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The big daddy of adoptions

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Peculiar to state: two roles for one

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Meet Anil Bhuniya, the father of adoptions in Bengal.

Till last year, when he lost a licence, Bhuniya was lord of most that he surveyed in the adoption world. The lawyer, who says his legal practice is his real work and adoption is social work, controlled two organisations with approval and inspection authority and, allegedly, ran two or more agencies that gave babies away for adoption.

His detractors called it all a one-stop adoption shop.

In the maze that is the adoption network, Bhuniya heads what is known as an adoption co-ordinating agency (ACA), the only one in Bengal, as its secretary. The ACA is a not-governed organisation licensed by the Central Adoption Resource Agency.

Its job is to give clearance for adoption by foreigners. This leaves the majority of adoption cases that happen within the country out of its purview. But they may require their paperwork to be cleared by a scrutiny agency. Bhuniya was, and still is, the secretary of the scrutiny agency, again the only one in the state.

Powers vested in him as secretary of the two organisations meant that till 2009, virtually no adoption could take place without his having a hand in it. Through the ACA he had access to details of all the licensed agencies in the state, the number of couples on the waiting list and the



Anil Bhuniya at his office in Ramesh Mitra Road.

Picture by Sanjoy Chattopadhyaya

the agency could issue clearances for adoptions within and outside the country, according to Bhuniya.

This was peculiar to Bengal as these agencies in other states have no authority over adoptions within the country. This made doubly sure that all adoption cases came to Bhuniya.

Well, almost. There is one law, the Juvenile Justice Act of 2000, which makes the roles of Bhuniya's outfits more or less redundant. But parents were generally discouraged from petitioning the courts to legalise adoptions under this law.

A person who once worked closely with Bhuniya said: "He has knowledge of all cases of adoption in court and manipulates them in such a way that cases filed under the Juvenile Justice Act are impeded. In many cases, the child is not given in adoption by the court."

Bhuniya, however, said:

Complaints against Anil Bhuniya

1

In 2006, a person called Supriti Ghosal (Rajna, Burdwan) writes to the PM's Office and the CM's

Allegations

A. Gave a baby for adoption to a Chennai resident before the agency working from his house received adoption licence in exchange for Rs 1 lakh in 2001

B. Even after the NGO's adoption licence expired (April 2004), it gave adoption clearance certificates in 52 cases

3

Complaint to the vigilance commission by Ashma Khatun, Bamuner Chak, in 2005

Allegations

A. He gets government money for a non-existent programme for street children

B. He received Rs 1.2 crore for 200 creches that too do not exist

BHUNIYA'S ANSWER

There is a conspiracy against me, as the complaints are usually anonymous or pseudonymous

"The Juvenile Justice Act doesn't mention any procedure. It only says adoption is possible. Who is receiving the child and who is giving him away are not mentioned."

"The act does mention who can adopt and who can give a child away for adoption. But it is not clear why the government has kept the other, older, communal-sounding law — the Hindu Adoption and Maintenance Act — in operation

Bhuniya was dismissive about these charges against him. "All such complaints against me are anonymous or pseudonymous. The aim is to remove me from the ACA," he said.

The third, and final, layer of activity Bhuniya was, or still is, allegedly engaged in is running adoption agencies that are authorised to hand over babies to adoptive parents. One, called the Vivekananda Welfare and Development Society, a home for children, was allegedly being run from his house at 18C Kalimuddin Lane, Manicktala, though his name was not among those of the



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Oaman Ali, Kanchrapara, North 24-Parganas, writes to Bengal human rights commission in December 2005

Allegations

A. Bhuniya does not hold a position in the NGO that runs from his house (18C Kalimuddin Lane, Manicktala) but its committee members are his "own men"

B. He gave babies for illegal adoption against money

4

Complaint to the ministry of women and child development, Govt of India*

Allegations

A. His voluntary co-ordinating agency, set up in 1990, functions without making changes mandated by rules modified in 1995, 2000 and 2006

B. Bhuniya has never disclosed names of the other members of the agency

*Complainant's name illegible in copy accessed by The Telegraph. All complaints were forwarded to the state social welfare department

office-bearers. Bhuniya said: "I didn't have an adoption agency. This society is not involved in adoption work any more."

His name has also been associated with a children's home called Vivekananda Loksiksha Niketan at Faridpur village in East Midnapore but again he cannot be directly linked to it.

Rinchen Tempo said: "A fact-finding team is at work, inquiring into the various allegations against Bhuniya. Most of them (adoption agencies) are run by him under other names. But till the fact-finding team gives its report, nothing can be concluded."

Bhuniya does, however, have an open role as chairman of the Child Welfare Committee, East Midnapore. All children abandoned and surrendered in the district have to be produced before the committee within 24 hours.

If a person has control over the committee, he can send

children to the home of his preference.

The authorities have mostly been kind to Bhuniya. In 2004, the central agency wrote saying the same person could not head the voluntary co-ordinating agency, which later became the ACA, and the scrutiny agency and threatened action within 15 days, but it was a hollow roar.

Bhuniya asked that if the agency was unhappy with the situation, why did it renew his licence, in 2003 and 2006?

It was only in 2009 that action was taken against him by the Central Adoption Resource Agency when it did not renew his ACA licence on the ground that he had flouted its guidelines by remaining secretary for over two terms, and proposed another ACA. Lurking in the background was the suspicion that he was also controlling adoption agencies.

Bhuniya went to court, claiming he had not completed two terms and that another ACA could not be formed while his application for renewal was pending. He argued that since his ACA term began to run from 2006 and each term was for three years, there was no case against him. But he had also been heading the voluntary co-ordinating agency (the predecessor of the ACA) for several years.

Calcutta High Court has disposed of the case, instructing the two sides how to resolve the dispute. By October 28, Bhuniya was to reply to the complaints against him forwarded by the social welfare department. The renewal of his licence depends on what the authorities think of his reply.

This means the state is now without an ACA.

Bhuniya's Ramesh Mitra Road office, sprinkled with seven-eight employees, has little work as scrutiny duties have also ebbed with New Delhi insisting on using the Juvenile Justice Act.

Without work, the godfather of adoptions is now an angry godfather.