

htspotlight NO CHILD'S PLAY

TRAFFICKING WOES

Babies for sale: The ugly truth about adoption

LOST INNOCENCE Stolen or snatched after birth, cases of kidnapping-for-adoptions have seen a radical spike in the past one decade with the government departments taking turns to blame each other

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NEW DELHI: When she was told that she had delivered a stillborn baby, 15-year-old Seema, a rape survivor, was heartbroken.

Hailing from Jharkhand, she had found work as a maid in a house in Rohini. A fellow help raped her causing her pregnancy. Even though he went absconding, Seema did not want to abort the child and sought help from a couple, Vinod and Veena, who ran an adoption agency and Advasi Sewa Samiti in the neighbourhood. They assisted Seema throughout her pregnancy. A few minutes after delivery, they informed her about the stillborn.

That was in 2007. About a year later, she met 65-year-old Basanti, the midwife who had helped in her delivery. What Basanti revealed shocked Seema—her baby, a boy, was alive, and had been sold by the couple for ₹30,000. "Mera beta mere live poori duniya hai. Mein usko tis hazaar kya, tees crore key live nahin bechti (My son is everything to me. I wouldn't sell him even for thirty crores)," she said.

An FIR was filed and Vinod and Veena were booked. They told the court that Seema had agreed to give the child for adoption, but Basanti's testimony turned the case in Seema's favour. In 2012, she got her child back.

Seema is among the hundreds of parents from marginalised sections, whose biological children are taken away—or allegedly kidnapped—and given for

adoption without their consent.

According to a report by NGOs, HAQ and Campaign against Child Trafficking (CACT), the number of Kidnapping-for-adoption cases has shot up from 15 to 225—a 1,400% surge—between 2004 and 2014.

Kamini Lau, the additional sessions judge who heard Seema's case and sent a report to the women and child development (WCD) ministry, feels the ministry needs to target such cases. But experts say the opposite is happening.

In 2015, a young couple—20 and 19 years old—who went back to a hospital where they had left their newborn, were accused of abandoning the child.

Child rights' lawyer Anant Asthana, who took up their case, said the hospital staff had actually asked them to leave the child so as to "avoid problems and the bills," which they couldn't afford.

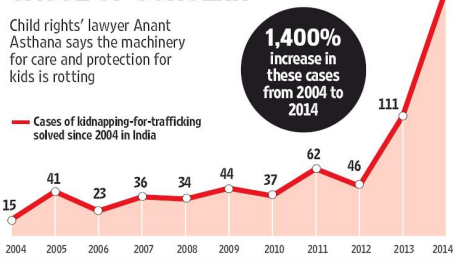
Despite court orders stating that "consent obtained under threat, inducement, enticement or allurement is tainted," the mother was imprisoned for a month and the father granted bail after two weeks before they got back the child.

While Asthana attributed the difference in punishments to the "general attitude of the society—responsibility of the child is considered more the mother's than the father's—what irked him was how the hospital staff was let off the hook. "If the baby had been left in the hospital, how were the new parents allowed to leave without their baby?" he questions, wondering why the police



CAUSE OF CONCERN

Child rights' lawyer Anant Asthana says the machinery for care and protection for kids is rotting



didn't investigate this angle at all.

Asthana and others such as Bharti Ali of HAQ and Anjali Parmar of CACT believe there is a deeper nexus.

Under the adoption law, the Child Welfare Committee (CWC) is in charge of ensuring that the children put up for adoption are "legally-free" and do not have any parents looking for them.

The new law on adoption has banned foreigners from adopting Indian children. Last week, the government cleared a bill

banning surrogacy for foreigners, among others.

But with incentives—money—flowing in for adoptions, Asthana says there is a "determined push for adoption" while the "machinery for care and protection for children is just rotting".

Many also say that the current statute governing adoption has given too much power to the government bodies which are in charge of putting the children in adoption pools.

Under the adoption law, the Child Welfare Committee is in charge of ensuring that kids put up for adoption are "legally-free" and do not have parents looking for them.

A section of the law says that if there is a persistent denial by any CWC or officer of law against a direction issued by them, the Specialised Adoption Agency can be booked for criminal offences.

Former CWC spokesperson Bharti Sharma puts the blame on WCD ministry. "The WCD lock stock and barrel wants to push for adoption for maximum children. This is where CWC has pressure from." HT's request for comment from the WCD ministry went unanswered.

Former CWC chief Loveleen Kakkar opined that the law in itself is not the problem, but its implementation is abysmal.

Although the police are supposed to upload details of a missing child along with pictures on every FIR, the websites of many states for missing children—used by CWC and police to check intra-state trafficking—haven't been updated in months.

In 2012, in response to Asthana's PIL in Delhi high court seeking details of child trafficking—he had listed "international adoptions" as a key reason—the Delhi police had claimed that there were only three cases of kidnapping-for-adoption.

"You can actually kidnap a child from Kolkata, bring her or him to Bombay,

show them as an abandoned child and in three to four months, the child is put up for adoption," says Arun Dohle, who helps with CACT.

Dohle was adopted by a German family from India. He returned to Pune after 38 years in search of his biological parents, only to find that his mother never gave informed consent for his adoption. "My whole life has been a lie," he says, blaming the system.

He considers his case a half victory because the Supreme Court dismissed his petition seeking criminal action against the NGG due to the lapse in time and the resulting lack of evidence.

"We have an adoption system, where the CWC legally kidnaps. They're able to terminate parental rights without the consent of the parents. This is a big issue," he says.

"They just have to show that these many children have been adopted," Sharma said, asking, "Aren't you ashamed to have so many up for international adoptions? Can't you just take the (missing) children from here and present them there?"

**Names of rape victims have been changed to protect privacy*