**REPORTABLE**

# IN THE SUPREME COURT OF INDIA

## CIVIL APPELLATE JURISDICTION

**LAKSHMI KANT PANDEY V. UNION OF INDIA (1984)**

**BENCH:** Mr. Justice P.N. Bhagwati, Mr. Justice R.S. Pathak & Mr. Justice Amarendra Nath Sen

**DECIDED:** February 6, 1984

***RATIO DECIDENDI & PRECEDENTIAL CRUX:***
***Foundational Supreme Court judgment laying down national guidelines and procedural safeguards governing inter-country and domestic child adoptions.***

### 1. Factual Matrix & Background:

An advocate addressed a letter to the Supreme Court complaining of rampant malpractices, child trafficking, and exploitation in inter-country adoptions of orphaned and abandoned Indian children by foreign nationals. The letter was treated as a PIL.

### 2. Substantive Legal Questions Framed:

What principles and regulatory safeguards must be established to ensure the welfare, safety, and legal rights of children given in domestic and inter-country adoption.

### 3. Analysis & Ratio Decidendi:

The Supreme Court delivered a historic judgment formulating comprehensive national adoption guidelines. The Court held that every child has a right to love, family, and moral development. Domestic adoption within India must always take priority over inter-country adoption. Only authorized agencies recognized by the government can process adoptions, establishing the regulatory foundation that later became CARA.

### 4. Principles Enunciated:

- 1. Child welfare and safety is the paramount consideration in all adoption proceedings.
- 2. Domestic adoption within the country has absolute priority over inter-country adoption.
- 3. Unlicensed private placement of children is illegal and punishable as child trafficking.

### 5. Practical Litigation Implications:

- Ensure adoption proceedings strictly comply with CARA regulations and court approvals to avoid allegations of illegal child placement or guardianship violations.

**.....J.**
**[SUPREME COURT BENCH]**

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