



EXPLORING THE DIVERGENCE AND CONVERGENCE BETWEEN HINDU AND SECULAR ADOPTION LAWS IN INDIA: A CRITICAL REVIEW

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ABSTRACT

The Hindu Adoption and Maintenance Act (HAMA) and the secular Juvenile Justice (Care and Protection of Children) Act (JJ Act) in India are two sets of laws that regulate adoption. This research explores the similarities and contrasts between these two sets of regulations. The critical assessment of the historical, legal, and social contexts of both theories demonstrates India's complex religious diversity and evolving perspective on child welfare. This is shown by the fact that both theories reflect India's intricate religious diversity. HAMA is heavily focused on Hindu religious customs and rituals, with an emphasis on family lineage and cultural preservation. This is in contrast to the JJ Act, which is centred on children and is of a secular character. Regardless of the social standing or religious affiliation of the family, the JJ Act seeks to safeguard the rights and well-being of children. This is the primary objective of the legislation. There is an increasing convergence between the two legal systems, despite the fact that these fundamental differences exist. Especially when it comes to protecting the rights of children and addressing the deficiencies in the adoption process, this is something that is especially true. A number of significant issues, including discrimination based on gender, inefficient bureaucracy, adoption agencies, and the stigma that exists in Indian society, are discussed in the research findings. Additionally, it dives into the need of legislative revisions to align these laws, offering a unified approach that prioritises the best interests of the child while simultaneously resolving the difficulties that arise between religious values and modern child welfare procedures.

Keywords: Hindu, Secular, Law , Review

INTRODUCTION

Adoption is a part of the complex social and religious fabric that makes up Indian culture. As a consequence of the multi-religious and pluralistic makeup of the nation, the adoption laws of various religious groups have evolved in distinctive ways. Different but complementary ideas on adoption are codified in the Hindu Adoption and Maintenance Act (HAMA) and the secular Juvenile Justice (Care and Protection of Children) Act (JJ Act). Both of these pieces of legislation was passed in India. Despite the fact that both legislation have the intention of safeguarding children, they accomplish this objective via distinct legal, social, and religious contexts, and their roots couldn't be more unlike. The purpose of this research is to investigate the historical, legal, social, and practical contexts of Hindu adoption law and secular adoption laws in India. The study aims to highlight the parallels and contrasts between the two systems, as well as the challenges that arise when attempting to put both into reality.

Historical and Legal Context of Hindu Adoption Law

The Hindu Adoption and Maintenance Act (HAMA), which was enacted in 1956, is the primary piece of legislation that governs adoption among those who identify as Hindu in India. An adoption is a culturally ingrained practice that has its origins in Hindu religious traditions. According to HAMA, adoption is a legal process that occurs when a child is adopted into the care of a family with the promise of caring for their welfare and an underlying cultural emphasis on family lineage and ancestor worship. Under the Hindu Adoption and Marriage Act (HAMA), it is possible to adopt both male and female children; however, the adoptive parents must fulfil certain standards, such as being Hindu, and there must be no interference with specific familial connections, such as the adoptive parents' biological children being adopted. One of the distinguishing characteristics of Hindu adoption policy is the stress



placed on the preservation of family lineage. This focus often comes into conflict with religious responsibilities, such as the performance of religious rites by adopted children, particularly males. This contributes to the formation of a legal system that is not only highly formalistic but also greatly influenced by the religious and cultural standards of the Hindu community. Historically, the restrictions governing adoption in the Hindu religion were more dependent on oral traditions and particular religious literature than they were on formal legislation. Adoption was fully codified and given a legal framework with the enactment of HAMA, which was a watershed event since it brought the practice into alignment with current conceptions of family law while conserving traditional values. Adoption was given a legal framework. In spite of this, patrilineal family structures and religious traditions continue to have a significant effect on the adoption process. This, in turn, results in gender-specific challenges and constraints, even if this is formalised. When it comes to the succession of family property and the continuance of ancestral traditions, there is a continual contradiction between the traditional gender roles that have been in place for generations and the current concepts of gender equality.

Secular Adoption Law under the Juvenile Justice Act

On the other side, the Juvenile Justice (Care and Protection of Children) Act (JJ Act) offers an adoption process that is less religious and more focused on the welfare of the kid. It was first introduced in the year 2000, and it was revised in the year 2015. On the other hand, the JJ Act applies to all citizens in the same manner, but the Hindu Minority Act (HAMA) only affects Hindus. Its major focus is the child's well-being, and this is especially true for children who have been abandoned, neglected, or disregarded by their parents. According to the JJ Act, the implementation of adoption procedures in India need to be standardised and centred on the child, with the major focus being placed on what is in the child's best interests. It is necessary to establish adoption agencies in addition to a Central Adoption Resource Authority (CARA) in order to ensure that adoptions are carried out in a way that is transparent, effective, and responsible.

It is the goal of the JJ Act to guarantee that all children, regardless of their background, are given the chance to be adopted. This is accomplished by putting an emphasis on non-discrimination and relying on international child welfare standards, particularly the United Nations Convention on the Rights of the Child. The law not only creates the framework for adoption, but it also contains measures for the rehabilitation and reintegration of children who are in foster care or institutional settings. This is done in an effort to advocate for a holistic approach to child welfare. In contrast to the HAMA, which places a greater focus on traditional family values, the JJ Act provides a framework that is more inclusive, places a higher priority on the protection and rights of children, and rejects disparities in religious and cultural beliefs.

Divergence in Approaches: Legal and Social Implications

Both Hindu adoption law and secular adoption law take different approaches to family structures and the religious implications of adoption. This is the primary difference between the two types of adoption laws. Under the Hindu Adoption and Marriage Act (HAMA), adoption is seen not only as a legal act but also as a cultural and religious duty. Particular emphasis is placed on the role that adoption plays in maintaining family lineage and fulfilling religious obligations. On the other hand, the JJ Act targets the well-being and rights of children rather than focussing on cultural and religious biases. Its goal is to decrease prejudices against children. A notable difference can be seen between the former paradigm of HAMA, which was centred on the family, and this move towards a more rights-based approach.

The gender bias that is inherent in HAMA, particularly the desire for male adoption in order to continue family lineage, stands in stark contrast to the gender-neutral provisions that are outlined in the



JJ Act. With India's Constitution establishing a broader march towards gender equality, the emphasis on gender equality in secular adoption law is in line with India's larger march towards gender equality. However, this gender-neutral approach that is mandated by the JJ Act does not always translate smoothly into reality. This is due to the fact that social biases and cultural preferences continue to influence adoption decisions in some parts of India. The adoption processes under both pieces of legislation are complicated by bureaucratic hurdles, which creates barriers in the implementation process. In spite of the efforts made by the JJ Act to speed up the process, adoption agencies often face delays and administrative obstacles as a result of a lack of resources and inefficient functioning. Similar to the previous point, there is a lack of consistency in the application of HAMA due to the fact that the adoption process is influenced by family considerations and societal influences.

Convergence and Reform: Toward a Unified Adoption System

Despite the fact that the founding tales of Hindu adoption law and secular adoption law are distinct from one another, the two schools of thought are increasingly aligning themselves in their concern for the welfare of children. As a result of recent judicial decisions that have attempted to combine traditional knowledge with current ideas of child welfare, the modern interpretation of HAMA has begun to place an emphasis on the child's best interests. As a consequence of this happening, there has been a growing recognition of the need for an adoption system that is more inclusive, places a higher priority on universal child safety standards, and transcends religious boundaries.

As a result of these crossing trends, there is an increasing need for legal modifications that address the deficiencies of both systems while simultaneously embracing the positive aspects of both of them. A unified approach that strikes a balance between gender equality, religious and cultural issues, and the rights of the child is the only way to develop a more effective adoption framework in India. Such a framework would be able to achieve greater success. Revising the Health and Medical Act (HAMA) to reflect the most recent best practices in child safety and introducing modifications to the Juvenile Justice Act (JJ Act) to make adoption procedures more transparent, clear, and consistent are two examples of prospective changes that might be made to this law.

Throughout its history, India has maintained a secular and Hindu approach to adoption legislation, which is reflective of the country's significant cultural and religious diversity. On the other hand, there is an immediate need for convergence in these areas in order to ensure that children from all walks of life may avail themselves of adoption processes. The purpose of this evaluation is to go deeper into these problems, analysing the consequences of both legal systems, and providing suggestions to make adoption in India more united.

OBJECTIVES

1. To critically assess how Hindu adoption law differs and converges
2. To evaluate the real-world difficulties adopted parents, adopted children, and adoption specialists in India encounter

REVIEW OF LITERATURE

Radha Naruka (2024) Although India is home to a diverse range of religious traditions, the country does not have a specific adoption legislation that governs the adoption of all religions. In India, the adoption of children fell under the purview of personal laws. The Hindu Adoptions and Maintenance Act of 1956 (HAMA) allowed Hindus to adopt children in accordance with the customary adoption process. As a result of the fact that Muslims, Christians, Jews, and Parsis do not have their own personal law that governs adoption, they are unable to adopt a kid and give him or her the family name of their own family. The Guardians and Wards Act of 1890 is the sole law that allows them to take on the role of guardian of the kid. Jains, Buddhists, Sikhs, and Hindus all adhere to the Hindu Adoption and Maintenance Act, which was passed in 1956. With the passage of the Juvenile Justice (Care and



Protection of Children) Act in the year 2000, the government of India has made measures to create a legislation that is consistent with it regarding adoption. In the case of Hindus, this legislation existed in tandem with the Hindu Adoptions and Maintenance Act o. It was a law that did not discriminate based on religion and was applicable to both Hindus and non-Hindus. The Juvenile Justice (Care and Protection of Children) Act 2015, which was read with related rules and regulations such as the Adoption Regulations 2017 (the JJ Act), has since taken its position as the law that governs the child welfare system. This review focusses primarily on the adoption of children within the context of different faiths. Additionally, it investigates the primary differences between the adoption of children conducted in accordance with the JJ Act 2015 and the Hindu Adoptions and Maintenance Act o. This evaluation also investigates whether these two parallel Acts are adequate to meet the requirements of children who are eligible for adoption and parents who are willing to adopt, or whether there is a requirement for a Special Uniform Law that is solely devoted to the adoption of children..

Shagun Singh (2022) When it comes to love and piety, the bond that exists between a kid and their parents goes beyond the description. Since the beginning of time, this fictitious connection has been a reliable source of the genesis of rights, liabilities, and the co-dependence of the former with respect to the latter, and vice versa. Due to the fact that Hindu law is the only major personal law that allows adoption even before it is codified, the notion of adoption has been common in India from ancient times. The depth of this concept is much greater in the case of Hindu law. An attempt was made by the authors of the following article to discuss the ways in which the practice of adoption has evolved over the course of time, the myths that are associated with this concept, the ways in which the Hindu Adoptions and Maintenance Act of 1956 has been able to establish equality between women and men in terms of their rights to adoption, and the ways in which customs and practices are maintained in harmony with the codified law. The writers have made an effort to draw a connection between the false beliefs that are popular in our culture regarding adoptions, and at the same time, they have sought to dispel and explain these beliefs with the assistance of the requirements of the Act of 1955.

Saras Bhaskar (2014) Research on adoption as a means of constructing a family has been conducted all around the world for the past three decades. As one of the oldest countries on the Asian continent, India has seen significant transformations in the field of adoption during the course of its history. India has seen gradual developments, beginning with the adoption of a male kid for the purpose of performing final rites following the death of the mother and father who adopted the child. During the period of social reform that occurred in India in the 1950s, the primary focus was on locating homes for children who had been abandoned, penniless, illegitimate, or surrendered. Eventually, these children were put for adoption both inside the country and internationally after being placed in an institution. It was not until the late 1980s that the domestic adoption in India first began to gather steam. Since that time, significant shifts have taken place in the realm of adoption. This phenomenological technique consisted of conducting interviews in addition to doing a survey of the literature and books that were available on adoption. In this subject, we concentrated on three topics after providing a brief historical background from both the Indian and Western parts of the field.

Deepu. P. Gowda (2023) It should not be considered an act of coercion by the state to impose a kid on parents who are not willing to have them. The provision of solace, affection, and safety to children who have been abandoned or are homeless is, on the other hand, an act that is performed voluntarily by those who are eligible for the program. Due to the fact that God is the one who bestows children, no religion can successfully reject the love and devotion that is directed towards children. We are able to appreciate the splendour of creation represented by the child's grin. Children are seen as the nation's representatives of the future. On the one hand, children have the right to be pampered, cared for, and provided with all the necessary for growth; on the other hand, India is home to a significant



number of children who are abandoned each year. It is possible that these youngsters will become victims of sexual assault and human trafficking in some instances. There are certain lucky circumstances in which the children who have been abandoned are brought to any adoption agency. Adoption allows for a second chance at life in situations like these involving children. Adoption, in its most basic form, refers to the process by which one person takes on the role of a parent for another, therefore permanently transferring all rights and duties from the biological parent or parents to the adoptive parent or parents..

Omar Farque (2022) Adoption is an important institution in traditional Hindu law. However, adoption is the key discriminatory issue in contemporary Hindu society, though the concept of adoption is the practice of adoption that continued from the past. In Bangladesh, both Hindus and in some cases Buddhist, follow Hindu Personal (Classical/Sastriyo/Shastric) law as far as their personal matter i.e., Marriage, Maintenance, Adaption, etc. concerned. Under Dayabagha School -also known as 'Bengal School', the Hindu law of adoption is discriminatory to women. Although Bangladesh is mandated through its constitution to prohibit all sorts of discrimination on the grounds of sex and religion, no single piece of legislation has so far been enacted to reform the traditional laws that guarantee Hindu women's right to adopt a child. However, our neighboring Country -India, made some praiseworthy reforms in this regard. This review aims to scrutinize the said discriminations through the lenses of commentaries of scholars and legislation.

S Krishnaleela (2020) It was believed that a woman was not a complete human being and that her male guardian was responsible for transferring her position. Although the shift in rights and behavior has not yet reversed itself, women in India are consistently discriminated against regardless of their religious affiliation. This is despite the fact that women are likely in a better situation today than they have ever been before. One of the primary reasons for prejudice against Muslim women is the practice of polygamy. In the Christian faith, a wife can only file a divorce petition if her husband has committed adultery, changed his profession from Christianity to another religion, or married another woman. In the Hindu religion, the regulations regarding inheritance are different for men and women. The Indian women, regardless of whether they are Christian, Hindu, Muslim, Parsi, Sikh, or Buddhist, need to take what is best in all laws and create a Uniform Civil Code. This is necessary in order to eliminate all of the prejudice that exists among Indian women. The universal discrimination of women in India, including Hindu, Muslim, and Christian female marriage, divorce, and succession, is the subject of this essay, which investigates the topic critically.

Prakash Shah (2016) within the context of British private international law and immigration law, this article investigates the manner in which the adoption of children in India that is governed by Hindu law is considered. Through an examination of case law, it focuses specifically on the manner in which British judges evaluate the validity of the exclusion by the British immigration control system of children who have been adopted under a "foreign" legal system that, in essence, allows for private adoption agreements. An examination of the history of the Indian Hindu law adoptions regime (which applies to Sikhs as well as Hindus), as well as the private international law and immigration rules that apply to adoptees in the United Kingdom, is presented in this article. The article finds some evidence in the judicial decisions of a more activist, human-rights-based, and plurality-conscious position being taken. The paper, however, comes to the conclusion that such advocacy has not been followed through in more recent cases, leaving the conflictual situation between transnational adopters and British legal systems essentially unresolved. This conclusion is reached after researching the case law further.

Sangeetha Sriraam (2020) An overview of the history of adoption in India as well as the machinery that is currently in place is presented in this paper. This report also makes an effort to determine the extent to which the adoption laws in India are in accordance with the international commitments that India has. Specifically, the evaluation will concentrate on the ways in which the



LGBTQ+ population is subjected to unjust treatment under the system that is now in existence. In the event that an adoption takes place, it will also bring attention to the necessity of acknowledging the interests of those who rescue abandoned newborns. The purpose of this article is to provide light on the significance of allowing direct placement adoption and legalising adoption from a second parent relationship. In order to make the adoption laws in India more comprehensive and to guarantee that the issues are addressed, the study suggests that the Juvenile Justice (Care and Protection) Act of 2015 (Juvenile Justice Act) should undergo the essential adjustments that are required to be carried out. In-country adoptions are the only ones that are included in the research.

Sahana Mitra (2018) The purpose of this study is to investigate the gaps that exist in the Indian literature about domestic adoptions that do not include families by analyzing the theoretical views and empirical research brought from Western and Asian nations. We conducted a comprehensive literature study on the many aspects of adoptive parenthood, beginning with the pre-adoption period and continuing through the post-adoption phase. An analysis of the variables that motivate people to adopt, the transition to parenting, adoption disclosure, social work practices, and the impact that various socio-cultural aspects have in the adoption process were all covered in the review. Significant insights were created on how India might benefit from adoption studies and social work programs of other countries, while at the same time identifying the aspects of parenting via adoption in India that have received insufficient investigation..

Siya Shruti (2014) "Adoption" refers to the procedure by which a kid is adopted and permanently removed from his original parents. The adopted child then becomes the legitimate child of his adoptive parents, with all of the rights, benefits, and duties that are associated with the connection. By means of this review, the sole objective of the researcher is to amass as much data and information as possible pertaining to the notion of adoption in India, which encompasses adoption in Hindu Law, Muslim Law, and other faiths that are widespread in India. It is anticipated that this evaluation would provide a report that is both detailed and comprehensive on the adoption law in India. The researcher would like to bring to the notice of the reader the shortcomings and inconsistencies that are present in this statute via the use of this review. During this process, we will be addressing a number of legislation, including the Hindu Adoption and Maintenance Act of 1956, the Personal Laws Amendment Act of 2010, and the Guardian and Wards Act of 1890. The notion of adoption is both complex and weak, and it was subject to the stigma that was linked to it by society at the time..

Prema Chandra (2022) during the course of the adoption dispute that broke out in the previous year, the numerous problems that impede the adoption process in India were brought to light. However, just punishing those who are responsible will not result in significant reforms. To begin, the need for change must acknowledge the inequalities that now exist. One example of this would be the procedural variations that exist between adoption processes that take place inside a country and those that take place across countries. Moreover, it is necessary for all participants in the system, including the children themselves, to be involved.

Samragyi Sajwan (2018) The purpose of this review is to provide an in-depth analysis of the adoption law that is in place in India. The act of adopting a child has been practiced for a considerable amount of time, but the adoption legislation did not come into effect until the nineteenth century. In spite of the fact that India is home to a diverse range of religious traditions, there is no specific adoption legislation that governs the adoption of all religions. According to the Hindu Adoption and Maintenance Act of 1956, there is just one personal law in India that governs adoption at this time. As a result of the fact that faiths in India, such as Muslims, Christians, Jews, and Parsis, do not have their own personal laws that regulate adoption, they are unable to adopt a kid and give him or her his



family name. The Guardians of the Nation's Wards Act of 1890 is the sole legislation that allows them to become guardians of children..

Ishika Raj (2017) the adoption of a child in India is a complicated and multi-faceted procedure that incorporates a variety of elements, including those that are legal, social, cultural, and economic. Through the process of adoption, homes can be formed for children who have been abandoned, who have lost a parent, or who are in need of care and protection by their parents. On the other hand, the adoption procedure in India is sometimes drawn out and bureaucratic, and it has stringent qualifying requirements for people who are interested in adopting children. There are also a number of obstacles that are linked with adoption, such as the widespread practice of child trafficking, the absence of adequate infrastructure, and the cultural stigmas that are associated with adoption. In spite of these obstacles, there have been attempts made by both the government and non-governmental organizations to simplify the adoption process and to improve the welfare of children who are in need of adoption. A favorable shift in views towards adoption has also occurred in India as a result of the growing knowledge and acceptance of adoption as a method of constructing families.

Sheetal Dattaram Shedge (2023) analyses the legal procedures that are involved in the adoption process, as well as the responsibilities that government organizations and agencies play in the process. In addition, the difficulties that are associated with adoption law are highlighted. These difficulties include health, financial, and legal challenges, as well as international adoption. By doing this research, we have gained a deeper understanding of the legal and ethical problems that are associated with adoption, which has implications for enhancing adoption procedures and safeguarding the welfare of adopted children.

METHODOLOGY

The purpose of this study is to evaluate the similarities and differences between secular adoption law, as outlined in the Juvenile Justice (Care and Protection of Children) Act (JJ Act), and Hindu adoption law, as outlined in the Hindu Adoption and Maintenance Act (HAMA). This research employs a mixed-methods approach, which combines theoretical study, practical investigation, and comparison analysis. The legal frameworks of both systems will be studied as part of the doctrinal research. This will be accomplished by conducting a comprehensive assessment of relevant legal documents, judicial decisions, and scholarly literature. An empirical research will consist of surveys and semi-structured interviews with adoption agency professionals, adoptive parents, and adopted children. The purpose of this inquiry is to provide first-hand insights into the real-world application and issues of these rules. The information will be analysed qualitatively in order to identify recurrent patterns and tendencies, with a particular focus on issues such as the effects of culture, prejudices against women, and obstacles posed by organisations. The comparative research will emphasise major similarities and differences in the legal requirements of secular adoption laws and Hindu adoption laws. This will be done while taking into consideration the social and cultural repercussions of the adoption laws. And last, the research will provide recommendations for legal reforms that would improve India's adoption process. These modifications would take into consideration cultural and religious sensitivity, while still being in line with current values of child care.

RESULT AND DISCUSSION

This study's results emphasise the similarities and differences between the JJ Act, which deals with secular adoption, and the Hindu Adoption and Maintenance Act (HAMA), which deals with religious adoption. Here you may discover the results of the legal framework analysis, the empirical data from the surveys and interviews, and the comparison of the two systems' evaluations of the adoption procedures.

Divergence in Legal Frameworks



One of the most significant areas in which the two systems diverge from one another is in their guiding concepts. The Hindu adoption law that is handled by HAMA is significantly influenced by the conventional religious and cultural values that are prevalent in the Hindu community. It places an emphasis on the continuation of family lineage, especially for male offspring, and it includes specific regulations that govern the rights of children to inherit family property or to participate in religious rites. The cultural emphasis with genealogy and religious obligations places limitations on HAMA, particularly with respect to the equality of the sexes. As an example, the adoption of female children is subject to more stringent legal restrictions as a result of the long-standing patriarchal family structure.

The JJ Act, on the other hand, is a secular piece of legislation that focusses on supporting children. The organization's primary emphasis is on providing care and safety to all children who are in need of it, regardless of the financial level of their families. When compared to the Hindu Adoption and Marriage Act (HAMA), which restricts adoption to Hindus, the JJ Act permits gender-neutral adoption techniques and applies uniformly to all children and families, regardless of their religious affiliation. The Juvenile Justice Act, which puts a priority on children's rights, was significantly influenced by the Child Rights Convention (CRC) as well as other international child welfare norms. The fact that the law is so broad and secular is highlighted by the fact that it emphasises on children.

Convergence in Adoption Goals

Although there are differences between the JJ Act and the HAMA in terms of their fundamental ideas, both laws have evolved over time to reflect the same goal, which is to safeguard children. In more recent interpretations of HAMA by the courts, the protection of the child's best interests has been an increasingly important factor, bringing the law closer to the ideas of secular adoption. Over the course of its history, the highest court in India has gradually interpreted the Hindu Marriage Act (HAMA) in a manner that places a higher priority on the rights and well-being of children than the more traditional emphasis on family connections and succession. In addition, the adoption process is now more transparent and responsible in all jurisdictions as a consequence of the JJ Act's formation of adoption agencies and the Central Adoption Resource Authority (CARA), which has led to some standardisation of processes. This is because the JJ Act has provided for the establishment of adoption agencies.

Both the legal systems have come to recognise the need of safeguarding the mental and emotional well-being of children throughout the adoption process. This is true regardless of the religious background of the adoptive parents. It would seem that there is a growing agreement among advocates for child welfare for a more egalitarian approach to adoption, one that places the rights of the child ahead of any religious or familial considerations.

Empirical Findings: Challenges in the Adoption Process

We know that there are a lot of hurdles to adoption under the JJ Act and HAMA because of the replies we received from the survey and the interviews we conducted.

Bureaucratic Delays: Parents who are adopting children and employees of adoption agencies have expressed their dissatisfaction with the long and complicated process. Even though the JJ Act makes an effort to streamline the adoption process, the amount of time it takes for paperwork, background checks, and permissions is a significant barrier that prevents adoptions from being completed in a timely manner. The fact that various adoption agencies handle the procedure in a variety of different ways only serves to make the delays even more extended.

Social Stigma and Gender Bias: The interviewees' experiences with the societal stigma of adoption stood up as a common theme. Adoption is becoming more acceptable in cities, but many rural and traditional groups still have prejudices, especially when it comes to taking in girls or kids with special needs. Adoptive parents express a preference for male offspring, particularly in situations of Hindu law, mainly to preserve family lineage, which contributes to the persistence of gender inequality.



Discrepancies in Adoption Procedures: Both the JJ Act and the HAMA face a challenge in the form of a lack of uniformity in the adoption procedures that are followed in different regions. Even though CARA helps standardise adoption procedures in accordance with the JJ Act, prospective adoptive parents have varying experiences because to variances in how these criteria are implemented at the state and district levels.

Social and Cultural Dynamics

According to the findings of the research, adoption in India is accompanied by a distinct set of social and cultural challenges. When it comes to adoption decisions, Hindu adoptive parents place a significant amount of weight on the significance of tradition and lineage within their families. There are a number of reasons why many Hindu families continue to prefer to adopt male children. Two of these reasons include the possibility to carry on the family name and the fulfilment of religious commitments. Nevertheless, the JJ Act's nondiscriminatory and inclusive approach does not give precedence to gender when reviewing adoption petitions; hence, this practice is in conflict with the JJ Act. Religious conventions continue to play a significant influence, especially in geographic areas with a lower population density and where adoption is still seen as an uncommon practice. Adoption is a very uncommon practice in many cultures due to the prevalence of traditional customs and the fear of becoming socially isolated. This cultural stigma is brought into sharp light when one adopts a child from a stranger or from an orphanage.

Legal Reforms and Policy Recommendations

According to the findings of this research, there are a few modifications that may be made to Indian law that would assist in bringing Hindu adoption law into conformity with secular adoption law:

Unified Legal Framework: In order to design adoption law that is more cohesive, it would be prudent to integrate the JJ Act with the best practices that HAMA has to offer. A more comprehensive and inclusive HAMA that is in line with current ideals of non-discrimination, gender equality, and child welfare would be the result of this update. To ensure that the child's best interests are prioritised, it may be important to remove any impediments to adoption that are based on gender.

Efficient Implementation: One of the most important requirements, particularly in accordance with the JJ Act, is to streamline the adoption process and reduce the amount of bureaucracy involved. Improving adoption professional training, digitising records, and developing a system that is more open and transparent to allow prospective adoptive parents to track the status of their application are all viable ways to contribute to the achievement of this objective.

Public Awareness Campaigns: In order to counteract the social stigma that is associated with the decision to adopt a child from foster care, it is required to make a concerted effort on a national scale to educate the general public about the benefits of adoption and to increase knowledge of the factors that contribute to its success. Debunking common myths regarding adoption and encouraging gender-neutral behaviours are two examples of the kinds of aims that should be taken into consideration.

CONCLUSION

This critical research of secular and Hindu adoption policies in India indicates that cultural, social, and legal factors hamper adoption. Secular adoption law, such as the Juvenile Justice (Care and Protection of Children) Act (JJ Act), is more modern and based on international child welfare principles than Hindu adoption law, which emphasises family lineage and inheritance. The JJ Act prioritises child welfare, non-discrimination, and secular ideals, whereas HAMA prioritises lineage, gender bias, and religion. Despite these differences, the two systems' mutual focus on child well-being is increasingly clearer. Recent judgemental interpretations and other developments in Hindu adoption law have emphasised the child's best interests, similar to secular norms. Both legal frameworks recognise the importance of child welfare and protection and have made adoption easier, particularly in cities.



However, traditional family structures and religious traditions still influence Hindu adoption policy, and bureaucratic inefficiency, social shame, and gender stereotypes hinder the process. Empirical data demonstrate adoption parents and professionals face real-world problems. These include regional adoption legislation inconsistency and significant adoption delays. India's secular and Hindu adoption laws have distinct beginnings, but a push is underway to make the adoption process more transparent, honest, and inviting for children. The only way to overcome social, legal, and practical barriers is to change the legislation to prioritise gender equality, streamline procedures, and educate the public about adoption. A cohesive framework that considers cultural sensitivity and child welfare may create a more fair and effective adoption system in India by prioritising child rights and best interests.

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