

ITEM NO.26

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 1003/2021

THE TEMPLE OF HEALING

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No. 145142/2022 - APPLICATION FOR TAKING ON RECORD IA No. 165054/2022 - APPLICATION FOR TAKING ON RECORD IA No. 21515/2023 - APPROPRIATE ORDERS/DIRECTIONS IA No. 168933/2022 - INTERVENTION APPLICATION IA No. 137333/2022 - INTERVENTION/IMPLEADMENT IA No.111814/2021 - PERMISSION TO APPEAR AND ARGUE IN PERSON IA No.31313/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES IA No. 18396/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

W.P.(C) No. 719/2022 (PIL-W)

Date : 09-07-2024 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Vishnu Kant, AOR

Petitioner-in-person

For Respondent(s) Ms. Aishwarya Bhati, A.S.G.  
Mr. Swarupma Chaturvedi, Adv.  
Mr. Navanjay Mahapatra, Adv.  
Mr. Chitangada Rastravara, Adv.  
Mr. Swati Ghildiyal, Adv.  
Mr. Raman Yadav, Adv.  
Mr. Padmesh Mishra, Adv.  
Mr. Yuvraj Sdharma, Adv.  
Mr. Kanu Aggarwal, Adv.  
Mr. Arkaj Kumar, Adv.  
Mr. Pratyush Shrivastava, Adv.  
Mr. Rajat Nair, Adv.  
Dr. N. Visakamurthy, AOR

Mr. K M Nataraj, A.S.G.

Ms. Swarupama Chaturvedi, Sr. Adv.  
Mr. Gurmeet Singh Makker, AOR  
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Mr. Sharath Nambiar, Adv.  
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Mr. Annirudh Sharma-ii, Adv.  
Mr. Arvind Kumar Sharma, Adv.  
Mrs. Aishwariy Bhati, A.S.G.  
Mr. Padmesh Mishra, Adv.  
Mr. Yuvraj Sharma, Adv.  
Mr. Kanu Agarwal, Adv.  
Mr. Arkaj Kumar, Adv.  
Mr. Pratyush Shrivastav, Adv.  
Mrs. Chitrangda Rastravara, Adv.  
Mrs. Swati Ghildiyal, Adv.  
Mr. Raman Yadav, Adv.  
Dr. N Visakamurthy, Aor, Adv.

Mr. Nalin Kohli, Sr. A.A.G.  
Ms. Diksha Rai, AOR  
Ms. Nimisha Menon, Adv.  
Mr. Arijit Dey, Adv.  
Ms. Apurva Sachdev, Adv.  
Mr. Piyush, Adv.  
Mr. Anshul Malik, Adv.  
Ms. Shurti Agarwal, Adv.

Ms. Deepanwita Priyanka, AOR

Mr. D. L. Chidananda, AOR

Mr. Naveen Kumar Tripathi, Adv.  
Mr. Sumit Sharma, Adv.  
Ms. Saroj Tripathi, AOR

Mr. Abdul Azeem Kalebudde, AOR  
Mr. Ray Vikram Nath, Adv.  
Mr. Harshvardhan Jha, Adv.

Mr. Neeraj Kr Sharma, Adv.  
Mr. Shreekant Neelappa Terdal, AOR

Mr. Tanmaya Agarwal, AOR  
Mr. Wrick Chatterjee, Adv.  
Mrs. Aditi Agarwal, Adv.  
Mr. Vinayak Mohan, Adv.

Mr. Avijit Mani Tripathi, AOR

Mr. Vikas Bansal, Adv.  
Mr. T.k. Nayak, Adv.  
Ms. Marbiang Khongwir, Adv.

Ms. Pragati Neekhra, AOR  
Mr. Aditya Bhanu Neekhra, Adv.  
Mr. Atul Dong, Adv.  
Mr. Aniket Patel, Adv.

Mr. Raghvendra Kumar, AOR  
Mr. Anand Kumar Dubey, Adv.  
Mr. Simanta Kumar, Adv.

Mr. Himanshu Chakravarty, Adv.  
Ms. Astha Sharma, AOR  
Ms. Ripul Swati Kumari, Adv.  
Mr. Sanjeev Kaushik, Adv.

Mr. Abhimanyu Tewari, AOR  
Ms. Eliza Bar, Adv.

Mr. Azmat Hayat Amanullah, AOR  
Ms. Rebecca Mishra, Adv.  
Ms. Nitya Sharma, Adv.  
Mr. Sagar Chauhan, Adv.  
Mr. Sandeep Kumar, Adv.

**UPON hearing the counsel the Court made the following  
O R D E R**

- 1 In the previous order dated 15 March 2024, it was noticed that 370 out of 760 districts in the country did not have Specialised Adoption Agencies (SAAs).
- 2 The present position is revealed in the compliance affidavit which has been filed by the Ministry of Women and Child Development. Annexure E to the affidavit indicates that out of a total of 760 districts in the country, the number of districts with functional SAAs is 390 while 370 districts have no SAAs.
- 3 Out of the 34 States and Union Territories listed out in Annexure E, the ones which are fully compliant are (i) Chandigarh; (ii) Goa; (iii) Karnataka; (iv) Kerala;

and (v) Rajasthan.

- 4 The States which have SAAs in less than half of the districts are Andhra Pradesh, Arunachal Pradesh, Chhattisgarh, Delhi, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Nagaland, Punjab, Telangana, Uttar Pradesh and Uttarakhand. In Uttar Pradesh, for example, out of 75 districts, 61 do not have functioning SAAs. As regards the other States as well, the position which is reflected in Annexure-E is alarming.
- 5 This Court by its order dated 20 November 2023, granted time for setting up SAAs for every district by 31 January 2024. Though well over five months have elapsed since that order and despite the subsequent order of this Court dated 15 March 2024, we find that the States and Union Territories are in default, as set out in Annexure-E. In the previous order, we recorded *prima facie* a breach in complying with the earlier directions, and granted a further opportunity to the States and Union Territories to comply with the directions issued on 20 November 2023. It was stated that failing such compliance, this Court would be constrained to take recourse to coercive proceedings.
6. We are compelled to now take coercive proceedings against the State Governments and Union Territories, since despite repeated opportunities, the SAAs have not been set up in all the districts.
- 7 We accordingly direct that the Chief Secretaries of all the States/Union Territories, reflected in Annexure-E to the compliance affidavit, shall file compliance affidavits on or before 30 August 2024 failing which they shall remain personally present before this Court on 2 September 2024 to explain why they should not be proceeded against in the exercise of the contempt

jurisdiction. This shall, however, not apply to the States/Union Territories which have achieved full compliance, as noticed above in paragraph 3.

8 Copies of the present order shall be remitted by the Registrar (Judicial) of this Court to the Chief Secretaries of all the States/Union Territories, save and except, those who have achieved full compliance and to the Standing Counsel.

9 The compliance affidavit filed by the Union Government indicates that during financial year 2023-2024, 13,467 registrations have taken place. While the number of registrations has been steadily on the rise, there is yet a serious gap between the registration and the actual number of adoptions. To bridge this gap, it is necessary that the infrastructure which has been envisaged in the law should be duly upgraded.

10 The order of this Court dated 20 November 2023 made an express reference to the provisions of Schedule XIV of CARA Adoption Regulations of 2022. All the States and Union Territories shall file their affidavits explaining whether the timelines which are stipulated in the Regulations for facilitating the process of adoption are being duly complied with and observed.

11 Each State shall also provide data on affidavit the actual time which has been taken for completing the process. If the timelines stipulated in the Regulations are not being observed, an explanation shall be tendered before this Court indicating the reasons for such non-compliance.

12 The affidavits of all the Chief Secretaries shall be served on the Central Agency and the Director, CARA so that relevant data can be compiled by CARA and presented to this Court.

- 13 On being mentioned, Writ Petition (Civil) No. 1234 of 2023 is taken on Board.
- 14 Detag Writ Petition (Civil) No. 1234 of 2023 from Writ Petition (Criminal) No. 102 of 2017.
- 15 Tag Writ Petition (Civil) No. 1234 of 2023 with Writ Petition No. 1003 of 2021.
- 16 List the Petitions on 02 September 2024.

**(GULSHAN KUMAR ARORA)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**