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INFORMAL CHILD ADOPTION AMONG THE NYISHI OF KRA DAADI DISTRICT, ARUNACHAL PRADESH: LEGAL INVISIBILITY, GENDER AND IDENTITY

~ *Awijet Tassar*

ABSTRACT

Informal child-care and child-placement practices among Nyishi families in Kra Daadi District of Arunachal Pradesh reveal a complex interface between customary practices, formal adoption law, gender norms, and children's legal and social identities. This study examines how children are received and raised within families without formal adoption orders and explores the legal and child-rights concerns arising from the limited codification of customary practices and the geographical distance from formal adoption institutions. The study adopts a doctrinal and empirical socio-legal methodology. The doctrinal component examines the Hindu Adoption and Maintenance Act, 1956, the Juvenile Justice (Care and Protection of Children) Act, 2015, the Adoption Regulations, 2022, and the constitutional framework applicable to Arunachal Pradesh, including Article 371H. The empirical component is based on fieldwork conducted in August 2026 across nine Circles of Kra Daadi District—Palin, Chambang, Yangte, Gangte, Tarak Langdi, Tali, Paye, Nyorik, and Pip Sorang—with 66 respondents selected through purposive and snowball sampling. The findings indicate that informal child placement is facilitated largely through kinship and community networks, contacts with persons working in local health institutions, and other informal channels, while access to specialised adoption institutions remains limited. The study also identifies gendered dimensions of such arrangements, particularly concerning the reception of girl and boy children and questions relating to clan affiliation, lineage, inheritance, and community identity. In remote areas, geographical inaccessibility further compounds these challenges. The study argues that the gap between customary child-care practices and formal legal mechanisms may create vulnerabilities concerning children's legal

identity, family status, inheritance, and access to institutional protection. It therefore proposes a locally accessible, child-centred facilitation mechanism involving the Child Welfare Committee, District Child Protection Unit, district administration, and appropriate community-level institutions, while ensuring that the best interests and rights of the child remain paramount.

Keywords: Informal Child Adoption; Child Placement; Child Rights; Customary Practices; Gender; Legal Identity; Nyishi; Kra Daadi

1. INTRODUCTION

Child adoption constitutes an important mechanism for providing children with family care, protection and legal recognition. In India, adoption is governed by a formal statutory and institutional framework intended to safeguard the best interests of the child and regulate the creation of a legally recognised parent-child relationship. The Juvenile Justice (Care and Protection of Children) Act, 2015 and the Adoption Regulations, 2022 constitute important components of this framework. The legal system also recognises certain forms of relative adoption, thereby providing a formal route for family-based care within the statutory framework.

However, the existence of formal adoption law does not necessarily mean that all children who are raised outside their birth families enter legally recognised adoptive relationships. In many communities, children may be received and brought up by relatives or other families through kinship, customary or community-based arrangements. Such arrangements may involve child entrustment, kinship care, guardianship or other adoption-like practices without completion of the formal adoption procedure. Consequently, a distinction must be maintained between formal legal adoption and informal child-placement or child-care practices. The latter may be socially accepted and beneficial to the child in particular circumstances, but may not confer the same legal status and protections as formal adoption.

This distinction assumes particular significance in remote tribal areas where customary practices remain important in family and community life and where access to formal institutions may be affected by geographical and administrative constraints. The interaction between customary practices and statutory law therefore raises an important socio-legal question: whether children placed in informal care arrangements receive adequate protection of their legal status, identity, family relationships and other rights.

The Nyishi community of Kra Daadi District, Arunachal Pradesh, provides a significant setting for examining this issue. The district comprises geographically dispersed and

predominantly rural communities, where access to formal child-protection and adoption institutions may be difficult for families living in remote areas. In such circumstances, community and kinship networks may provide an accessible means through which children are received and raised within other households. While these arrangements may fulfil important social and humanitarian functions, their informal nature may also create uncertainty regarding the child's legally recognised relationship with the receiving family.

The legal dimension of the issue is particularly important because the contemporary adoption framework in India is child-centred and seeks to ensure that adoption is carried out through legally prescribed procedures. Section 56 of the Juvenile Justice (Care and Protection of Children) Act, 2015 provides the statutory basis for adoption, while the Adoption Regulations, 2022 prescribe detailed procedures concerning adoption and the responsibilities of relevant authorities and institutions. The Central Adoption Resource Authority and child-protection institutions play important roles in facilitating and regulating formal adoption. The practical accessibility of these mechanisms in geographically remote districts, however, requires empirical examination.

Informal child-placement practices also raise questions concerning gender. Family decisions regarding the reception and upbringing of children may be influenced by expectations relating to lineage, inheritance, family continuity and community identity. In the Nyishi context, questions of clan affiliation and lineage may become significant when a child is incorporated into another household. The present study therefore examines whether gender influences the reception of children and whether boys and girls experience different social or legal consequences within informal arrangements. Such issues are examined on the basis of empirical evidence rather than by presuming the existence of gender preference or discrimination.

The question of identity is closely connected with legal recognition. A child raised in another household through an informal arrangement may experience uncertainty concerning parental particulars, family affiliation, community identity, inheritance and official documentation. The distinction between social acceptance within a family and legal recognition before public authorities may consequently become significant. These concerns are particularly relevant where community or customary notions of lineage intersect with requirements for official identity and legal entitlements.

The constitutional context of Arunachal Pradesh also forms part of the broader legal setting of the study. Article 371H of the Constitution contains special provisions concerning

Arunachal Pradesh. However, it does not itself establish a separate legal regime for adoption or expressly recognise informal Nyishi adoption practices. Its relevance to this study is therefore considered within the broader constitutional context of the State rather than as a direct source of adoption law.

Against this background, the present study examines informal child adoption and related child-placement practices among the Nyishi of Kra Daadi District and their relationship with India's formal adoption framework. The study adopts a doctrinal and empirical socio-legal approach, combining analysis of relevant legislation and regulations with field-based evidence collected across the district. Particular attention is given to the nature of informal child placement, accessibility of formal adoption mechanisms, gender-related dimensions, and consequences for children's legal and social identity.

The central argument of this article is that the principal concern is not simply the existence of customary or informal child-care practices, but the gap between socially recognised child-placement arrangements and formal legal mechanisms for recognising and protecting children's rights. Where this gap persists, children may face uncertainty concerning legal identity, family status, inheritance and institutional protection. A suitable response therefore requires greater institutional accessibility and culturally sensitive facilitation while maintaining the best interests, dignity, equality and rights of the child as the primary considerations.

The article accordingly seeks to contribute to the socio-legal understanding of informal child adoption in tribal and geographically remote communities. By examining legal invisibility, gender and identity together, it seeks to demonstrate how customary family practices and formal child-protection law can be examined in a manner that respects legitimate community-based care while ensuring effective legal protection for children.

1.1 Background

Child adoption in India is closely connected with child protection, legal parentage, identity, family belonging, inheritance and the welfare and best interests of the child. Adoption creates a legally recognised parent-child relationship and provides a framework for children to receive family care and protection. Depending on the applicable legal framework, adoption may also have consequences for family status, maintenance, succession and other incidents of legal parentage.¹ In tribal communities, however, child-care and family relationships may

¹ Juvenile Justice (Care and Protection of Children) Act, 2015, s. 2(2).

also be shaped by customary practices involving kinship, clan affiliation, lineage, customary identity and community acceptance. This creates an important interface between formal adoption law and community-based child-care practices.²

The question of identity assumes particular significance in the context of the Nyishi community of Kra Daadi District, Arunachal Pradesh. A child's identity may involve family and clan affiliation, social belonging and, where relevant, official documentation and recognition. Family membership may also have implications for social acceptance, inheritance and property-related claims. Where a child is received and brought up in another household, particularly where questions of family or clan affiliation arise, the arrangement may therefore extend beyond care and upbringing to issues of lineage, identity, inheritance and succession. These issues may acquire further significance where customary understandings of lineage and inheritance operate alongside formal legal requirements.³

The formal adoption framework in India includes the Hindu Adoptions and Maintenance Act, 1956, the Juvenile Justice (Care and Protection of Children) Act, 2015, as amended, and the Adoption Regulations, 2022.⁴ The statutory framework provides for regulated adoption procedures and involves institutions such as the Central Adoption Resource Authority, State-level adoption authorities, Specialised Adoption Agencies and Child Welfare Committees.⁵ At the same time, the practical accessibility of these formal mechanisms may vary across geographically remote and predominantly tribal areas. This raises the question of how children who enter families through informal or customary arrangements are situated in relation to the formal legal system and whether their rights and identity receive adequate legal protection.

1.2 Statement of the Problem

The formal legal framework governing child adoption in India provides a regulated mechanism for establishing a legally recognised parent-child relationship and safeguarding the best interests and rights of the child. However, in geographically remote and

² Tarh Ramya, "Nyishi Customary Laws on Property and Inheritance," in Sarthak Sengupta and Juri Borah (eds.), *Socio-Cultural Contours of North-East India* 39–54 (Mittal Publications, New Delhi, 2022).

³ Id. at 39–54.

⁴ Hindu Adoptions and Maintenance Act, 1956; Juvenile Justice (Care and Protection of Children) Act, 2015; Adoption Regulations, 2022.

⁵ Juvenile Justice (Care and Protection of Children) Act, 2015, ss. 56–70; Adoption Regulations, 2022.

predominantly tribal areas such as Kra Daadi District of Arunachal Pradesh, children may also enter and remain in families through informal arrangements based on kinship, community relationships and customary practices without undergoing the formal adoption process.

The central problem examined in this study is therefore the gap between socially recognised child-placement practices and the formal legal mechanisms governing adoption and child protection. Such arrangements cannot uniformly be characterised as formal adoption or as unlawful adoption, since they may represent different forms of kinship care, child entrustment, guardianship or adoption-like placement. Nevertheless, where these arrangements remain outside formal legal processes, questions may arise concerning the child's legal status, identity, family affiliation, inheritance and access to institutional protection.

The problem is further complicated by the interaction between Nyishi customary practices and statutory adoption law, particularly where customary understandings of family, clan, lineage and inheritance differ from the requirements of formal legal recognition. Gender may also influence the reception and placement of children and the manner in which questions of lineage, family identity and inheritance are understood. Geographical remoteness and limited access to formal adoption institutions may further restrict the ability of families to utilise legally recognised procedures.

Accordingly, the study seeks to examine how informal child-placement practices among the Nyishi of Kra Daadi District interact with the formal adoption framework, what legal and child-rights concerns emerge from this interface, and whether the existing institutional and legal mechanisms are sufficiently accessible and responsive to the socio-cultural and geographical realities of the district. The study ultimately seeks to identify measures that can reconcile legitimate customary and community-based child-care practices with a child-centred, legally secure and culturally sensitive framework for the protection of children's rights.

1.3 Arunachal Pradesh as a Distinct Legal Context and Kra Daadi District

Arunachal Pradesh presents a distinctive legal and socio-cultural context for examining child adoption because formal statutory law operates alongside diverse tribal customary practices. The Constitution of India recognises a special constitutional framework for Arunachal

Pradesh under Article 371H. However, Article 371H should not be understood as providing a general exemption from the operation of statutory child-protection or adoption laws. Rather, the interaction between statutory law, customary practices and institutional mechanisms requires examination within the specific socio-cultural and geographical circumstances of the State.⁶

The applicability of the Hindu Adoptions and Maintenance Act, 1956, also requires particular consideration in relation to Scheduled Tribes. Section 2(2) of the Act provides that its provisions do not apply to members of Scheduled Tribes within the meaning of Article 366(25) of the Constitution unless the Central Government, by notification in the Official Gazette, otherwise directs.² This provision is relevant to the Nyishi community because it necessitates an examination of the applicable legal basis for adoption where customary practices coexist with the statutory adoption framework under Indian law.⁷

Kra Daadi District, created in 2015, constitutes the principal geographical area of the present study. The district includes the administrative areas of Palin, Chambang, Yangte, Gangte, Tarak Langdi, Tali and Pip Sorang, while Paye and Nyorig are also covered for the purposes of the present field study. The district is predominantly inhabited by tribal communities, with the Nyishi constituting the principal community relevant to this study. It's difficult terrain, geographical remoteness and limited institutional infrastructure provide an important context for examining access to formal child-protection and adoption mechanisms.⁸

The availability and accessibility of child-protection institutions are particularly relevant to the implementation of adoption law in such a setting. The establishment of the Child Welfare Committee in Kra Daadi and the geographical distance between the district and specialised adoption institutions are important factors in assessing whether families can practically access formal adoption procedures. These circumstances may influence awareness, accessibility, reporting, documentation and engagement with the statutory child-protection system.⁹

⁶ The Constitution of India, 1950, art. 371H.

⁷ The Hindu Adoptions and Maintenance Act, 1956, No. 78 of 1956, § 2(2), read with The Constitution of India, 1950, art. 366 (25).

⁸ District Kra Daadi, Government of Arunachal Pradesh, "About District," Government of Arunachal Pradesh, available at: <https://kradaadi.nic.in/about-district> / (last visited Sept. 4, 2026).

⁹ The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016, §§ 27–30, 38, 56–68; Adoption Regulations, 2022, G.S.R. 726(E), Ministry of Women and Child Development, Government of India, Gazette of India, Extraordinary, Part II, sec. 3(i), 23 September 2022.

The geographical and institutional context of Kra Daadi therefore provides an important basis for examining the relationship between formal adoption law and community-based child-care arrangements. Rather than assuming that informal child placement constitutes either valid adoption or unlawful conduct, the present study examines the different forms of child-care, entrustment, kinship care and adoption-like arrangements encountered in the community and considers their implications for the child's legal status, identity, family affiliation and rights.¹⁰

RESEARCH QUESTIONS

Q1. How do informal child adoption and child-placement practices operate among the Nyishi community in Kra Daadi District, Arunachal Pradesh?

Q2. What legal, socio-cultural and gender-related factors influence the acceptance, recognition and documentation of children placed through informal adoption and related child-placement practices?

Q3. What are the implications of such informal practices for the child's legal identity, birth and other official documentation, inheritance, family affiliation and rights?

3. OBJECTIVES OF THE STUDY

The study seeks to achieve the following objectives:

1. To examine the nature and modes of informal child adoption and child-placement practices among the Nyishi community in Kra Daadi District, Arunachal Pradesh.
2. To analyse the relationship between such informal practices and the statutory legal framework governing child adoption in India.
3. To examine the implications of informal child adoption for legal recognition, gender, identity, lineage, inheritance and child rights, with particular reference to the phenomenon of legal invisibility.
4. To suggest appropriate legal, institutional and community-based measures for addressing gaps in legal recognition and safeguarding the identity, rights and best interests of children involved in informal adoption practices.

5. RESEARCH GAP

¹⁰ The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016, §§ 56–68; Adoption Regulations, 2022, G.S.R. 726(E), Ministry of Women and Child Development, Government of India, Gazette of India, Extraordinary, Part II, sec. 3(i), 23 September 2022.

Existing scholarship on child adoption in India has predominantly examined the formal statutory and institutional framework governing adoption. Comparatively limited empirical research has examined informal child adoption and child-placement practices within tribal communities of Arunachal Pradesh, particularly among the Nyishi community of Kra Daadi District. The interaction between community-based child-placement practices and the formal adoption framework therefore remains insufficiently explored.

A further gap exists in understanding the legal consequences of informal child-placement arrangements where formal adoption procedures and documentation are not consistently followed. In particular, questions concerning legal recognition, parentage, birth registration, identity documentation, family affiliation and inheritance require greater empirical and legal examination. The extent to which these issues contribute to the legal invisibility of children placed through informal arrangements has received limited attention.

Existing research also provides insufficient analysis of the gender dimension of informal child adoption in tribal communities. The possible influence of preferences for male children, differential treatment of boys and girls, and the implications of informal placement for children's identity and rights require closer examination.

Finally, there is a limited body of research connecting customary child-placement practices, statutory adoption law, gender and children's identity within a single empirical legal study. The present study seeks to address this gap by examining informal child adoption and related child-placement practices among the Nyishi community in Kra Daadi District, their relationship with India's statutory adoption framework, and their implications for legal recognition, gender, identity, lineage, inheritance and child rights.

REVIEW OF LITERATURE

The literature on child adoption in India may broadly be understood through the statutory framework governing formal adoption and the customary and community-based arrangements through which children may become part of families. The formal legal framework is principally reflected in the Hindu Adoptions and Maintenance Act, 1956 (HAMA), the Juvenile Justice (Care and Protection of Children) Act, 2015 and the Adoption Regulations, 2022. These instruments establish different legal routes and institutional mechanisms concerning adoption and seek to ensure that adoption is legally recognised and

carried out in accordance with prescribed safeguards.¹¹ The statutory framework consequently provides an important benchmark against which informal child adoption and child-placement practices can be examined.

The position of Scheduled Tribes introduces an important dimension to the study of adoption in India. Section 2(2) of HAMA expressly excludes members of Scheduled Tribes from the operation of the Act unless the Central Government otherwise directs by notification.¹² Consequently, the legal position of adoption among tribal communities cannot automatically be determined by applying HAMA in the same manner as it applies to communities falling within its ordinary scope. This makes it necessary to examine the interaction between statutory adoption law, customary practices and the particular social context of the concerned tribal community.

The significance of customary law in the social organisation of the Nyishi community has been examined by Tarh Ramya in her study on Nyishi customary laws relating to property and inheritance. Ramya documents customary rules concerning property, inheritance and succession and notes the continuing significance of customary norms in regulating social relationships among the Nyishi.¹³ Importantly for the present study, the work also discusses inheritance involving natural and adopted children, thereby demonstrating the relevance of adoption to questions of family membership and succession within Nyishi customary practice.¹⁴

RESEARCH METHODOLOGY

The present study adopts an empirical legal research design supported by doctrinal analysis. The doctrinal component examines the relevant constitutional and statutory framework governing child adoption in India, particularly the Hindu Adoptions and Maintenance Act, 1956, the Juvenile Justice (Care and Protection of Children) Act, 2015, and the Adoption Regulations, 2022. Relevant judicial decisions, government materials and scholarly literature concerning adoption, customary law, child rights and the Nyishi community are also examined to understand the legal framework applicable to the subject.

¹¹ The Hindu Adoptions and Maintenance Act, 1956, No. 78 of 1956; The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016; Adoption Regulations, 2022, G.S.R. 726(E).

¹² The Hindu Adoptions and Maintenance Act, 1956, § 2(2), read with art. 366(25), Constitution of India, 1950.

¹³ Tarh Ramya, "Nyishi Customary Laws on Property and Inheritance," in Sarthak Sengupta & Juri Borah (eds.), *Socio-Cultural Contours of North-East India* 39–54 (Mittal Publications, New Delhi, 2022).

¹⁴ Tarh Ramya & T. Ramjuk, "Changing Cultural Practices among the Nyishis of Arunachal Pradesh: A Contextual Study," *International Journal of Research and Analytical Reviews*, Vol. 5, No. 2, pp. 619–624 (2018).

The empirical component focuses on the Nyishi community of Kra Daadi District, Arunachal Pradesh, with particular reference to informal child adoption and related child-placement practices during the period 2010–2025. Primary data were collected through a structured questionnaire and interviews from 66 respondents drawn from relevant stakeholder groups and persons having knowledge or experience of child-placement practices. The field study covered the selected locations within Kra Daadi District.

The respondents were selected through purposive sampling, as the study required participants having direct knowledge, experience or institutional responsibility concerning child adoption, child protection or community-based child-placement practices. The stakeholder groups included prospective adoptive parents or families, child-protection authorities, officials associated with child-care and adoption institutions, and traditional or community representatives, wherever relevant.

The empirical inquiry examines the nature and modes of informal child placement, reasons for such arrangements, awareness and accessibility of formal adoption procedures, documentation practices, gender preferences, family affiliation, identity, lineage, inheritance and child rights. The study distinguishes between formal adoption, child entrustment, kinship care, guardianship and adoption-like or informal child placement, rather than assuming that every informal arrangement constitutes either a legally valid adoption or an unlawful act.

The primary data are analysed using descriptive and thematic methods. Responses to objective or multiple-choice questions are presented through simple frequencies and percentages where appropriate, while responses relating to experiences, reasons, practices and perceptions are analysed thematically. The empirical findings are then examined in conjunction with the doctrinal legal analysis to identify the relationship between community-based practices and formal legal requirements.

Particular attention is given to issues of legal recognition, documentation, birth and identity records, family affiliation, lineage, inheritance, gender and child rights. The study also examines institutional, socio-cultural, geographical and awareness-related factors that may affect access to formal adoption and child-protection mechanisms.

The study observes appropriate ethical safeguards in the collection and presentation of empirical data. Personal identifying information concerning children and respondents is not

disclosed, and information is presented in a manner intended to preserve confidentiality and protect the privacy and dignity of persons involved. The study also recognises the sensitivity of informal child-placement practices and avoids making assumptions regarding the legality or validity of individual arrangements without examining their particular circumstances.

The study is geographically limited to Kra Daadi District and focuses specifically on the Nyishi community. Its findings therefore cannot automatically be generalised to all tribal communities of Arunachal Pradesh. Nevertheless, the findings may provide useful insights for developing culturally sensitive, accessible and child-centered approaches to adoption and child protection in tribal areas.

CONCEPTUAL AND LEGAL FRAMEWORK

7.1 Conceptualising Informal Child Adoption and Related Child-Placement Practices

The expression “informal child adoption” in this study refers broadly to situations in which a child is placed with or raised by persons other than the child’s biological parents through family, kinship, community or other arrangements without completing the formal legal procedure prescribed for adoption. The term is used as an analytical category and does not, by itself, determine the legal validity or invalidity of a particular arrangement.

For the purposes of this study, it is important to distinguish formal adoption, child entrustment, kinship care, guardianship and adoption-like or informal child placement. Formal adoption creates a legally recognised parent-child relationship in accordance with the applicable statutory framework. Child entrustment may involve placing a child temporarily or permanently in the care of another person without necessarily creating a legal parent-child relationship. Kinship care refers to care provided by relatives or members of the extended family, while guardianship concerns the legal care and protection of a child without necessarily producing the same legal consequences as adoption. Adoption-like or informal placement describes arrangements which may socially resemble adoption but have not been completed through the legally prescribed process.

This distinction is central to the present study because community recognition of a child as a member of another family may not necessarily correspond with formal legal recognition. Such a difference may create a condition of legal invisibility, used in this study to describe

situations where a child's social or familial placement is not adequately reflected in formal legal records, documentation or recognised parentage. Legal invisibility may have consequences for birth and identity records, family affiliation, lineage, inheritance and access to rights and services.

The conceptual framework also considers gender and identity as interconnected dimensions of informal child placement. Gender is examined in relation to possible preferences, expectations and differential treatment concerning boys and girls, while identity concerns the child's legal and social affiliation with the biological and receiving family. These dimensions are examined empirically rather than assumed in advance.

7.2 Statutory Legal Framework Governing Child Adoption

The statutory framework governing child adoption in India principally includes the Juvenile Justice (Care and Protection of Children) Act, 2015 and the Adoption Regulations, 2022. The Juvenile Justice Act provides the statutory framework for adoption of children covered by the Act and establishes institutional mechanisms relating to child protection and adoption. Sections 56 to 68 deal specifically with adoption and the institutional framework associated with it. The Adoption Regulations, 2022 prescribe the procedures and safeguards governing adoption under the statutory system. The statutory framework is relevant to the present study because it establishes the formal route through which adoption is legally recognised and regulated. It also provides a basis for examining the consequences of arrangements in which children are placed within families outside the formal adoption process.

The Hindu Adoptions and Maintenance Act, 1956 (HAMA) requires separate consideration. Section 2(2) provides that the Act does not apply to members of Scheduled Tribes within the meaning of Article 366(25) of the Constitution unless the Central Government otherwise directs by notification. Accordingly, the applicability of HAMA cannot simply be presumed in relation to the Nyishi community. The study therefore considers HAMA as part of the broader Indian adoption-law framework while examining the specific legal position applicable to Scheduled Tribes.

7.3 Customary Law and Its Interaction with Formal Law

The Nyishi community has historically regulated several aspects of family and social relationships through customary norms. Such norms may influence family membership, child care, property and inheritance. The existence of customary practices is therefore relevant to understanding why community-based child-placement arrangements may operate alongside, or separately from, formal statutory procedures.

The present study does not treat customary practice as automatically equivalent to statutory adoption. Instead, it examines how customary understandings of family relationships interact with formal legal requirements and whether such interaction creates gaps in legal recognition, documentation and protection of children's rights.

7.4 Child Rights, Identity and the Best Interests of the Child

The legal framework is further examined from a child-rights perspective. Adoption and child-placement arrangements should be assessed not merely in terms of the interests or preferences of adults but also in terms of the best interests, identity, dignity, security and rights of the child. The present study therefore considers whether informal arrangements adequately protect the child's legal identity, family affiliation, inheritance interests and access to official documentation and child-protection mechanisms.

The conceptual and legal framework consequently provides the basis for analysing the empirical findings. It enables the study to examine whether and how informal child-placement practices among the Nyishi correspond with, differ from, or remain outside the formal legal framework, and what implications such differences may have for gender, identity, legal recognition and child rights.

5. NYISHI COMMUNITY, CUSTOMARY PRACTICES AND INFORMAL CHILD PLACEMENT IN KRA DAADI DISTRICT

5.1 Nyishi Social and Kinship Context

The Nyishi community constitutes one of the major indigenous tribal communities of Arunachal Pradesh and provides the principal socio-cultural context of the present study.

Family relationships, kinship, clan affiliation and customary practices continue to influence family life, child-rearing and social identity. Within this social setting, children may, in certain circumstances, be raised by persons other than their biological parents through family, kinship or community-based arrangements.¹⁵

Such arrangements may arise from different personal and family circumstances, including absence of biological children, the desire for a male child, economic difficulties, family problems or the need to provide care to a child in a vulnerable situation. The social acceptance of a child within a receiving household, however, does not necessarily create the same legal consequences as formal adoption. The distinction between social family membership and legally recognised parentage is therefore important to the present study.¹⁶

The study also recognises the continuing relevance of customary social norms in regulating family and community relationships. However, the existence of customary practices should not automatically be equated with a codified customary law of adoption. The present study accordingly examines the actual practices through which children become part of other households and considers whether such arrangements constitute kinship care, child entrustment, guardianship or adoption-like informal placement.¹⁷

5.2 Geographical and Institutional Context

Kra Daadi District presents distinctive geographical and institutional conditions relevant to access to formal adoption and child-protection mechanisms. Mountainous terrain, dispersed settlements, difficult transportation and institutional distance may affect the ability of families to approach competent authorities and specialised adoption institutions.¹⁸

The present field study covers nine locations: Palin, Chambang, Yangte, Gangte, Tarak Langdi, Tali, Pip Sorang, Paye and Nyorik. This geographical coverage provides an opportunity to examine variations in child-placement practices, awareness of adoption procedures and access to child-protection institutions across the study area. The accessibility of institutions is particularly significant because formal adoption requires interaction with the statutory child-protection and adoption system. Limited awareness, distance from relevant institutions, transportation difficulties and the perceived complexity of formal procedures

¹⁵ Tarh Ramya, "Nyishi Customary Laws on Property and Inheritance," in Sarthak Sengupta & Juri Borah (eds.), *Socio-Cultural Contours of North-East India* 39–54 (Mittal Publications, New Delhi, 2022).

¹⁶ The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016, §§ 56–63.

¹⁷ Tarh Ramya, *supra* note 1, at 39–54.

¹⁸ District Kra Daadi, Government of Arunachal Pradesh, "About District" (last visited Sept. 4, 2026).

may influence the decision of families to rely upon familiar family or community-based arrangements instead of formal adoption mechanisms.¹⁹

5.3 Nature of Informal Child-Placement Practices

The field inquiry indicates that informal child-placement practices among the Nyishi may occur outside the prescribed statutory adoption procedure. Children may be placed with relatives, extended family members or other households through personal, familial or community relationships. In some cases, such arrangements may be based primarily on verbal understanding or family consent without a formal written adoption document.²⁰

The reasons for informal placement vary according to individual family circumstances. The field accounts indicate situations involving families without biological children, families without a male child, economic or household difficulties, and circumstances in which a child requires care because of difficult or uncertain parental circumstances. Some children may also enter households through personal connections, including connections involving persons associated with health-care institutions, while limited instances may involve children coming through charitable or religious institutions outside Arunachal Pradesh.

A significant feature of these arrangements is the limited involvement of formal adoption agencies. The absence of formal documentation does not necessarily mean that the receiving family does not regard the child as its own. Rather, the child may be fully accepted socially and raised as a member of the household while the formal legal relationship of parent and child remains undocumented or uncertain. This distinction forms an important basis for the subsequent legal analysis.²¹

5.4 Empirical Findings

The empirical inquiry indicates a substantial difference between community-based child-placement practices and the formal statutory adoption system. While some families are aware of and follow formal adoption procedures, many reported or identified arrangements

¹⁹ The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016, §§ 56–68; *Adoption Regulations, 2022*, G.S.R. 726(E), Ministry of Women and Child Development, Government of India, Gazette of India, Extraordinary, Part II, sec. 3(i), 23 September 2022.

²⁰ Researcher's fieldwork conducted in Kra Daadi District, August 2026, based on structured interviews and field observations.

²¹ The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016, § 80; *Adoption Regulations, 2022*, G.S.R. 726(E).

have developed through family, kinship or personal networks without involvement of adoption agencies.

The reasons for not following formal procedures include limited knowledge and awareness, geographical and institutional barriers, the perceived length or complexity of the formal process, and apprehension concerning official scrutiny or possible legal consequences. These factors may encourage families to rely on informal arrangements that are socially accepted within their immediate community.

The collection of reliable information on informal adoption is itself challenging. Families may be reluctant to disclose details concerning the placement of a child because of privacy concerns, fear of social consequences, apprehension about official intervention or the belief that disclosure could create difficulties for the receiving family. Consequently, the empirical findings should not be interpreted as establishing the exact prevalence of informal child adoption in the district. Rather, they demonstrate the existence of a gap between socially recognised child placement and formal legal recognition, which requires further examination in relation to legal identity, gender, family affiliation, inheritance and child rights.²²

6. LEGAL INVISIBILITY, GENDER AND IDENTITY

6.1 Legal Invisibility

Informal child placement may create a gap between the child's social status within the receiving family and the child's formal legal status. Where a child is raised by persons other than the biological parents without completing the prescribed adoption procedure, the social relationship may be recognised within the family and community without necessarily producing a corresponding legally recognised parent-child relationship.²³

This condition may be understood in the present study as legal invisibility. It does not necessarily mean that the child has no legal rights; rather, it refers to the difficulty of reflecting the child's actual social and familial circumstances within formal legal and administrative records. The absence or inadequacy of formal adoption documentation may

²² Researcher's fieldwork conducted in Kra Daadi District, August 2026.

²³ The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016, §§ 56–63.

create difficulties concerning proof of parentage, birth and identity records, family affiliation and access to legal entitlements.²⁴

The issue is therefore not simply whether an informal placement is lawful or unlawful. The more significant question is whether the existing legal and institutional framework adequately protects children whose social family relationships have developed outside the formal adoption system.

6.2 Gender Dimensions

Gender constitutes an important dimension of informal child-placement practices. The empirical inquiry examines whether gender preferences influence decisions concerning the placement or acceptance of children, particularly whether families demonstrate a preference for male children because of perceived expectations relating to family continuity, lineage or other socio-cultural considerations.²⁵

The field accounts indicate that male-child preference may be present in some family circumstances, particularly among families without a biological male child. However, such observations should not be generalised to the entire Nyishi community without considering variations between families and localities. The study therefore examines gender as an empirical issue rather than assuming that all informal placements are motivated by gender preference.

The implications of gender preference extend beyond the initial decision to accept a child. Differential expectations concerning boys and girls may affect family affiliation, inheritance, identity and the manner in which the child is treated within the receiving household. These issues require examination from the perspective of equality, dignity and the best interests of the child.²⁶

6.3 Child Identity and Family/Clan Affiliation

Identity is a significant legal and social consequence of informal child placement. A child who is raised in a receiving family may develop a strong social identity with that

²⁴ Adoption Regulations, 2022, G.S.R. 726(E), Ministry of Women and Child Development, Government of India, Gazette of India, Extraordinary, Part II, sec. 3(i), 23 September 2022.

²⁵ Researcher's fieldwork conducted in Kra Daadi District, August 2026.

²⁶ Constitution of India, 1950, arts. 14–15; The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016, § 3.

family, while formal records may continue to reflect the biological parents or may not adequately record the child's actual family circumstances.²⁷

Within the Nyishi social context, family and clan affiliation may have particular importance for social identity and family relationships. Informal placement may therefore raise questions concerning the child's name, parentage, clan affiliation and relationship with both the biological and receiving families.

The absence of formal documentation may make it difficult to establish the child's complete family history and legal relationship with the receiving family. Such difficulties may become more significant when the child reaches adulthood and requires documentary proof of identity, family relationship or other legal status.

6.4 Inheritance and Succession

Informal child placement may have significant implications for inheritance and succession, particularly where the relationship between the child and the receiving family is not formally documented. The field inquiry indicates that some adopted children may face difficulties in claiming ancestral or other immovable property, particularly following the death of the adoptive parents. Such difficulties appear to be more significant in relation to ancestral or inherited immovable property than in relation to the self-acquired property of the adoptive parents, where the disposition of property may depend substantially upon the wishes of the parents and prevailing customary practices.

Gender also influences the experience of adopted children in matters of property and succession. The field accounts indicate that customary practices have historically tended to favour male members in matters of property and succession. Consequently, adopted girls, like biological daughters, may have limited access to immovable property in some families. However, the field inquiry also indicates that such practices are not uniform. Some families reportedly provide property or other forms of succession to daughters. Increasing education and changing social attitudes appear to be contributing to gradual changes in these practices,

²⁷ Convention on the Rights of the Child, 1989, arts. 7–8.

with some families increasingly making provision for daughters through property or other forms of succession.²⁸

The distinction between social recognition and legally enforceable inheritance rights is therefore significant. An adopted child may be treated as a member of the receiving family for purposes of residence, care and social relationships while facing uncertainty regarding property and succession rights. The present study accordingly examines whether customary recognition of an adopted child as a family member translates into effective and non-discriminatory rights in relation to family property and succession.

6.5 Child-Rights Implications

The child-rights implications of informal adoption must be assessed in light of the statutory framework governing children and the broader principles of child protection recognised under international law. The legal framework emphasises the best interests, dignity, equality, identity and protection of the child. However, the field inquiry indicates that the practical treatment of children placed through informal arrangements may vary between families. Some families reportedly treat adopted children in the same manner as biological children, while others may differentiate between them in matters of family membership, discipline, property, identity or other aspects of family life.²⁹

Such differential treatment may become more apparent when an adopted child does not conform to family expectations or is perceived as having acted contrary to family norms. In some instances, discrimination may arise in response to the child's conduct or perceived failure to follow family expectations, while in other instances it may be associated with limited awareness of the child's rights or of the legal consequences of informal adoption. The field findings therefore suggest that discrimination is not uniform and cannot be attributed to all families practising informal child placement.

Although the present study focuses specifically on the Nyishi community of Kra Daadi District, the issues identified may have wider relevance to tribal communities where customary child-care and child-placement arrangements operate without formal legal documentation. The absence of formal recognition may leave some children unable to enjoy

²⁸ Tarh Ramya, *supra* note 1, at 49–53.

²⁹ Convention on the Rights of the Child, 1989, art. 3; The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016, § 3.

their family, identity, inheritance and other rights in practice to the same extent as children whose parent-child relationship is formally recognised. The central child-rights concern is therefore not merely the existence of customary child-placement practices, but whether such practices adequately safeguard the equality, dignity, identity, security, family relationships and best interests of every child, irrespective of whether the child is biologically born into or informally placed within the receiving family.

7. DISCUSSION AND POLICY RECOMMENDATIONS

7.1 Discussion of the Principal Findings

The findings of the study indicate that the principal challenge is not simply the existence of child-placement arrangements outside the formal adoption system, but the absence of a clear legal and institutional pathway for addressing such arrangements. The social acceptance of a child within a receiving family does not necessarily correspond with legal recognition of the relationship. This creates a gap between the child's lived family circumstances and the formal legal system, particularly where the arrangement continues over a prolonged period.³⁰

The study also demonstrates that informal child placement is shaped by a combination of family circumstances, customary relationships, gender considerations, geographical limitations and accessibility of institutions. These factors suggest that the continuation of informal arrangements cannot be addressed through a purely prohibitory approach. A meaningful legal response must recognise the circumstances in which such arrangements arise while ensuring that the rights and best interests of the child remain paramount.

A central implication is the need to distinguish between different forms of child placement. Adoption creates a legally recognised parent-child relationship, whereas kinship care, guardianship, child entrustment and other informal arrangements may serve different purposes and carry different legal consequences. Treating all such arrangements as "informal adoption" may therefore obscure the actual legal issue. Proper identification and

³⁰ Researcher's fieldwork conducted in Kra Daadi District, Arunachal Pradesh, August 2026.

classification of each arrangement is necessary before determining the appropriate legal and protective response.³¹

7.2 Legal Implications of Informal Child Placement

The principal legal concern arising from informal placement is uncertainty regarding the child's legal relationship with the receiving family. Social recognition alone may not provide the same legal protection as a formally established parent-child relationship. This becomes particularly important where questions subsequently arise concerning identity, family status, maintenance, succession or other legal entitlements.

The concept of “legal invisibility” used in this study refers to the gap between social reality and formal legal recognition. It does not mean that the child has no legal rights. Rather, it describes circumstances in which the child's actual family and care arrangements are inadequately reflected in official records or are not supported by a clearly established legal relationship. The appropriate response should therefore be to improve identification, documentation, counseling and access to lawful procedures rather than merely to penalise families.³²

Where the intention of the parties is to establish a permanent parent-child relationship through adoption, the competent statutory mechanism should be used. Where the circumstances instead indicate kinship care, temporary entrustment or guardianship, the child should receive appropriate protection without artificially converting every such arrangement into adoption. This distinction can provide greater legal certainty while preventing the child's welfare from being subordinated to procedural or social considerations.

7.3 Gender, Identity and Inheritance: Wider Legal Implications

Gender considerations demonstrate that informal child-placement practices may have consequences beyond the immediate question of care. Where preference for a particular sex influences the selection or treatment of children, the principle of equality requires that such preferences should not result in discrimination or unequal treatment. Child-protection

³¹ The Juvenile Justice (Care and Protection of Children) Act, 2015 (Act 2 of 2016), ss. 56–68; Adoption Regulations, 2022, G.S.R. 726(E), Ministry of Women and Child Development, Government of India, Gazette of India, Extraordinary, Part II, sec. 3(i), September 23, 2022.

³² Convention on the Rights of the Child, 1989, arts. 3, 7–8.

interventions should therefore ensure equal consideration of boys and girls in matters of care, education, family belonging, identity and future opportunities.³³

Identity presents a related concern. For a child raised in a family different from the biological family, uncertainty regarding name, family affiliation or clan relationships may create difficulties when social identity and official documentation do not correspond. The protection of identity should consequently form an integral part of any response to informal child placement.³⁴

Inheritance raises a further dimension of legal uncertainty. Where a child is socially treated as a member of a receiving family but the legal basis of that relationship remains unclear, questions concerning succession and property may arise, particularly after the death of the persons providing care. Existing scholarship concerning Nyishi customary practices indicates the significance of customary rules relating to property and inheritance, including the significance traditionally attached to male lineage.³⁵

7.4 Institutional and Administrative Implications

The findings have significant implications for the implementation of child-protection and adoption mechanisms in geographically remote tribal districts. The effectiveness of statutory law depends not only upon the existence of legal provisions but also upon the ability of families to access competent institutions and understand the procedures available to them.

A district-level approach is therefore necessary. The Child Welfare Committee and District Child Protection Unit should function as accessible points for information, preliminary assessment, counseling and referral in appropriate cases. Where formal adoption is intended, cases should be connected with the competent adoption authorities and agencies. Where the circumstances indicate another form of care or placement, the child should nevertheless be assessed from the perspective of safety, identity and welfare.³⁶

³³ The Constitution of India, arts. 14–15; The Juvenile Justice (Care and Protection of Children) Act, 2015 (Act 2 of 2016), s. 3.

³⁴ Convention on the Rights of the Child, 1989, arts. 7–8.

³⁵ Tarh Ramya, “Nyishi Customary Laws on Property and Inheritance,” in Sarthak Sengupta & Juri Borah (eds.), *Socio-Cultural Contours of North-East India* 39–54 (Mittal Publications, New Delhi, 2022).

³⁶ The Juvenile Justice (Care and Protection of Children) Act, 2015 (Act 2 of 2016), ss. 27–30.

Community-level participation may also assist implementation. Trusted local representatives can contribute to awareness and referral, particularly in remote areas, but their role should remain complementary to that of legally competent child-protection authorities. Community participation should facilitate access to the formal system rather than create a parallel system of adoption outside the law.

7.5 Policy Recommendations

In light of the legal and institutional implications identified above, the following measures are recommended:

(i) Strengthening Community-Level Legal Awareness. Regular awareness programmes should explain the difference between adoption, kinship care, guardianship, child entrustment and other forms of child placement, together with the legal consequences of each arrangement.

(ii) District-Level Outreach and Accessibility. Periodic outreach programmes in remote areas should provide information, counseling, documentation assistance and referral services so that geographical distance does not become a barrier to child protection.

(iii) Documentation and Referral Mechanism. Where a child is being raised outside the biological family, competent authorities should be able to assess the circumstances and guide the family towards the legally appropriate form of protection or family placement.

(iv) Protection of Child Identity. Particular attention should be given to birth registration, identity documents, family relationships and other records necessary to establish the child's legal and social identity.

(v) Gender-Sensitive Safeguards. Child-protection interventions should ensure equal treatment of boys and girls and should address any preference or practice that result in discrimination concerning care, education, family membership, identity or property rights.

(vi) Institutional Coordination. The Child Welfare Committee, District Child Protection Unit, Specialised Adoption Agency, district administration and other relevant authorities should establish effective mechanisms for counseling, referral, documentation and follow-up of appropriate cases.

7.6 Towards a Child-Centered and Culturally Sensitive Approach

The appropriate response to informal child placement in Kra Daadi District requires a balance between respect for social and customary realities and compliance with child-protection principles. A purely prohibitory approach may cause such practices to remain concealed from the formal child-protection system, while unrestricted acceptance of informal arrangements may leave children without adequate legal protection.³⁷

A child-centered approach should therefore begin with the circumstances and best interests of the individual child. Each arrangement should be appropriately identified and legally classified; lawful adoption should be facilitated where permanent adoption is intended; and children in kinship care, guardianship or other forms of placement should receive appropriate protection and documentation.

The ultimate policy objective should be to bridge the gap between community-based child-care practices and the formal legal system. Strengthening awareness, institutional accessibility, documentation, gender-sensitive safeguards and community-supported referral can provide a practical pathway through which children remain connected to their families and communities while also receiving the protection and legal certainty guaranteed by law.

10. CONCLUSION

The present study demonstrates that informal child adoption and related child-placement practices among the Nyishi community of Kra Daadi District are shaped by familial circumstances, customary relationships, community practices and limited access to formal institutions. The findings indicate that these arrangements cannot be treated uniformly as unlawful adoption. They may include kinship care, child entrustment, guardianship and other adoption-like arrangements, each having distinct social purposes and potentially different legal consequences.

The principal legal concern identified by the study is the gap between the social acceptance of a child within a receiving family and the child's formal legal status. Where a child is raised outside the biological family without an appropriate legal arrangement or adequate documentation, uncertainty may arise regarding parentage, birth registration, identity documents, family affiliation and other legal entitlements. The concept of legal invisibility

³⁷ The Juvenile Justice (Care and Protection of Children) Act, 2015 (Act 2 of 2016), s. 3.

used in this study refers to this gap between the child's lived family circumstances and formal legal recognition, and not to an absence of legal rights.

The study further establishes that gender and identity are important dimensions of informal child placement. Gender preferences or differential treatment may affect the care, education, family membership and opportunities of children. Similarly, uncertainty regarding a child's name, family relationships, clan affiliation, biological background and official records may have consequences extending into adulthood. Questions of inheritance and property may also become significant where the child is socially accepted as a member of the receiving family but the legal basis of that relationship remains uncertain.

The findings also demonstrate that the effectiveness of the formal adoption and child-protection framework depends upon accessibility, awareness and institutional capacity. Geographical remoteness and limited access to competent authorities may contribute to the continuation of child-placement arrangements outside formal procedures. Accordingly, the existence of statutory provisions alone is insufficient; their effective implementation requires accessible institutions, community-level awareness, appropriate documentation and mechanisms for timely referral.

The study therefore concludes that a purely prohibitory approach is unlikely to provide an adequate response. The appropriate approach is to distinguish adoption from kinship care, guardianship, child entrustment and other forms of child placement and to determine the legally appropriate response according to the circumstances of each child. Where permanent adoption is intended, access to the lawful adoption mechanism should be facilitated; where another form of care is involved, the child should receive appropriate protection, documentation and institutional support.

Ultimately, the study advocates a child-centred, rights-based and culturally sensitive approach that bridges the gap between community-based child-care practices and the formal legal system. Respect for customary and community realities should be accompanied by safeguards for equality, identity, family relationships and the best interests of the child. Strengthening legal awareness, institutional accessibility, documentation, gender-sensitive protection and community-supported referral can contribute to a system in which children remain connected to their families and communities while receiving the legal protection and certainty guaranteed by law.

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