

News

Bombay High Court: An adopted child is entitled to the caste of their adoptive parents



The Court noted that an abandoned kid becomes a full legal heir of adoptive parents through adoption under the Juvenile Justice Act.

According to the Bombay High Court's ruling in *Adoptive Mother v. State of Maharashtra & Ors.*, an adopted kid must have the same caste status as the adoptive family; otherwise, the child's future would be in jeopardy.

According to a division bench of Justices MS Karnik and SM Modak, the kid becomes the adoptive parents' legitimate child with all associated rights, advantages, and obligations once

the adoption process is finished under the Juvenile Justice Act.

"The adopted child must be granted legal status as the adoptive parents' child. The adoptive parents of the petitioner are in the Special Backward Category. The bench ruled that adopted children must have the same status.

The division bench was considering a plea from a woman whose adopted son had previously received a caste certificate in his favor as a member of the Special Backward Category due to her status, but had been denied a caste validity certificate.

Under the Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act, 2000), the District Court in Pune issued an order on August 22, 2014, allowing the mother and her husband to adopt the minor, who had been abandoned at birth.

The pair was named the minor's adoptive parents in the District Court's adoption decision, which also instructed the Pune Municipal Corporation to issue his birth certificate identifying them as his parents.

Financial protections, such as a life insurance policy and regular deposits in his name until he reached majority, were also required.

A caste certificate indicating the adoptive mother's Special Backward Category status was given to the child by the Pune Deputy Collector in June 2017.

But in February 2018, the sub-divisional officer cancelled this certificate due to an anonymous allegation. In December 2018, the caste scrutiny committee upheld this ruling.

This was contested before the Bombay High Court by the adopted mother.

The State said that there is no explicit clause in the Maharashtra Caste Certificate Act, 2000 or its 2012 Rules regarding the issuance of caste certificates to adopted children.

The Court noted that adoption under this system permanently breaks links with the original family and establishes new relationships with the adoptive family, citing the JJ Act of 2000 and the modified 2015 Act.

The court ruled, ***"After the adoption process is finished, the adopted child becomes a***

legitimate child of the parents and is bestowed with all rights, privileges, and responsibilities which are attached to that relationship."

It further stated that the child's future will remain uncertain and dark if this privilege is not granted to him.

As a result, the Court ordered the inspection committee to provide the kid, who is a member of the Special Backward Category, with a caste validity certificate within four weeks of the decision.

The adoptive mother was represented by advocates Yash Agarwal, Disha Rathod, and Raturaj Bethe, who were briefed by Vaibhav Kulkarni.