

No.11366/G1/02/SCSTDD

SC/ST Development (G) Department,
Thiruvananthapuram,
Dated 25.3.2003.

CIRCULAR

Sub:- Caste determination of adopted children-Circular No. 11186/G1/98/SCSTDD dated 19.5.2000- withdrawn - reg.

- Ref:-
1. Circular No.11186/G1/98/SCSTDD dated 19.5.2000.
 2. U.O.Note No.5641/C2/2000/SWD dated 26.8.2000 from the Social Welfare Department.
 3. Letter No.1344/02 dated 21.11.2002 from the Director, KIRTADS, Kozhikode-17.

The Hindu Adoptions and Maintenance Act which came into force in 1956 specifies certain conditions to be followed for making adoption of children valid. As per the Section 12 of the Act, an adopted child shall be deemed to be the child of his or her adoptive parents. Therefore the community of the adopted child may be determined on the basis of the community of his or her adoptive parents. The Act also stipulates that no adoption shall be made after the commencement of the Act by or to a Hindu, except in accordance with the provisions contained in Chapter II of the Act.

However, ~~xxxx~~ considering the question of determining the caste status of illegally adopted children for educational and other purposes, Government decided to fix some general guidelines and issued the same vide circular read above.

But the Social Welfare Department in the U.O.Note cited has pointed out that the circular will indirectly encourage illegal adoption and therefore requested this Department to withdraw the circular, as illegal adoption does not ensure the rights of adopted children. The Director, KIRTADS, has also endorsed the view.

Government, having examined the matter in detail are pleased to withdraw the circular read above as it is contrary to the statutory provisions of the Hindu Adoptions and Maintenance Act 1956.

C.V. ANANDA BOSE
Secretary to Government.

To

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All heads of Departments.
The Social Welfare Department.
Public Relations Department.
All District Collectors.
All Tahsildars (Through Land Revenue Commissioner)
The Stock File/O/C.

Forwarded/By Order

K. S. Das
Section Officer