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ANNEX
"SEARCH FOR ORIGINS"
INDIA[1]
Revised by local contacts

ACCESS TO ORIGINS IN INDIA

In the early weeks of 2026, the ISS/IRC conducted a mission in India within the framework of the ISS Search for Origins Technical Assistance Project and the RACINE programme, funded by the French Central Adoption Authority. The mission aimed to understand how SFO is conducted in India, to engage key stakeholders, to identify potential cooperation partners, and to assess the feasibility of future pilot initiatives. During the seven-day mission, meetings were held in Kolkata, Mumbai, and Delhi with child protection authorities, Specialised Adoption Agencies (SAAs), legal professionals, NGOs, and international actors.

Historical context of adoption in the country

In India, adoption has been experienced for thousands of years; in the case of a lack of male offspring, couples adopted a male child to make him a lawful heir after their death. Until relatively recently, adoption as a legal concept was primarily available to members of the Hindu community, as reflected in the legal framework established by the Hindu Adoption and Maintenance Act 1956 (HAMA). The latter was adopted to establish a uniform adoption procedure for Hindus, Jains, Sikhs, and Buddhists; safeguard the welfare and inheritance rights of the adopted child; clarify consent requirements, including the need for spousal consent from adopters; and to permit the adoption of both sons and daughters. This legal instrument, however, never applied to other groups, such as Muslims, Christians, and Parsis, who did not recognise adoption and had to resort to guardianship for a child under the Guardians and Wards Act 1890. The latter, however, did not establish a permanent parent–child relationship; to achieve this, guardians were required to execute a will or obtain a special order.

[1] For a general overview on the current child protection system and adoption procedures, please refer to: IRC Country situation of India: last updated December/2025

As a result of the industrial revolution, adoption began to be recognised also under English law, when England passed the Adoption of Children Act 1926. The purpose of this law was to prevent the biological parents from claiming back their children, as adoption was not recognised as a legal concept. With the Adoption of Children Act 1926, the consent of both biological parents and adoptive parents became necessary, and adopted children were recognised as having the same rights, duties, liabilities, and obligations as a biological child. However, the child's full integration into the adoptive family was not guaranteed since the adoptee had no inheritance rights. Over time, the Adoption of Children Act 1926 has been phased out by modern law, such as the Juvenile Justice Act 2000 (amended in 2015 and 2021), complemented by the Adoption Regulations 2022. Both legal instruments are secular in nature and, accordingly, allow individuals of all religions to adopt a child. In this context, adoption by relatives and step-parents has been facilitated, and the adoption system as a whole has been structured around the welfare of the adoptee, supported by a more transparent process and safeguards for all parties involved. These reforms also reflect a shift in societal perceptions of adoption, with an increasing recognition of the benefits it offers to children in need. However, stigma surrounding infertility, unwed motherhood, and child abandonment continues to influence social attitudes, contributing to a preference for closed adoptions and limited disclosure. Such stigma towards children born outside of marriage also shapes perceptions of adoption more broadly and may, in certain circumstances, also discourage its consideration. As a result, couples often prioritise infertility treatments, with adoption frequently viewed as a last resort, if considered at all. Currently, two parallel legal frameworks coexist: the JJ Act framework and the HAMA, which codifies centuries of Hindu custom and seeks to secure lineage, inheritance, and child welfare within that community. This dual system contributes to legal uncertainty and, at times, to unpredictable adoption outcomes (for further information, see the ISS Indian Country Situation).

India has a longstanding history of ICA, remaining consistently at the top of the list of countries of origin. The judgment Laxmikant Pandey (1984) has highlighted for the first time the need for an adopted child to know about their origins; furthermore, the mentioned judgment has stressed the importance of directing such information to the child according to their age and maturity. Subsequently, with the accession to the United Nations Convention on the Rights of the Child (1989) (UNCRC) and the ratification of the HCCH 1993 Child Adoption Convention, India has recognised the child's right to know their parents even as an adult (Art. 7 CRC) and has committed itself to protecting the right of all children to know their identity.

Moratoria: while no comprehensive moratorium on ICA from India has been formally implemented, various restrictions have emerged over time, creating *de facto* limitations on certain categories of ICA. For instance, several Canadian provinces and territories – including Manitoba, New Brunswick, Newfoundland and Labrador, Northwest Territories, Nova Scotia, Nunavut, Ontario, Prince Edward Island, Quebec, and Saskatchewan have suspended adoptions from India under the HAMA framework, while continuing to permit adoptions under the JJ Act 2015, as amended, which operate in line with the HCCH 1993 Child Adoption Convention framework. The same approach has been adopted by the US, which has recently announced its inability to issue HCCH Adoption Certificates for adoptions conducted under HAMA, given the existing legal framework and the absence of certain safeguards. In a similar development, New Zealand has recently revised its ICA adoption policy, with the effect that many ICA adoptions by New Zealand citizens and residents will no longer be recognised under New Zealand law for immigration and citizenship purposes. While children adopted from India under the JJ Act 2015, as amended, may still be eligible to apply for a visa or citizenship, this will not apply to adoptions carried out under HAMA, a measure intended to reduce the immediate risk of harm to children.

Illicit practices:

- At the international level: between 2017 and 2024, the Swiss Federal Council conducted historical research on ICA, including cases involving children from India. This resulted in two key reports (2023 and 2025), which document that several thousand children were brought to Switzerland

through illicit adoptions between the 1970s and 1990s, involving practices such as child trafficking, forged documents, and missing information on origins. Essential legal safeguards, particularly the consent of biological parents, were often not respected. Moreover, the findings show that Swiss authorities and representatives in India were aware of risks linked to commercial and illegal adoption practices. The second report further identifies serious shortcomings in the licensing and supervision of adoption agencies, as well as gaps in pre- and post-adoption support for families.

- At the national level:
  - reports from 2024 and early 2025 continue to document cases of forgery, illegal adoption, and child trafficking in India. For example, in 2024 in Mumbai, two women were charged with the illegal adoption of a child using forged documents, including an Aadhaar card. Over the past two years, authorities in Telangana have rescued at least 25 children from illegal adoption arrangements. While most of these children had already been declared legally free for adoption, others became involved in legal disputes with adoptive parents who had acquired them through unlawful means. These cases have been linked, in part, to the length and complexity of the adoption process, as well as the legal uncertainties surrounding it.
  - In 2023, instances were reported in which families in vulnerable socio-economic situations were allegedly induced or compelled to resort to the illegal adoption of their children.
  - Earlier investigations, conducted in 2016, followed the exposure of a baby-trafficking network in which infants were sold through nursing homes to childless couples, while some biological parents were falsely informed that their babies had died.

The ISS 2026 India Country Mission on SFO revealed limited willingness or openness among stakeholders to acknowledge past wrongdoings or irregularities. The absence of clear regulations and standards in the past was not generally considered to render practices unlawful, as actors were understood to have operated within the legal frameworks in force at the time. Child trafficking was also often perceived as a phenomenon distinct from adoption.

Statistics: while ICA has declined globally, volumes in India have remained relatively stable over the past decade, with 4,264 adoptions recorded in 2013 and 4,029 in 2023, according to the latest HCCH Adoption Statistics. Since the 2000s, India has consistently ranked among the top ten States of origin and has recently risen to the first position in 2023/2024, overtaking Colombia. However, a decline in ICA is expected considering the country's policy shift towards domestic solutions. In this context, domestic adoptions reached a peak in 2025-26, with 4603 adoptions compared to 3011 in 2015/2016. These figures have also been influenced by CARA's expansion of the scope of adoption to include 'foster adoption' as a distinct category.

Sources: N. Bhowmik, *Concept of adoption- historical perspective of adoption in India* (2021); J. Pati, *Every Child Deserves Loving Family: From Lineage Preservation To Child Rights* (volume 3) (2025); ijlmh.com; D. Singh, Rajnish, *Religion and Adoption in India: Toward a Uniform Adoption Law*, 4, (2025); lawctopus.com; thelawbrigade.com; theeconomicsjournal.com; ISS/IRC Newsletter May-June 2025; iss-usa.org; canada.ca; travel.state.gov; immigration.govt.nz; newsd.admin.ch; bfh.ch; timesofindia.indiatimes.com/city/mumbai; timesofindia.indiatimes.com/city/Hyderabad; timesofindia.indiatimes.com/city/goa; bbc.com; ISS Country Mission, 2026; HCCH Adoption Statistics; cara.wcd.gov.in; timesofindia.indiatimes.com.

CURRENT SITUATION

Legislation

SFO is primarily governed by Section 47, Adoption Regulations 2022, complemented by the JJ Act 2015 and its 2021 amended version.

The operation of the mentioned legal instruments has been delineated and integrated through Indian jurisprudence. Among the most recent case-law is the 2024 decision of the Calcutta High Court, which clarified the rationale behind Art. 47(6), Adoption Regulations 2022, according to which the right of an adopted child to adoption information shall not infringe the right to privacy of the biological parents.

Right and Conditions of Access to Information

Rightsholder(s): adoptees independently once they have turned 18 years, whereas when below 18 years, they must be assisted by their adoptive parents. Neither the biological family nor any other third person is allowed to access adoption information.

Legal obligation to inform adoptees about their adoption: while there is no legal obligation in place, the importance of disclosing the adoption is addressed during the PAPs preparation.

Right to remain anonymous: where biological parents have expressly requested anonymity at the time of relinquishment, the SAA or District Child Protection Unit (DCPU) is required to seek their written consent before disclosing identifying information to adoptees. However, findings from the ISS 2026 India Country Mission on SFO indicate that only in rare instances do agencies attempt to locate the birth mother through informal networks or local outreach in order to seek renewed consent for information sharing or contact. Legal uncertainties, as well as concerns about causing distress or infringing privacy rights, often discourage agencies from taking such steps. Conversely, where biological parents have indicated at the time of relinquishment their willingness to be contacted by their child, their personal information may be disclosed.

Sources: Adoption Regulations 2022, Sections 30, 35, and 47 and Schedule V; HCCH Indian Country Profile 2024; ISS Country Mission on SFO, 2026.

Preservation and access to information

Responsible authority(ies): adoption records, especially those concerning adoptions prior to the mid-1990s, are held across multiple institutional levels. As of 2016, the Ministry of Women and Child Development has made it compulsory for SAAs to preserve records and details on how a child was received and to make them available to the public following a request. After this historical decision, the child's records have been kept by the Indian Central Adoption Resource Authority (CARA) through the Child Adoption Resource Information and Guidance System (CARINGS), an online portal for adoption maintained by CARA. Adoption files are also maintained as court orders in the court registries, and by DCPUs and Child Welfare Committees (CWCs) (HCCH Indian Country Profile 2024). Occasionally, relevant records are preserved by state or municipal authorities (ISS 2026 India Country Mission on SFO).

Duration: the law does not specify how long information must be preserved (HCCH Indian Country Profile 2024). Consequently, the retention period is determined by the authority responsible for maintaining the records. However, in its 2026 Office Memorandum 'Policy clarification regarding safekeeping, maintenance and transfer of records of children and adoptees for future reference and root search purposes', CARA has mandated States and UT Governments to make appropriate arrangements for long-term safekeeping of records to facilitate SFO by older adoptees under the Adoption Regulations 2022.

Type(s) of preserved information: in cases involving surrendered children, authorities are required to record details such as the address of the person surrendering the child, the hospital where the child was born, the time of birth, and other relevant information. In cases of abandoned children, authorities must document the circumstances in which the child was found, including the location, the manner of discovery, the date and time the child was brought in, and the identity of the person who presented the child.

Sources: CARA's 2026 Office Memorandum; HCCH Indian Country Profile 2024; ISS Country Mission on SFO, 2026.

Procedure

Competent authority(ies): access to adoption information is a process that typically involves CARA, State Adoption Resource Agencies (SARAs), DCPUs, and SAAs as outlined below.

Types of information: disclosure of identifying information generally depends on the consent of the birth parents and may be limited where a preference for non-disclosure was expressed in the past. Observations from the ISS 2026 India Country Mission on SFO further indicate that non-identifying information is not systematically shared, despite its potential value for adoptees.

Access to adoption files: access to information on origins remains largely unstructured, often leaving adoptees uncertain as to which authorities to approach. The formal administrative process generally involves submitting a request to CARA, which then forwards it to SARA. SARA, in turn, transmits the request to the relevant DCPU, which liaises with SAAs and local authorities. Findings from the ISS 2026 India Country Mission on SFO indicate that applicants may receive only limited acknowledgement of their requests, that responses can be delayed or incomplete, and that follow-up is often required. Alongside the formal process, parallel pathways appear to exist in practice, including adoptees travelling to India to seek access to court records or engaging directly with SAAs.

Required documents: the law does not specify the documents required for an SFO.

Timeframe: there is no specific timeframe for handling SFO requests. Findings from the ISS 2026 India Country Mission on SFO indicate that authorities often respond slowly to such requests, and that adoptees may not receive any response.

Costs: are not uniform and vary significantly between intermediaries and among SAAs.

Sources: Adoption Regulations 2022, Section 47; ISS Country Mission on SFO, 2026.

Preparation and continuous support (governmental/non-governmental)

Legal obligation of counselling of the adoptee: the law mandates post-adoption counselling for adoptees wishing to initiate an SFO.

Competent authority/ies, Support and Assistance: SAAs are competent to provide counselling and support when contacted to initiate an SFO.

Counselling: in July 2025, CARA issued comprehensive directions to all SARAs to strengthen and institutionalise structured counselling services at every stage of the adoption process, including the post-adoption stage when an adoptee initiates an SFO. CARA has called for consistent implementation across all relevant authorities, emphasising that counselling is a crucial support mechanism to reinforce a child-centred and supportive adoption system that safeguards children's rights and promotes stable, secure family environments. Findings from the ISS 2026 India Country Mission on SFO, however, indicate that structured psychosocial support remains limited or absent in many cases. Where support is provided, it is often dependent on the personal commitment, empathy, and experience of individual SAA staff rather than on structured institutional frameworks, resulting in significant variation in the level of support received.

Training of involved professionals: *no information available*

Support provided by civil society organisations/peer groups/adoptee-led organisations, ISS, etc.: in response to the high demand for SFO in India, several organisations are seeking to identify appropriate ways to support adoptees navigating these processes.

Counselling/support to birth families: given that biological families are not allowed to access adoption information, counselling or support to them is not envisaged.

Sources: Adoption Regulations 2022, Sections 30(4)(e), 14(4), 14(6)(b), and 21(6); 2025 CARA's comprehensive directions; ISS Country Mission on SFO, 2026.

Possible outcomes

General challenges:

- Adoption records are dispersed across multiple authorities, making access to information particularly challenging, especially in older cases. Challenges have arisen in cases where SAAs have failed to maintain records following a child's adoption. In particular, the closure of SAAs without the proper transfer of records to another competent authority has left many adoptees without access to information regarding their identity. To address this issue, CARA noted in its 2026 Office Memorandum that the non-availability of records is especially prevalent in situations where SAAs or Childcare institutions (CCIs) have been closed, de-registered, merged, or had their functions transferred to other institutions, resulting in the loss or misplacement of records. CARA reiterated that the obligation to maintain, preserve, and safeguard adoption records continues irrespective of the operational status of the SAA or CCI. All physical and digital records must be securely preserved and transferred to the designated authority or institution. Ensuring the proper safekeeping, maintenance, and lawful transfer of such records is essential to prevent the denial or obstruction of root searches and access to information by adoptees and other authorised stakeholders.
- The right to privacy of biological parents is often interpreted in a manner that discourages efforts to trace the biological mother. This challenge is further compounded by the frequent absence of verifiable contact information at the time of surrender.
- Restrictions on third-party disclosure are applied inconsistently across actors, resulting in highly unpredictable outcomes in SFO.
- Support for adoptees remains limited, with many expected to initiate and navigate the process independently, including by travelling to relevant institutions.
- In the case of HAMA adoptions, access to information on origins may be even more constrained, given the nature of direct arrangements between biological and adoptive parents and the absence of a mandatory reporting system.

Illegal practices: India does not have a single, dedicated mechanism aimed exclusively at preventing illicit adoptions; rather, the overall legal and procedural framework is intended to minimise the risk of such practices. During an SFO, illegal practices may be discovered; several provisions of the JJ Act 2015, the Adoption Regulations 2022, and the Indian Penal Code address illicit practices in the adoption context (for more information, see the ISS Indian Country Situation). In terms of remedies available for an adoptee who discovers that their adoption may have been illicit, these depend on the outcome sought, such as compensation, closure of a SAA, administrative sanctions, or criminal proceedings against those involved in unlawful practices. The ability to pursue such remedies will largely depend on the availability of documentary evidence or witness testimony.

Sources: 2026 Office Memorandum; ISS Country Mission on SFO, 2026; ISS local contact.

Possibility for birth relatives (siblings included) to search for the adoptee

Pursuant to Art. 47 of the Adoption Regulations 2022, SFO by third parties is not permitted, and the relevant agencies or authorities are prohibited from disclosing any information relating to biological parents, adoptive parents, or the adopted child. This implies that birth relatives are excluded from accessing adoption-related information, and that SFO requests may only be carried out through authorised channels, including Authorised Foreign Adoption Agencies (AFAAs), CARA, Indian diplomatic missions, SARAs, DCPUs, and SAAs.

Source: Adoption Regulations 2022, Section 47.

Statistics

Statistics on SFO handled by CARA are not publicly available; however, according to the ISS local contact, access may be requested through the Right to Information Act 2005. In response to information sought under the latter, CARA revealed that only 41 cases have been referred to them for root searches over the past 10 years.

Sources: Adoption Regulations 2022 Sections 7, 30, 36, 46; HCCH Questionnaire, Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021; ISS local contact; ISS Country Mission on SFO, 2026.

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