

The Best Interest of the Child in Indian Adoption Law: A Socio-Legal Study of the Juvenile Justice Act and International Standards

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Abstract

The doctrine of the best interest of the child occupies the normative core of adoption law worldwide, yet its translation into enforceable legal standards remains uneven across jurisdictions. This paper undertakes a socio-legal examination of how the best interest principle operates within India's adoption framework, anchored in the “Juvenile Justice (Care and Protection of Children) Act, 2015”, the “Adoption Regulations, 2022”, and the jurisprudence of Indian courts, read against international benchmarks set by the UN Convention on the Rights of the Child, 1989 and the Hague Convention on Intercountry Adoption, 1993. Tracing the doctrinal journey from “Lakshmi Kant Pandey v. Union of India” to recent Supreme Court and High Court pronouncements between 2024 and 2026; including the Court's invocation of Article 142 in “Dasari Anil Kumar v. The Child Welfare Project Director” and the Bombay High Court's validation of the 2021 shift of adoptive authority from courts to District Magistrates; the paper argues that Indian adoption law has moved decisively toward procedural centralization without a commensurate strengthening of the institutional capacity needed to give the best interest standard substantive content. Drawing on comparative insights from the Hague framework and Anglo-American welfare checklists, the paper identifies persistent gaps: uneven functioning of Child Welfare Committees and Specialized Adoption Agencies, restrictive eligibility norms that constrain family diversity, a gendered pattern in relinquishment and adoption, and a rise in informal adoptions that circumvent statutory safeguards. It concludes with recommendations for aligning India's adoption architecture more closely with the substantive, individualized, and accountable application of the best interest principle that international standards contemplate.

Keywords: Best interest of the child; adoption law; Juvenile Justice Act 2015; CARA; Hague Convention; child welfare; District Magistrate adoption orders.

I. Introduction

Adoption reconstitutes the most fundamental of legal relationships; that between parent and child; through operation of law rather than birth. Because the child, unlike the adult parties to most legal transactions, cannot meaningfully consent to or negotiate the terms of this reconstruction, legal systems the world over have converged on a single organizing principle to discipline the exercise of adoption power: the best interest of the child. In India, this principle has migrated from an interpretive gloss used by courts to a codified statutory command embedded in the “Juvenile Justice (Care and Protection of Children) Act, 2015”¹ (“JJ Act”), the “Adoption Regulations, 2022” framed by the “Central Adoption Resource Authority” (“CARA”), and, at the constitutional plane, in the Article 21 jurisprudence on the right to life and personal liberty of the child.

Yet codification is not the same as realization. India's adoption law has undergone three consequential shifts within the last five years alone: the transfer of adoptive authority from civil courts to District Magistrates under the “Juvenile Justice (Care and Protection of Children) Amendment Act, 2021”; the replacement of the 2017 adoption regulations with a more elaborate Adoption Regulations, 2022; and a cluster of Supreme Court and High Court decisions between 2024 and 2026 that have tested the outer edges of the best interest standard against procedural irregularity, informal adoption, and the constitutionality of executive adjudication itself.

¹ Juvenile Justice (Care and Protection of Children) Act, 2015 (Act 2 of 2016), s 3.

ii. The Best Interest of the Child: Conceptual and Normative Foundations

A. Meaning and Content of the Standard

This indeterminacy is often defended as a virtue: it allows individualized justice responsive to the facts of each child's life. It is equally, however, the standard's principal vulnerability, because an open-textured test is only as reliable as the institutional competence, evidentiary rigor, and procedural safeguards of the body applying it. A best interest determination made by a well-resourced multidisciplinary panel with access to psychological assessment, home study, and follow-up monitoring differs qualitatively from the same determination made, in form, by an overburdened authority relying on a paper file.

Section 3 of the JJ Act codifies the standard as a “General Principle” that must govern all decisions concerning children in need of care and protection, including adoption, alongside allied principles of family responsibility, institutionalization as a measure of last resort, and repatriation and restoration.² The best interest principle is, therefore, not confined to Chapter VIII of the Act dealing specifically with adoption; it functions as an interpretive lens through which the entire statute is to be read.

B. International Standards: UNCRC and the Hague Convention

Article 21 of the UNCRC, to which India acceded in 1992, provides that States Parties which recognize or permit adoption “shall ensure that the best interests of the child shall be the paramount consideration,” and lays down minimum safeguards: authorization of adoption only by competent authorities, informed consent where required, the availability of counseling, and a subsidiary principle that treats intercountry adoption as an alternative means of childcare only where the child cannot be placed in a foster or adoptive family, or cannot in any suitable manner be cared for, in the child's country of origin.³

This subsidiary principle finds fuller expression in the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, 1993, which India ratified in 2003.⁴ The Hague Convention does not itself define “best interest,” but operationalise it through a set of structural safeguards: the establishment of a Central Authority in each contracting state (CARA performs this function for India), a requirement that intercountry adoption be considered only after due consideration of domestic placement options, mandatory counseling and consent procedures for birth parents, and accreditation requirements for adoption agencies designed to prevent the trafficking and improper financial gain that motivated the Convention's drafting.⁵

iii. The Evolution of Adoption Law in India

A. Personal Law Origins: The Hindu Adoptions and Maintenance Act, 1956

“The Hindu Adoptions and Maintenance Act, 1956” (“HAMA”)⁶ codified adoption for Hindus, Buddhists, Jains, and Sikhs, but its animating purpose was continuity of lineage and religious obligation rather than child welfare per se; the best interest of the child was, at best, an implicit consideration. Muslim, Christian, and Parsi personal laws, by contrast, do not recognize adoption in the full legal sense, leaving communities outside the Hindu fold to rely on guardianship under the “Guardians and Wards Act, 1890”⁷; a status that does not confer the full rights of legitimate parentage. This asymmetry meant that, for much of independent India's history, the capacity to adopt; and a child's capacity to be adopted into a full parent-child relationship; depended on religious identity rather than on a uniform assessment of welfare.

B. Towards a Secular, Child-Centric Regime: The JJ Act, 2000 to 2015

² Juvenile Justice (Care and Protection of Children) Act, 2015, s 3(iv)-(vi), (xii)-(xiii).

³ Convention on the Rights of the Child, 1989, art 21(a)-(b).

⁴ Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, 1993, preamble; India deposited its instrument of ratification on 6 June 2003.

⁵ Hague Convention, 1993, arts 4, 6, 9 and 17; Adoption Regulations, 2022 (CARA), reg 2, designating CARA as India's Central Authority.

⁶ Hindu Adoptions and Maintenance Act, 1956, ss 6-11.

⁷ Guardians and Wards Act, 1890, s 7.

The turn toward a religion-neutral, welfare-centered adoption law began with the “Juvenile Justice (Care and Protection of Children) Act, 2000”, enacted principally to give domestic effect to the UNCRC, and its 2006 amendment, which for the first time gave adoption a statutory footing outside personal law.⁸ The Supreme Court’s disposal of the writ petition in “Shabnam Hashmi v. Union of India” in 2014 confirmed the constitutional legitimacy of this route: while declining to elevate a right to adopt to the status of an independent fundamental right under Part III, the Court held that prospective parents of any religious background could adopt under the secular JJ framework, without being bound by the personal law of their faith, thereby Operationalising the “optional” character of the statute envisaged by the petitioner.⁹ The JJ Act, 2015 consolidated and substantially expanded this framework, dedicating Chapter VIII (Sections 56 to 73) specifically to adoption and formally designating CARA; until then functioning under executive guidelines; as the statutory body responsible for regulating adoption in India.¹⁰

Iv. The Juvenile Justice Act, 2015: Statutory Architecture of Adoption

A. Chapter VIII and the Institutional Framework

Chapter VIII of the JJ Act establishes a four-tier institutional structure for adoption: CARA at the apex as the statutory authority responsible for framing regulations and monitoring intercountry adoption;¹¹ State Adoption Resource Agencies at the state level; Specialised Adoption Agencies (“SAAs”) that house and prepare children for adoption at the district level; and Child Welfare Committees (“CWCs”) that determine whether a child is “legally free for adoption”; a threshold determination without which no adoption may proceed.¹² Section 57 prescribes eligibility criteria for prospective adoptive parents, addressing physical, mental, and financial fitness, marital stability (a minimum of two years of a stable marriage for couples), and age criteria calibrated to the age of the child sought to be adopted; notably, Section 57(4) restricts a single male applicant from adopting a girl child, a provision retained in “Regulation 5(2) (c) of the Adoption Regulations, 2022” and discussed further in Part VII.¹³

B. The Adoption Regulations, 2022

CARA’s Adoption Regulations, 2022 replaced the 2017 regulations and consolidated the operational detail of the adoption process, from registration on the CARINGS online platform to the specialized procedures for intercountry adoption, adoption by relatives, and step-parent adoption.¹⁴ The 2022 Regulations also embedded structured counseling obligations at the pre-adoption, adoption, and post-adoption stages; a response, evident from CARA’s own subsequent directions to State Adoption Resource Agencies, to concerns that psychosocial support for prospective parents, adopted children, and birth parents surrendering a child had remained inconsistently available in practice.

C. The 2021 Amendment: Adoption Orders by District Magistrates

The most structurally significant recent reform is the “Juvenile Justice (Care and Protection of Children) Amendment Act, 2021”, which substituted “District Magistrate” for “Court” wherever the JJ Act had vested the power to issue a final adoption order, principally under Section 61. The stated legislative rationale, articulated by the “Ministry of Women and Child Development” during the Bill’s passage, was the elimination of delay: as of July 2018, an estimated 629 adoption cases remained pending before civil courts, and adoption, being a non-adversarial welfare proceeding, was thought better suited to prompt executive determination than to the

⁸ Juvenile Justice (Care and Protection of Children) Act, 2000 (Act 56 of 2000), as amended by Act 33 of 2006.

⁹ Shabnam Hashmi v Union of India, (2014) 4 SCC 1.

¹⁰ Juvenile Justice (Care and Protection of Children) Act, 2015, ch VIII, s 68.

¹¹ Juvenile Justice (Care and Protection of Children) Act, 2015, s 68.

¹² Juvenile Justice (Care and Protection of Children) Act, 2015, ss 27, 37 and 41.

¹³ Juvenile Justice (Care and Protection of Children) Act, 2015, s 57(4); Adoption Regulations, 2022 (CARA), reg 5(2)(c).

¹⁴ Adoption Regulations, 2022 (CARA), regs 3-23; Regulation 5 sets out eligibility of prospective adoptive parents, read with s 57 of the JJ Act, 2015.

adversarial timelines of civil litigation. The Amendment came into force on 1 September 2022 and simultaneously enlarged the District Magistrate's supervisory role over Child Care Institutions, CWCs, Juvenile Justice Boards, and District Child Protection Units, while creating a right of appeal to the Divisional Commissioner within thirty days of an adoption order.¹⁵

This transfer of a function long regarded as inherently judicial to an executive officer was inevitably challenged as unconstitutional. In “Nisha Pradeep Pandya alias Nisha Amit Gor v. Union of India”, decided on 4 May 2026, a Division Bench of the Bombay High Court rejected the challenge, holding that the vesting of quasi-judicial adoption functions in the District Magistrate; who now functions as “Child Protection Head” under detailed CARA regulations, prescribed timelines, and mandatory training; did not violate Articles 14 or 21 or the separation of powers doctrine, since Indian law routinely confers quasi-judicial functions on executive authorities and the Adoption Regulations, 2022 supply the procedural scaffolding necessary for the District Magistrate to discharge the function credibly.¹⁶ The Court vacated an interim stay that had, since January 2023, frozen the transfer of pending matters to District Magistrates, while protecting adoption orders already passed by courts during the interregnum. The judgment is examined further in Part V, since its reasoning on institutional competence bears directly on whether the best interest standard can be reliably applied by the newly empowered forum.

V. Judicial Construction of the Best Interest Standard

A. Foundational Jurisprudence

The Supreme Court's response; an elaborate, self-executing code of procedural safeguards covering agency licensing, sponsorship requirements, home studies, and consular verification; did two things of lasting consequence. First, it established, well before any comparable statute existed, that the welfare of the child rather than the convenience of adoption agencies or the wishes of prospective parents was the touchstone against which the entire process had to be measured. Second, and more institutionally significant, it effectively legislated CARA into existence: the agency was created to administer precisely the safeguards the Court had prescribed, and subsequent statutory recognition of CARA under the JJ Act, 2015 formalized what began as judicially mandated infrastructure. A supplemental order in 1985, issued in response to representations from adoption agencies about practical difficulties in compliance, refined several of these directions without diluting their child-centered orientation.¹⁷

Three decades later, in “Shabnam Hashmi v. Union of India”, the Supreme Court confronted a petition seeking either recognition of a fundamental right to adopt or a religion-neutral statutory adoption code applicable to all citizens.¹⁸ The Court declined the first prayer, holding that whether the right to adopt and to be adopted should be elevated to a fundamental right was a matter better left to the legislative process given the sensitivities of India's personal law landscape; but it granted the substance of the second, holding that the JJ Act (then the 2000 Act as amended) already functioned as an optional, religion-neutral instrument through which prospective parents of any faith could adopt, without disturbing the personal law of communities that did not wish to be bound by it. The judgment is significant for present purposes because it reframed adoption from a matter of religious status to a matter of child welfare administered through a common statutory gateway; the precondition for the best interest standard to operate uniformly across India's religious communities.

¹⁵ Ministry of Women and Child Development, Gazette Notification appointing 1 September 2022 as the date on which the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 came into force; Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, s amending s 101 (appeal to Divisional Commissioner).

¹⁶ Nisha Pradeep Pandya alias Nisha Amit Gor & Anr v Union of India & Ors, Writ Petition No. 1085 of 2023 with Writ Petition No. 205 of 2023 (Bombay High Court, 4 May 2026), Neutral Citation 2026:BHC-OS:11417-DB.

¹⁷ Lakshmi Kant Pandey v Union of India (Supplemental Order), decided 27 September 1985.

¹⁸ Shabnam Hashmi v Union of India, (2014) 4 SCC 1, paras 1-2.

B. Contemporary Trends: 2024–2026

The period since 2024 has produced a cluster of decisions that test the best interest standard against harder facts: procedural non-compliance, informal adoption, and delayed registration.

In “Dasari Anil Kumar v. The Child Welfare Project Director”, decided on 12 August 2025, the Supreme Court confronted four sets of appellants; three couples and one single parent; who had taken infant girls into their care between 2021 and 2024 through informally executed, notarized deeds invoking HAMA, without following the JJ Act’s adoption procedure.¹⁹ When police, acting on a criminal complaint alleging that the placements amounted to trafficking, removed the children from the appellants’ custody in May 2024 and handed them to the Child Welfare Committee, a learned Single Judge of the Telangana High Court initially held the police action illegal and permitted the appellants to regularise custody through a valid adoption deed or other lawful procedure; a Division Bench, however, reversed this on appeal, precipitating the matter’s arrival before the Supreme Court. Invoking its plenary power under Article 142 of the Constitution to do “complete justice,” the Court directed that custody of the children be restored to the appellants by 14 August 2025, reasoning that Section 3 of the JJ Act ranks the best interest of the child above strict procedural compliance, and that severing an established emotional bond formed over years bonds the children, some barely toddlers, had known as their only family; would itself work a welfare harm graver than the procedural irregularity in the mode of placement.

In “Prema Gopal v. Central Adoption Resource Authority”, the Supreme Court held that the legal recognition of a Hindu adoption performed under HAMA must be assessed from the date the adoption ceremony was actually performed, rather than the date of its subsequent registration or documentation, so that bureaucratic delay in paperwork could not be permitted to defeat a substantively valid adoption or the settled status it confers on a child.²⁰ Read together with Dasari Anil Kumar, the decision reflects a consistent judicial instinct: procedural and documentary formality is important, but it should not be allowed to operate mechanically against a child’s settled welfare interest where the substance of a caring, stable placement is not in doubt.

Custody disputes outside the formal adoption process have furnished a further data point. In “Shazia Aman Khan v. State of Odisha”, decided in 2024, the Supreme Court refused a biological father’s habeas corpus claim to the custody of his fourteen-year-old daughter, who had lived her entire life with her maternal relatives following her mother’s death, holding that a child “cannot be treated as a chattel” to be handed over on the strength of a biological or legal claim alone, and that the child’s stability, established relationships, and expressed wishes carried paramount weight.²¹

Vi. Comparative Analysis: India and International Standards

A. The Hague Framework Restated

Where the comparison becomes less favorable is at the level of implementation discussed in Part VII: the Hague Convention’s safeguards presuppose functioning Central Authority oversight of every accredited body in practice, not merely on paper, a presupposition that recurring reports of uneven state-level implementation call into question.

B. A Comparative Snapshot: England and the United States

Common law comparators offer a useful contrast in how the best interest standard is operationalising through statute. “The Adoption and Children Act, 2002” (England and Wales) requires courts and adoption agencies to have regard to a detailed, non-exhaustive “welfare checklist”; the child’s wishes and feelings (assessed in light of age and understanding), physical, emotional, and educational needs, the likely effect of ceasing to be a member of the birth family, age, sex, background, and any harm suffered or risked; before any adoption decision

¹⁹ Dasari Anil Kumar & Anr v The Child Welfare Project Director & Ors, 2025 INSC 972 (Supreme Court of India, 12 August 2025), per Nagarathna J.

²⁰ Prema Gopal v Central Adoption Resource Authority & Ors, SLP (C) No. 14886 of 2024 (Supreme Court of India, decided January 2025), per Nagarathna and Satish Chandra Sharma JJ.

²¹ Shazia Aman Khan & Anr v State of Odisha (Supreme Court of India, 2024).

is finalized.²² The checklist approach converts the best interest standard from a single undifferentiated inquiry into an itemized, auditable one: a reviewing court can identify precisely which factor a decision-maker addressed or omitted. “The JJ Act and Adoption Regulations, 2022”, by contrast, articulate the best interest principle at a high level of generality in Section 3 without a comparably granular statutory checklist, leaving the content of the inquiry to be filled in by CWC practice, CARA guidance, and case-by-case judicial elaboration of the kind traced in Part V.

United States adoption law, being state-administered, does not offer a single comparator, but most states similarly enumerate statutory best interest factors the child's relationship with birth and prospective parents, the capacity of each party to meet the child's needs, and, in relevant cases, the child's own preference where age-appropriate echoing the English checklist model rather than a generalized standard.

C. Points of Convergence and Divergence

The comparative reading suggests two conclusions. First, India's adoption law converges with international standards at the level of institutional design: a Central Authority, accredited agencies, and a hierarchy favouring domestic and kinship placement over intercountry adoption are all present, broadly consistent with the Hague model. Second, India diverges at the level of standard-articulation: unlike the English checklist or comparable American state statutes, the JJ Act does not translate the best interest principle into an enumerated, auditable set of factors that a District Magistrate, CWC, or reviewing court must expressly address and record findings on. This divergence is not merely academic. As Part VII argues, an unelaborated general standard, applied by institutions of variable capacity, is more vulnerable to becoming a formal recital than a substantive inquiry — precisely the risk the Hague Convention's procedural architecture was designed, in the intercountry context at least, to guard against.

Vii. Socio-Legal Challenges and Implementation Gaps

A. Institutional Capacity and Uneven Implementation

The gap between statutory design and ground-level capacity is the recurring theme of every parliamentary and judicial examination of Indian adoption administration. “The Parliamentary Standing Committee on Human Resource Development” had already flagged, prior to the 2021 Amendment, that statutory bodies mandated under the JJ Act were absent in a significant number of districts nationally; as recently as 2019, only seventeen of thirty-five states and Union Territories had all the basic institutional structures required under the Act functioning across every district.²³ Because CWCs are the gatekeeping authority that declares a child “legally free for adoption,” and SAAs are responsible for the home studies and matching that feed into any best interest determination, capacity gaps at this foundational level constrain the quality of every downstream decision, however well the adoption order itself is reasoned.

B. The Executive Turn: Speed versus Specialised Competence

The 2021 shift of adjudicatory power to District Magistrates addressed a real and well-documented problem; court-based delay, evidenced by the roughly 629 pending adoption cases recorded as of July 2018; but it did so by transferring the function to an officer who already carries an exceptionally broad administrative portfolio spanning revenue administration, law and order, and disaster management, and now, additionally, adoption adjudication alongside expanded supervisory duties over CWCs, Juvenile Justice Boards, and Child Care Institutions. The Bombay High Court's endorsement of the Amendment's constitutionality in Nisha Pradeep Pandya rested substantially on the existence of the Adoption Regulations, 2022 and associated training requirements as sufficient safeguards for competent decision-making; the empirical question of whether that training is uniformly delivered and whether District Magistrates can devote the sustained, individualised

²² Adoption and Children Act 2002 (England and Wales), s 1(4).

²³ PRS Legislative Research, Legislative Brief: The Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021, summarising the findings of the Standing Committee on Human Resource Development (2015) and subsequent 2019 implementation data.

attention a welfare inquiry demands amid competing administrative demands remains open, and is precisely the kind of institutional-capacity question that formal constitutional validity does not, and is not designed to, resolve.

C. Gendered Patterns in Relinquishment and Adoption

CARA's own adoption statistics reveal a persistent gender skew: over the decade preceding 2024, girls have consistently accounted for roughly six in ten adoptions in India, with approximately 20,396 girls adopted against 13,962 boys across the years for which comparable data exists. This pattern is most plausibly read not as reflecting greater demand for daughters but as a downstream marker of differential relinquishment and abandonment rates driven by the same son-preference norms long documented elsewhere in Indian family law and demography. A best interest framework concerned only with the individual adoption decision, without situating that decision within this wider pattern of gendered relinquishment, addresses the symptom rather than the underlying socio-legal cause; a limitation inherent in adoption law's necessarily case-by-case orientation, but one that data-driven policy interventions upstream of the adoption process could partially address.

D. Restrictive Eligibility Norms and Family Diversity

Section 57(4) of the JJ Act and Regulation 5(2)(c) of the Adoption Regulations, 2022 continue to bar a single male applicant from adopting a girl child, while imposing no equivalent restriction on single female applicants adopting boys.²⁴ Same-sex couples, whose marriages are not legally recognized in India following the Supreme Court's 2023 disposition of the marriage equality litigation, may adopt only in their individual capacity as single applicants, and not jointly as a couple, since the framework's "couple" category presupposes a marriage recognized in law.²⁵ These restrictions sit in some tension with a purely welfare-maximizing reading of the best interest principle, under which the decisive question in each case would be the fitness of the particular applicant and household to meet a particular child's needs, rather than a categorical exclusion keyed to the applicant's sex or relationship status. At the same time, the restrictions reflect a genuine, if contested, protective rationale concern for the safety of girl children in single-male households; illustrating the broader difficulty of reducing "best interest" to individualized assessment alone when legislatures also legitimately weigh population-level risk in setting eligibility rules.

E. Informal and Extra-Legal Adoption

Perhaps the most striking socio-legal finding to emerge from the 2025–2026 case law is the persistence of informal, extra-statutory adoption arrangements; notarized deeds, private placements arranged through intermediaries, and HAMA ceremonies not followed through to registration; running in parallel with the CARA-regulated system that Chapter VIII of the JJ Act was designed to make exclusive for the adoption of unrelated orphaned, abandoned, or surrendered children. The four sets of appellants in *Dasari Anil Kumar* are not an isolated anomaly; they are illustrative of a wider pattern in which prospective parents, deterred by CARA's waiting periods, documentation burden, or the narrow pool of legally free children available through it, turn to informal placement, only to face the acute welfare disruption of a subsequent police or CWC intervention years into an already-bonded placement. The Supreme Court's willingness to use Article 142 to protect the resulting bonds is, on one reading, a humane and child-centred response; on another, it risks generating a moral hazard in which informal placement becomes an implicitly tolerated shortcut around statutory safeguards, so long as the placement survives long enough to acquire the emotional weight that later persuades a court to regularize it. Neither reading is fully satisfying without structural reform of the kind proposed in Part VIII: a system in which lawful adoption is not, in practice, slower or more forbidding than the informal alternative it is meant to supersede.

²⁴ Juvenile Justice (Care and Protection of Children) Act, 2015, s 57(4); Adoption Regulations, 2022, reg 5(2)(c).

²⁵ *Supriyo v Union of India*, 2023 INSC 920; Adoption Regulations, 2022, reg 5(2) (defining eligibility of a "couple" by reference to a subsisting, legally recognised marriage of at least two years).

VIII. Recommendations

(1) The JJ Act or the Adoption Regulations should be amended to supplement the general best interest principle in Section 3 with an enumerated, non-exhaustive checklist of factors modelled on, though not identical to, the English welfare checklist that CWCs, SAAs, and District Magistrates must expressly address and record findings on in every adoption-related determination, converting the standard from a single global judgment into an auditable, appealable set of reasoned findings.

(2) The 2021 Amendment's transfer of adjudicatory power to District Magistrates should be accompanied by dedicated, ring-fenced institutional capacity a specialised child welfare cell within each District Magistrate's office, staffed with trained child welfare officers empowered to conduct the substantive inquiry, with the District Magistrate retaining final sign-off rather than treating adoption as one item among the many competing responsibilities of a generalist executive officer.

(3) CARA and State Adoption Resource Agencies should be resourced to close the institutional gap identified by the Parliamentary Standing Committee, with time-bound targets for ensuring that every district has a functioning CWC, SAA linkage, and District Child Protection Unit, since no downstream reform of the adjudicatory forum can compensate for gaps at this foundational level.

(4) The eligibility restriction on single male applicants adopting girl children merits legislative reconsideration through an individualised, rather than categorical, risk-assessment framework one that preserves protective screening for all applicants regardless of sex or marital status rather than a blanket sex-based exclusion, consistent with a best-interest logic that evaluates the particular applicant rather than a demographic proxy.

(5) Given the recurring pattern of informal adoption surfacing in appellate litigation, CARA should study and address the structural drivers of informal placement processing time, documentation burden, and the narrow availability of legally free children relative to demand since a lawful pathway that is meaningfully faster and more accessible than the informal alternative is a more durable safeguard for children than after-the-fact judicial regularisation.

(6) Adoption data disaggregated by the sex of the child, mode of relinquishment, and district of origin should be published on a sustained, standardised basis to allow the gendered pattern in relinquishment identified in Part VII to be monitored and addressed through upstream child protection policy rather than through the adoption process alone.

IX. Conclusion

India's adoption law has, over four decades, travelled a considerable distance: from the personal-law-bound, lineage-oriented framework of HAMA, through the judicially improvised safeguards of Lakshmi Kant Pandey, to a codified, CARA-administered, best-interest-anchored statutory regime under the JJ Act, 2015 that in formal architecture compares creditably with the Hague Convention and comparable international standards. Yet the socio-legal record examined in this paper persistent institutional capacity gaps flagged as early as the Parliamentary Standing Committee's pre-2021 review, the untested practical competence of newly empowered District Magistrates, a gendered pattern in relinquishment that the adoption process alone cannot correct, eligibility rules in tension with individualised welfare assessment, and a recurring resort to informal adoption that the Supreme Court has had to regularise through the extraordinary route of Article 142 suggests that the best interest of the child in India remains more securely established as a doctrinal principle than as a reliably delivered institutional practice.