

\$~9 to 11

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 279/2019**

RAJWINDER KAUR & ANR Petitioners

Through: Mr.Anubhav Yadav, Advocate

versus

CENTRAL ADOPTION RESOURCE AUTHORITY..... Respondent

Through: Ms. Rajesh Biji for Mr. Gaurang
Kanth, Advocate

10

WITH

+

W.P.(C) 10064/2019

BABY HARISHIKHA ATRE MINOR THROUGH: SHEFALI

KULSHRESTHA Petitioner

Through: Mr.Zeeshan Khan, Advocate

versus

UNION OF INDIA & ORS Respondents

Through: Ms. Rajesh Biji for Mr. Gaurang
Kanth, Advocate

11

AND

+

W.P.(C) 11168/2020

JAGDISH SINGH SHARY Petitioner

Through: None

versus

CENTRAL ADOPTION RESOURCE AUTHORITY Respondent

Through: Ms. Rajesh Biji for Mr. Gaurang
Kanth, Advocate

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **09.11.2021**

1. This hearing has been done through video conferencing.
2. Vide judgment dated 31st August, 2021 in these petitions, this Court had directed the following steps to be taken:

“96. In terms of the directions issued above;

a. The Secretary, Ministry of Women and Child Development, Government of India shall file a report before this Court as to the manner and mode of creating a permanent mechanism to deal with inter-country adoptions under HAMA, both direct and indirect and place the said report before this Court within a period of two months.

b. There are several errors on the website of CARA in respect of HAMA adoptions. CARA shall carry out corrections in its website and place a report before this Court within eight weeks;

c. CARA shall also frame guidelines for the processing of NOCs for inter-country adoptions under HAMA and make available forms for this purpose on the portal. Let the draft guidelines and the timelines for activating the portal be placed on record by means of a status report within two months. Details of the special Committee constituted to deal with HAMA adoptions shall also be specified in the report;

d. A status report in respect of each of the writ petitions and the processing of grant of NOCs be also filed at least one week before the next date of hearing.”

3. Ms. Biji Rajesh, Id. Counsel appearing for CARA submits that the Adoption (Amendment) Regulations, 2021 (*hereinafter “Regulations”*) amending the Adoption Regulations, 2017 have been issued on 17th September, 2021 by the Ministry of Women and Child Development. However, the said Regulations have not been placed on record.

4. Id. Counsels appearing for the Petitioner submit that as per the new

regulations, the certificate of the District Magistrate (*hereinafter* “DM”) is required. It is the Petitioners’ case that though the certificate of the DM was obtained, CARA is refusing to accept the same, on the ground that the DM himself has not communicated the said certificate to CARA.

5. These matters are listed for compliance today. However, it is noticed that the Respondent/Central Adoption Resource Authority (*hereinafter* “CARA”) has been extremely callous in its approach towards the compliance with the directions issued by this Court on 31st August, 2021. The Regulations stated to have been published by the Ministry, have not been placed on record.

6. Insofar as the specific cases of the present three Petitioners are concerned, none of them have been given the No Objection Certificates (*hereinafter* “NOC”) till date. Pursuant to the directions contained in para 95 of the judgment dated 31st August, 2021 in these petitions, one of the Petitioners is stated to have appeared before CARA on 15th September, 2021. However, CARA seems to be insisting on strict compliance with the Regulations, even though the Regulations came into effect on 17th September, 2021. Ms. Biji submits that there are various non-compliances by the Petitioners. However, there is no status report filed on record and only oral submissions are being made without placing any facts or documents as to what is the non-compliance. It is thus not clear as to why the process of grant of NOC could not be expedited. The Petitioners are obviously in a hurry to obtain the NOC, which seems to be delayed despite directions being passed by this Court.

7. It appears to this Court that CARA is unnecessarily harassing the Petitioners, who are adoptive parents and young minor children. In these

circumstances, this Court has no option but to direct the presence of Ms. Tripti Gurha, Member Secretary and CEO of CARA on the next date.

8. The matter shall be taken up in physical Court at 2.30 p.m. on 22nd November, 2021.

9. In the meantime, if there are any further documents which are required or procedures to be complied with, CARA shall inform the Petitioners and process the grant of NOC in an expedited manner.

PRATHIBA M. SINGH, J

NOVEMBER 9, 2021

mw/AD