

● INTER COUNTRY ADOPTION- A SOLUTION OR A PROBLEM TO A SOLUTION



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Abstract

A child is an asset for the country, an uncut diamond, and adoption is one of the biggest problems faced by a child. If a child is not having family, he must have to given in adoption. So here, this paper is an effort to have a look on this problem. But giving in adoption is not an easiest task, we can give in adoption, when there will be a person to adopt. In the leading case L.K. Pandey, the Apex court, while discussing about the adoption said that if there is no one to adopt a child within country we can give that child to cross border adoption. But in the fast changing society there are so many ill practices, in the adoption that leads to so many problems such as trafficking. The Hague Convention on Inter-country adoption of 1993 and the findings of Supreme Court in the of L.K. Pandey case, are the two instruments, but these are not much effective for this problem. Hence here is an effort to highlight the issues relating to such problem and to find out the appropriate solution for the same. It is also an effort in the field of inter country adoption, that how this problem is effective in the international stage.

Key words

- Adoption.
 - CARA- The Central Adoption Resource Authority.
 - Cross border adoption.
 - Hague convention - The Hague Convention on Inter-country adoption of 1993.
 - The guardianship court.
 - Home study report.
 - Child study report.
 - Foreign adoptive agency.
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Background

The child is the future of a country, but what if his rights are not been protected, what if he is not secure in the society where he is living, what if he is not having the proper means for his life, these unsolved questions of a child's life had been discuss in the 20th century, "The 20th century is the 'century of the child'". With the declaration of the rights of child, the welfare of this vulnerable section of the society has come to be an accepted philosophy in modern times, resulting an upsurge of services for the rehabilitation of the destitute child. Millions of such children abandoned and

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deserted by parents or guardians, born out of wedlock, etc., are being cared for in institution which, functioning even under the most scientific conditions"¹.

As precisely observed by John Milton –

"Child shows the man as morning shows the day"

It can also be better understood by the words of P. N. Bhagwati J., when he observed²:-

"Every child has a right to love and be loved and to grow up in an atmosphere of love and affection and of moral and material security and this is possible only if the child is brought up in a family"

It is need of the time that child's fundamental right which has been provided by constitution³, under Article 21⁴ that "no person shall be deprived from his personal life and liberty", that can be gathered from the article 21, which ensure that right to life and personal liberty of every person (which even includes a child) is very important. The importance of a child can be better understood by the words of the CARA⁵ where it has been stated that the Government of India, in pursuance of its constitutional mandate, has evolved a National Policy for the welfare of children. The thrust of this policy is summed up in the following words:

"The Nation's children are a supremely important asset. Their nurture and solicitude are our responsibility. Child's programme should find a prominent part in our national plans for the development of human resources, so that our children grow up to become robust citizens, physically fit, mentally alert and morally healthy, endowed with the skills and motivation needed by society. Equal opportunities for development to all children during the period of growth should be our aim, for this would serve our larger purpose of reducing inequality and ensuring social justice."⁶

Child - As an asset of the nation

When a child is the future of a nation, how can a state play with his future which is in the form of a child is growing under the kinship of the child, that is why a state is under an obligation to take special care in upbringing of its future i.e the child and in a view of their emotional and intellectual bondage towards a state and the part that they would play in shaping its future fortunes. Every child is an unpolished diamond, an unopened bud, a dormant uniqueness, a national asset, with an inherent capacity to sparkle, to bloom to awaken and realize its potential when provided with the right environment.⁷ The state is the ultimate guardian of its citizens under the doctrine of *parens patriae* where the state is absolutely liable for the entire development as being the guardian. Even if a child is in affluent situation; it may be an abandoned child; a blossom in the dust. It may be a socially and economically deprived child⁸, but he has

¹ N. M. Goriawalla, "Inter-Country Adoptions Policy and Practice with Reference to India", 37 *USW* 151 (1976).

² L. K. Pandey v. Union of India, AIR 1984 SC 469.

³ The Constitution of India, 1950.

⁴ Ibid.

⁵ The Central Adoption Resource Authority.

⁶ Procedure provided by the Central Adoption Resource Authority (CARA), available at: <http://www.adoptionindia.nic.in/parents/inter-Guidelines-for-Adoption.html>, (Visited on Sep 11 2013).

⁷ Vibha Sharma, "Inter-country Adoptions in India- An appraisal", 45, *JILI* 543 (2003).

⁸ H. S. Ureskar, "Legislation Supporting Adoption", XXXVII *USW* 159 (1976).



a birthright to total development and this is the inherent right which cannot curtail by anyone.

One of the myth which is prevailing in the society is that the investment for the children's overall development is the wastage of the hard earned money but as the idea of human right is synonymous with human dignity and all these rights, which are essential for the maintenance of human dignity may be called human rights so human rights are being essential for all round development of the personality of the individual in the society, be necessarily protected and be made available to all individuals including children⁹. As every nation, (developed or developing) connects its future with the status of a child. Childhood holds the potential and also sets the limit to the upcoming development in the society.

Child is the most sensitive gift to humanity. The children signify external optimism in the human being and always provide the potential for human development. As children are the future of the world, they are to be provided with all necessary facilities and atmosphere to grow into responsible and useful citizens of the country.¹⁰

Child- As a Guardian of future

The child is a guardian of the future of a country; he will serve his life to the nation, so his today i.e childhood is the sole responsibility of the nation. Therefore, for the protection of the future of the child or in other words the future of the nation, the state must have to ensure that this child will have a good and healthy upbringing, but how, the future of the nation can be secured or what the basic requirement for this protection is? The basic or ground root requirement for a child or for the protection of the future of a child is the family, family where a child will open his eyes, the family where the child will groom, the family where the child will start his life voyage, therefore, the right to have a family is the first right of the child. However, right to have family is the first and foremost important right of a child and if a child is not having family than this is one of the serious problem, and this problem can be solved by the procedure of adoption, in other words it can be said that the incomplete life of a child can be complete by giving him into the procedure of adoption. Therefore, adoption is the only remedy which can be provided by the state a child who is not having this basic right, the right to have family.

The fundamental right of a child : The right to have a family

The first need of the child is the family, the family where he can brush up his future. But if a child is not having a platform i.e family to express his feelings and emotions, it is primary duty of the state machinery to provide him this platform. And the mechanism as been earlier discussed is the procedure of adoption. Therefore, giving a child into adoption can fulfill the basic right of the child i.e right to have a family. So here the adoption comes into picture for the fulfillment of the empty life of a child.

Adoption-a process for the completion of family

Adoption is regarded as the most perfect means to restore a child who is deprived of his natural parents or whose parents are in heaven. Adoption in Roman law was a very ancient institution having its roots in ancestor worship. The maintenance of the family 'Sacra', observance in honor of the ancestors of the family, was regarded as the

⁹ Dr. Mahendra Tiwari, "Human Rights and the Rights of Child in India", XXXVI JLS 215 (2006).

¹⁰ *Supra* note 7.

highest importance and when a man was old and was likely to die without issue to carry on those observances, he was allowed to 'adrogate' some other independent citizen, 'a pater familias' and thereby make him a son"¹¹. Thus under Roman law, adoption is the way to continue the family. By the influence of Roman law the institution of adoption extend to different countries and civilization.

Adoption is a way of forming a family, involving the placement of a child with adoptive parents, followed by a legal process, which establishes a child as if he or she was born to those adoptive parents. The concept of adoption was not unknown in Vedic times, in Aitareya Brahman VII, 3 the legend of Sunahsepa refers to his father having sold him in adoption to king Harishchandra and to its subsequent adoption by the sage Viswamitra who had Aurasa sons of his own.¹²

Adoption is a social legal process¹³, but according to the Hindu law it is spiritual too¹⁴. The ancient Hindu law, recognized 'adoption among Hindus. Adoption in a Hindu society has the sanction of religion. Adoption was always effected by ceremony, "the physical handing over the child was sine qua non of such ceremony". According to the traditional Hindu principles adoption takes place in order to provide male Hindu with an heir who will perform the Shraddha ceremony¹⁵ "after his death" son is indispensable for spiritual as well as material well being¹⁶.

According to Vashistha¹⁷ -

"There is no heavenly region for a sonless man"

Here we have some of the reasons for adoption in the Hindu society as-

- The natural desire to have a son as an object of affection.
- As the protector in old age days.
- The celebration of name and also for the perpetuation of lineage.
- To have a son who can give pind- daan ceremony after the death of the parents.

In *Ganga Sahai v. Lekhraj Singh*¹⁸, Mahmood J. observed that –

"Adoption in Hindu law, being in the nature of gift, three main matters constitutes its elements apart from the questions of form. The capacity to give, the capacity to take to be the subject of adoption seem to me to be matters essential to the validity of the transaction and such beyond the province of the Doctrine of "Factum valet"¹⁹

Adoption is considered as one of the ideal means for providing family life to a child who is deprived of his natural family. As also underlined by Bhagwati J. "the most congenial environment would, of course, be that of the family of his biological parents. But if for any reason it is not possible for the biological parents or other near relative to look after the child or the child is abandoned and it is either not possible to

¹¹ Dr. Hari Dev Kohli, *Supreme Court on Hindu Law* 64 (Universal law Publishing Pvt. Ltd, Delhi, 2010).

¹² *Ibid.*

¹³ S.D. Gokhale, "Inter-Country adoptions and consultancy in guardianship", 37 *USW* 109 (1976).

¹⁴ Sanjay Sen, "Inter-Country adoption- A Tryst with destiny", 14 *DLR* 195 (1992).

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ (1887) 9 ALL 253.

¹⁹ *Ganga Sahai v. Lekhraj Singh*, (1887) 9 ALL 253.



trace the parents or the parents are not willing to take care of the child, the next best alternative would be to find adoptive parents for the child so that the child can grow up under the loving care and attention of the adoptive parents. The adoptive parents would be the next best substitute for the biological parents"²⁰.

The child is the indispensable link in the perpetuation of the human race, the desire to have a child is an innate desire to have food, and the child is a bond of family joy, a living insurance in old age, an heir to the property and a perpetuator of the family names, traditions and values.²¹ Adoption does not replace the biological relation which exists between the child and its natural parents, it does reconstitute a stable family through the enduring ties which it creates.²² The concept of adoption is not at all new, it was there in the society from generations, and it is a well-known practice in Indian society and as well as in foreign countries people are willing to give and take a parentless child in adoption, and the parents are not getting only the only legal side of adoption but also they are enjoying the emotional (being a father/ mother of a child). Therefore it can be stated as adoption changed its earlier sense, as it was a purely legal concept, but now it becomes the genuine family relationship, a relationship which is no longer based upon the blood, but on the concept of living together.

"Adoption" is a process through which the adopted child is permanently separated from his biological parents or from any place/person who can give him/her in adoption, and the child will be the child of his adoptive parents with all the rights, privileges and responsibilities that are attached to the relationship i.e. being a child of that family.

Adoption is the act of affiliation by which the relation of paternity is legally established between persons not so related by nature.²³ As the Apex Court in its various judgments and the United Nations Declaration of the Rights of the Child adopted by the General Assembly in 1989 and also the Hague Convention on Inter-country adoption of 1993 clearly laid down that the best interest of the child cannot be served without a family, it can be served by providing an opportunity to be placed within a family within its own socio-cultural milieu. Therefore, the first and foremost imperative thing is to provide a family for the best and better development of a child. Adoption can be divided in two sub heads, as:-

- Intra Country Adoption.
- Inter Country Adoption.

Intra country or in-country adoption

Intra country adoption or in-country adoption is a procedure where a child could be given in adoption within the country; therefore, it is a process through which a child who belongs to a citizenship can only be adopted by the same citizenship person. For instance- Adoption of an Indian child by Indian parent(s) residing within India. In this kind of adoption we have different provisions²⁴, a Hindu²⁵ child could be adopted by

²⁰ *Supra* note 7.

²¹ *Supra* note 9.

²² *Supra* note 13.

²³ *Supra* note 9.

²⁴ Section 6, 7, 8, of the Hindu Adoption and Maintenance Act, 1956.

²⁵ Section 2(1) of the Hindu Marriage Act, 1955.

the Hindu parents within the different provisions²⁶, provided by the Hindu law²⁷, as this law²⁸ is only applicable to a person who is Hindu within the definition of this act²⁹, and not applicable to all communities like Muslims, Christians, Parsi etc. but it doesn't mean that they cannot adopt a child, even they can adopt a child by the provisions mentioned under the special act³⁰, for the adoption of a child within the nation itself.

Inter country adoption

The Inter country Adoption is a method of adoption in which both the child and parent belong to different countries, and the citizenship of the child and of the parent is different. For Example - Adoption of an Indian child of US parents. In this kind of adoption, the child went to the other country with the prior permission of his own country and can get the citizenship of that particular country to which his adopted parents belong with the endorsement of that particular country.³¹

According to the Indian council of social Welfare, foreign adoption is a situation where, "the adopters and the child do not have the same nationality and as well as in which the habitual residence by the adopters and the child is in the different countries".

- Before moving ahead we have to see some of the major differences between the intra and inter country adoption, and the differences are as follows:
- Nationality-The first major difference between intra country and inter country adoption is the nationality. In the Intra country adoption both the child and adopted parents belongs to same nationality. But on the other hand in the Inter country adoption the child and parents belong to the different nationality.
- Trans- cultural relationship- Another important difference between these two is that they have a character of trans- cultural differences. In the intra country adoption the child and parents belongs to the same culture because they are from the one single country and in between that country the culture could be of same kind, but on the other hand in the intra country adoption the child and parents belongs to two different cultures which will totally different from each other.
- Procedure of adoption- The other bases which makes a difference between the in-country and inter country adoption is the procedure of adoption. In the Intra country adoption the adoption could be done within the county according to the laws which are available within the country but in the inter country adoption the adopted parent will be appointed as the guardian of the child and the child will be adopted according to the laws of the country of the adopted parents.
- Trans- Racial Relationship- The other difference between these two is the Trans – racial relationship. In the intra-country adoption the race is same

²⁶ Supra note 24.

²⁷ Hindu Adoptions and Maintenance Act, 1956.

²⁸ Ibid.

²⁹ Supra note 24.

³⁰ The Guardians and Wards Act.

³¹ Re Rasik Lal Chhaganlal Metha, AIR 1982 Guj. 196.



because the child is adopted by the same racial country, for e.g., if an Indian child is being adopted by an Indian parents than but obvious the race will be same with his/her parents being the person of the same country. But on the other hand in the intra country adoption the relationship between the child and the parents is trans- racial as they both belong to the different and their own respective races.

Inter country adoption: why or why not?

Inter- country adoption or international adoption means an adoption of a Child of one country by the parents of another country, it is also termed as cross border adoption. The inter-country adoption is a solution for those children who don't have/ or for them a parent cannot be found in between the country, then these children can be given in cross border adoption. Even it was one of the observation of the Apex court that it is necessary "when the parents of a child want to give it away in adoption or the child is abandoned and it is considered necessary in the interest of the child to give it in adoption, every effort must be made first to find adoptive parents for it within the country, because such adoption would steer clear of any problems of assimilation of the child in the family of the adoptive parents which might arise on account of cultural, racial or linguistic differences in case of adoption of the child by foreign parents. If it is not possible to find suitable adoptive parents for the child within the country, it may become necessary to give the child in adoption to foreign parents rather than allow the child to grow up in an orphanage or an institution where it will have no family life and no love and affection of parents and quite often, in the socioeconomic conditions prevailing in the country, it might have to lead the life of a destitute, half clad, half-hungry and suffering from malnutrition and illness"³².

Therefore, inter country adoption is one of good solution as for a parentless child, and in lieu of this India has signed the Hague Convention on Inter-country Adoption- 1993³³ on 9 January, 2003 and ratified the same on 6 June, 2003 with a view to strengthening International Cooperation and Protection of Indian Children placed in Inter-country adoption.

The primary object of giving the child in adoption should be the welfare of the child. Great care has to be exercised in permitting the child to be given in adoption to foreign parents, lest the child may be neglected or abandoned by the adoptive parents in the foreign country or the adoptive parents may not be able to provide to the child a life or moral or material security or the child may be subjected to moral or sexual abuse or forced labor or experimentation for medial or other research and may be placed in a worse situation than that in his own country.³⁴

Bhagwati, J. is of the view that every effort should be made first to see if the child can be rehabilitated by adoption within the country and if that is not possible, then only adoption by foreign parents, or as it is some time called 'inter country adoption', should be made. This principle stems from the fact that inter country adoption may involve trans-racial, trans-cultural, and trans-national aspects which would not arise in case of adoption within the country and the first alternative should therefore

³² Supra note 7.

³³ The Hague Convention on the Protection of Children and Co-operation in respect of Inter-Country Adoption, passed on May 29 1993, came into force on May 1 1995.

³⁴ Dr. Paras Diwan, Law of Adoption Minority Guardianship and Custody 111 (Wadhwa & Company, Allahabad, 2nd edn., 1993). s

always be find adoptive parents for the child within the country.

Kinds of Inter country adoption

Inter country adoption are basically of two kinds-

- Reciprocity of recognition exists- that means "an adoption having taken place in one country is, by virtue of an international treaty, recognized in the other country/countries. An adoption in any member country of the Hague Convention represents this kind of Inter country adoption".³⁵
- Reciprocity of recognition does not exists- In this kind if arrangement two different modes of effects exists- "The child must be adopted in the country of origin as a pre- requisite for his or her leaving it (the country of origin) even though he has to be adopted again in the receiving country as per its law".³⁶

In the second method, "a special permission is required for the child to leave the country of origin, following which the child is adopted in the receiving country"³⁷, which is not at all required in the first method. In India, we are following the second method for affecting an Inter country adoption in which Reciprocity of recognition does not exists.

INTER COUNTRY ADOPTION—A SOLUTION OR A PROBLEM TO A SOLUTION

The adoption is the only solution which can complete the emptiness of the two lives. If a child is not having anyone to take care of him, then what he will do, he/she will cry for the love and affection, will sleep empty stomach, will live like an object only. On the other side of the coin, a family who is not having a child even their life is not complete, they will not have the opportunity of parenthood, the mother will be so far from the enjoyment of motherhood, the father will not have a child who can hold his figure and he will play with him, enjoy the stories of fairytales. That means the adoption is a bridge which will tie the two different lives into one platform.

The solution to complete the lives of these two different worlds is the procedure of adoption, a child will be adopted by the family, he will enjoy a status as a part of family, on the other hand if a child will given in adoption the childless parents will get a child in their family and they will have the same feelings and emotions as being the father and mother of the child. The relationship and bonding which will built up by the procedure of adoption is very pertinent in the sense that it gives a beginning to a relation which start by the fulfillment of the necessary requirements for the procedure of adoption. But this is not a very easy task to give and take a child into adoption, this solution leads to the different problems and we should have to try to find out the solution for these problems.

Procedure for inter-country adoption

The adoption has two major branches and in which one of the branch is inter-country adoption. In inter-country adoption the foreign adoptive parents can adopt a child

³⁵ *Supra note 8.*

³⁶ *Ibid.*

³⁷ *Ibid.*



from India, and this procedure start with the application for adoption and ends with the approval of adoption. But as approval is the last stage of the guardianship, it is not the last stage of adoption because the adoption will complete when the child will go to the concerned country and there he has to be adopted by the parents according to the laws and procedure of that country to whom the adoptive parents belongs. Therefore, the procedure of inter-country adoption can be divided into two stages, the primary stage and the secondary stage. In the primary stage the country from where the child is going to be adopted is coming into picture, and in the secondary stage i.e the even the final stage, the country to which the child is going to be adoptive is in the motion.

Primary stage of inter-country adoption

For the primary stage of inter country adoption, the law of the adopted country is prima facie very important because by the concerned law the child could be given in adoption, but in India the legislation is not giving the clear picture about the procedure of inter country adoption. In the beginning when application comes before the court for the cross border adoption, the court formed their own opinion and settled down the matter according to their own knowledge. It was nothing but a wish of the court if they want to give, they gave, if they don't want to give they don't gave, the basis of adoption i.e the right to have a family was not the chief concern of the court. But this was not the end of this problem, because the different courts formed their different opinion, and the differences amongst the opinion lead to lawlessness in the society and this lawlessness lead to one of the complex problem which cannot be overlooked.

As the procedure of inter country adoption even after the freedom, remains an unsolved question, and there was no proper law, no rules and regulations, no procedure, no authority, which can govern with this complex problem, and the lack of procedure and governance lead to uncertainty with the future of the child. As every problem has to solved, this problem solves after 30 years when this problem/ uncertainty of the procedure and governance of inter country adoption was busted down by the renowned advocate³⁸ of Supreme Court, when he wrote a letter to the court and said that "this problem is with the future of the world". This gave the risen alarm to the Supreme Court and the latter was treated as the PIL³⁹, and in that case⁴⁰ the Apex Court laid down the guidelines for the procedure of the inter country adoption, and furthermore court gave the direction to the Government of India that an authority should have to be established who can work for the procedure of adoption. These are some of the important aspects which has been discussed by the court:-

- To laid down a procedure for the inter country adoption.
- Who has the authority to give a child in adoption?
- How foreign adoptive parents will make an application for the adoption?
- Procedure for the recognition of Child's social and welfare agency and their role and function in the adoption procedure.
- Role of foreign agency in the procedure of inter country adoption.

³⁸ *Supra* note 2.

³⁹ Public Interest litigation.

⁴⁰ *Supra* note 2.

- Role of scrutinizing agencies for the procedure of inter country adoption.
- (vii) Role of different other agencies in the procedure of inter country adoption.
- (viii) The role and function of the Guardian Court.
- (ix) The charges which have to be paid by the foreign adoptive parents.
- (x) The follow up procedure after the appointment as the guardian by the foreign adoptive parents.

Formation of CARA

As directed by the Apex Court that there should be an authority who can work for the adoption, The Ministry of Social Justice & Empowerment established a functioning body as the Administrative Ministry and the Central Adoption Resource Authority (CARA) as the Central Authority. The procedure of adoption is one of the most important factors which will cover the relevant questions, as who can adopt, by whom can be adopted, what will be the terms and conditions of adoption, and so on. So for the maintenance of check and balance there should be an agency or it can be said that a functionary body should have to be established who can take proper care of the complete procedure of adoption, even this kind of body has been demanded by the Hague convention⁴¹, so therefore for the proper implementation of the Convention and the direction of the Court the CARA is working as the major functionary body in our country.

CONCLUSION/ SUGGESTION

The Inter country adoption is an adoption through which a child of one country could be adopted by the foreign adoptive parents. In India the law on inter country adoption is silent, and because of the lack of any settled legislation this problem is growing like a pain which cannot be restrained. So this is the time we have to think about the guidelines of the Apex Court and work upon it. And until there will be no medicine of this pain, the pain will not release. Therefore, it is the need of the hour to solve this unsolved question, and there are some of the suggestions for solving this problem:-

- Enactment of a legislation- this is the first and foremost requirement which has to be done as soon as possible. As it has been discussed previously through two bills which were introduced in the Parliament viz. The Adoption of Children Bill, 1972 and the Adoption of Children Bill 1980. These bills were dedicated to the procedure of adoption in which inter country adoption was also been discussed thoroughly, but after 1980, nothing has been done for this problem, so here, it is the high time to make things into right direction, and for this there should be an enacted legislation.
- Child with biological parents- the Category of child has been divided into three main branches, such as:-
 - Abandoned, destitute, or neglected child.
 - The child who is under the care and custody of any child welfare home.
 - The child who is living with the biological parents.

⁴¹ Supra note 33.



But out of these three categories the Supreme Court talked about the first two as if a child who is orphan and destitute can be given in inter country adoption, a child who is abandoned, destitute and surrendered by the natural parents to any kind of child welfare home, that child could be given in adoption. But on the third category i.e. a child with biological parent has not been touched by the court and court was silent about this category, as if the court was of the opinion that the natural parents are the perfect persons, who can do and think the best option for their kith and kins.

- The follow up procedure – the concept of follow up is one of the unique concept, which will maintain a check and balance over the foreign adoptive parents, but this concerned follow up procedure is only for the first three years of adoption, what will after three years, the time to misuse the child. Therefore, the follow up procedure is not appropriate, it should have a proper standard at least, till the time the child is going to attain the majority, he should have to be followed by the agency or the country or any regulating authority which has been appointed by the country of the child.
- The maintenance charges should have to be revised- The charges which have to be paid by the foreign adoptive parents to the social and welfare agency should have to be revised because, the charges were fixed by the court in 30 years ago, and a long time has been already passed from that fixation, so now it is the time that the maintenance charges should have to be revised and fixed up by this time and need an with the care of the child. As the maintenances charges and donation is the only earning of the welfare agency, so for the healthy working of the agency, proper charges should have to be given.
- Role of mediators- In the procedure of inter country adoption the role of mediators are very relevant. In this procedure there are three mediators:-
- The social and child welfare agency of the country of origin of the child.
- The foreign Adoption agency which sponsor the application of the foreign adoptive parents.
- The Guardianship Court.

These mediators played a very vital role and function in the whole procedure of the inter country adoption. Firstly the role of the social and child welfare agency- The Social and Child Welfare agency working in the field of child welfare and adoption procedure. These agencies are being recognized by the Government either central or state. They select the child which can be given in adoption to the foreign adoptive parents, then they prepares a child study report, in which all the necessary information relating with child is collected and written down. After that they provide these information's to the foreign agency which is working in this field for the invitation of any application from the foreign adoptive parents. The agency is very important in the sense that they play a role of pleader who start the proceeding, but the problem start when most of the agencies are not recognized due to some formalities and when they are not recognized they cannot come forward for the adoption procedure, the next problem is that they doesn't get proper monetary help (which already discussed above), so they cannot maintain themselves. So these basic problems should have to be removed first and then they can play their role in a proper and perfect manner.

The next mediator is the foreign adoptive agency which sponsor the adoption application made by the parents from their country, even they played a pertinent role in the cross border adoption, as they prepared a report i.e. home study report, in an

approach that on which the court and the agency of child should have to be impressed for giving a child into adoption. Therefore, it is one of the accountability of this agency to free from any kind of biasness and the home study report will give the real picture of the family.

The last mediator is the Guardianship Court which will give the final remarks over the adoption procedure. The Guardianship Court will check the application and the home study report provided by the foreign agency in the support of the adoption and through which the foreign adoptive parents want to satisfy the court for the final stamp of the court on the proposal of adoption.

These are some of the suggestions which can be considered as relevant for the procedure of inter country adoption. Furthermore, the world is moving upward, the air is going in the right direction, the water is still chilled, and then why not the men of integrity take care of others. In today's time no one is caring about others, so this is the high time when the proper law and legislation could be protect the needy persons. At last, it can be reviewed with the words of a child:-

"My life is just started, though I will be the future tomorrow,

My eyes are just opened, though I will see everything tomorrow,

My world is just the home of mine, though I will see the world tomorrow,

My words are not clear, though I will write a new story tomorrow,

I am a child, though I will be a complete man tomorrow"