969+delhi)

But there's <sup>3</sup>more. Habib Hospital is a Muslim Hospital. Within the birth records I found in Habib Hospital was also mentioned my presumed mother belonged to the Muslim Khoja Community (Aga Khan Muslims). Since Indian law doesn't permit Muslims to adopt or a Muslim child to get adopted, there seems to be no legal ground to get me adopted. I was relinquished at a Hindu ashram (Shraddhanand Mahilashram), which is probably the place I was named Anand. Anand is a Hindu name, so it presumably wasn't the name my mother did choose.

I tried to get help from CARA (Central Adoption Resource Authority) in Delhi. CARA is an autonomous body under the Ministry of Women & Child Development and functions as the nodal body for adoption of Indian children and is mandated to monitor and regulate in-country and inter-country adoptions.

I contacted CARA for support on my BFS (birth family search), but, like the adoption agencies and other organisations who are involved in adoption, they are not keen on adoptees who come with questions about their past. Although CARA want to help adoptees, they don't know how to help, for they are bound by their own guidelines.

CARA has written guidelines<sup>4</sup> on adoption. In these guidelines a small paragraph is dedicated on root search. But prior to the right of the adoptee to know his or her family is the right to privacy of the birth family.

These guidelines though are open to multiple interpretations. Whether the adoption agencies will disclose information depends on how they interpret the CARA guidelines. There are some agencies who choose to disclose information, because of the guidelines. But many agencies don't disclose information to adoptees, following the same guidelines. This difference in views and practise doesn't make it easier for adoptees.

The CARA guidelines (especially the paragraph on roots) do not comply with all international conventions (such as the Hague Adoption Convention and the UN Convention on the Rights of the Child).

In accordance with the HAC article 30, adoptees have the right to receive full disclosure about their biological background.<sup>5</sup>

The CARA guidelines are also used as an excuse by Indian authorities involved in adoption to keep all information inaccessible towards adoptees. In the UNCRC it is also stated that adoptees have the right to know their biological parents.<sup>6</sup>

In India most of the people working in adoption agencies I visited are dictating adoptees how to cope with adoption. We have to be happy, enjoy life, we have been rescued, we are very lucky to grow up in a loving family, they still tell adoptees. Don't look back, but look forward.

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<sup>3</sup> Bhargava, V. (2005). Adoption in India: policies and experiences. New Delhi

<sup>4</sup> [http://adoptionindia.nic.in/guideline-family/new\\_guideline.html](http://adoptionindia.nic.in/guideline-family/new_guideline.html)

<sup>5</sup> Hague Adoption Convention: art. 30: (1)The competent authorities of a Contracting State shall ensure that information held by them concerning the child's origin, in particular information concerning the identity of his or her parents, as well as the medical history, is preserved. (2) They shall ensure that the child or his or her representative has access to such information, under appropriate guidance, in so far as is permitted by the law of that State.

<sup>6</sup> UNCRC article 7: The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents.

This perspective on adoption is not only shared in India, but stories of other adoptees indicate this is a commonly shared view all over the world. Our opinion and our feelings about our existential feelings of loss, seems not important.

CARA should establish a special department on birth family search. I'm sure in the future numbers of BFS by adoptees will increase. The Government of India is not ready for this, and, they don't have the manpower to cope with this, and most important, they still don't know how to deal with this questions.

As former chairman of Kiran, the Dutch association for Indian adoptees, and as present board member of United Adoptees International Foundation (UAI) I know a lot of adoptees would like to search for their relatives. Most of them don't know where to begin. It should be encouraged to search, but we need help with this search.

In 2015, I have visited the Minister of Women and Child Development, Mrs Maneka Gandhi. During our conversation it became clear she seemed to support adoptees in their birth family search. This seems to be a big step forward, which might lead to a policy change on birth family search.

Today adoptees are dependent on the willingness of CARA. Based on our experiences birth family search still has no priority to CARA. Almost all our recommendations are being ignored, and still they lack transparency on the BFS-cases they have received from us.

In the meantime, with UAI, I'll keep fighting for the rights and needs of adoptees. And I'll raise my voice, because I do believe the voice of adoptees needs to be heard.

Anand Kaper is an Indian adoptee (1976, Mumbai, India) living in The Netherlands. He is board member of United Adoptees International Foundation, a foundation based in The Netherlands who works on the benefits and needs of adult adoptees. Anand often travels to India to discuss the matter of adoptees with CARA, adoption agencies and other parties which are involved in adoption. On the 3rd International Meet on Adoption (Delhi 2013) he represented Indian adoptees in a speech in which he focused on the rights and needs to search for birth family.

He is living together with an Indian adoptee. He's father of two children.