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

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

RAJWINDER KAUR & ANR Petitioner

Through: Mr. Anubhav, Mr. Yashwant Singh
Yadav, Mr. Ravi Karhana and Ms.
Preeti Yadav, Advocates. (M:
9540075808)

versus

CENTRAL ADOPTION RESOURCE AUTHORITY..... Respondent

Through: Ms. Biji Rajesh and Mr. Shreesh
Chadha, Advocates. for Mr. Gaurang
Kanth, Advocate.
Mr. Atul Nagarajan, Amicus Curiae
along with Ms. Lavanya Regunathan,
Ms. K. Pallavi & Mr. Rajat Gautam.

18 **WITH**

+ **W.P.(C) 10064/2019**

**BABY HARISHIKHA ATRE MINOR THROUGH: SHEFALI
KULSHRESTHA** Petitioner

Through: None.

versus

UNION OF INDIA & ORS Respondent

Through: Ms. Biji Rajesh and Mr. Shreesh
Chadha, Advocates for Mr. Gaurang
Kanth, Advocate for R-1.
Mr. Atul Nagarajan, Amicus Curiae
along with Ms. Lavanya Regunathan,
Ms. K. Pallavi & Mr. Rajat Gautam.

19 **AND**

+ **W.P.(C) 11168/2020**

JAGDISH SINGH SHARY Petitioner

Through: None.

versus

CENTRAL ADOPTION RESOURCE AUTHORITY Respondent

Through: Ms. Biji Rajesh and Mr. Shreesh
Chadha, Adocates for Mr. Gaurang

Kanth, Advocates.
Mr. Atul Nagarajan, Amicus Curiae
along with Ms. Lavanya Regunathan,
Ms. K. Pallavi & Mr. Rajat Gautam.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **16.02.2022**

1. This hearing has been done through video conferencing.
2. In terms of the previous order dated 20th December, 2021, the Respondent-Central Adoption Resource Authority (*hereinafter*, "CARA") has filed a report giving the status of applications pending with CARA. The said status is recorded below:
 - i. As on date, there are 41 applications under the Adoption (Amendment) Regulations, 2021 which have been received by CARA. Out of these, the District Magistrate has issued the Verification Certificate in 18 cases. The matter has been forwarded by CARA to the concerned foreign authorities, for issuance of NOCs under Articles 5 and 17 of the Hague Convention. The matters are stated to have been processed diligently and expeditiously in coordination with the foreign authorities.
 - ii. Insofar as the database of all District Magistrates, State Adoption Resource Agencies and District Child Protection Units is concerned, it is submitted that the database has already been updated and the same is available under the 'Stakeholder' icon on the official website of CARA.
 - iii. Sensitisation activities are stated to have been conducted in the state of Kerala, West Bengal as also in the North-Eastern States. In this

regard, it is directed that sensitisation activities be carried out in other States as well, including states where there may be a higher concentration of adoptions, especially international adoptions such as Punjab, Maharashtra, Gujarat, Karnataka, Kerala, Andhra Pradesh etc.,

- iv. Insofar as the grievance redressal system is concerned, it is submitted that the revamping thereof has been commenced, and the Steering Committee of CARA has approved the proposal to set up a CARA Help Desk for 12 hours i.e., 8:00 a.m to 8:00 p.m., with four dedicated counsellors in each shift. The said recommendation is pending with the Ministry for approval. The Helpline number has also been mentioned on CARA's website, and three persons can be connected at a time to that number. It is further stated that two employees have been specifically engaged to attend and transfer calls to the responsible officials to answer queries. Officials have also been assigned to respond to queries received at carahdesk.wcd@nic.in.
3. Mr. Atul Nagarajan, Id. Amicus Curiae, submits that the Helpline number was not functioning in early February, and it has started functioning in the last one week or so.
4. Accordingly, this Court has telephonically verified the said Helpline number which is available on the CARA's website, and the same was found to be functional.
5. Insofar as the Petitioners are concerned, in *W.P.(C) 279/2019*, the adoptive father has travelled to India from Spain due to some family commitments, and is stated to be currently in India. It is submitted that upon his return to Spain, he will be completing the formalities, in accordance with

the directions of the Spanish Authorities, for further processing of the adoption.

6. In *W.P.(C) 10064/2019*, as per the latest status report placed on record by CARA, the Verification Certificate in this case has been issued by the DM/ADM Aligarh on 13th January, 2022. Further, a letter has been written to the Central Authority of USA on 18th January, 2022. In response, the Embassy of USA vide their letter dated 11th February, 2022 has declined to issue approval under Article 5 of the Hague Convention and has suggested a different procedure to be adopted. CARA submits that it is facilitating the same and the work in this respect is in progress.

7. In *W.P.(C) 11168/2020*, Ms. Biji Rajesh, Id. Counsel for CARA, submits that the Petitioner has not yet approached CARA.

8. In view of the above, let an updated status report be placed on record by CARA in respect of the Petitioners in the present three cases. It is made clear that if the Petitioner in *W.P.(C) 11168/2020* does not contact CARA by the next date, the said petition shall no longer be kept pending on the next date. Let an intimation be issued by the Registry to Mr. Vishwendra Verma, Id. Counsel for the Petitioner in *W.P.(C) 11168/2020*.

9. Mr. Nagarajan, Id. Amicus Curiae, has also highlighted an issue relating to adoption of children who have been orphaned during the COVID-19 pandemic, especially in respect of international adoptions in case of children whose relatives wish to adopt them. Let CARA file a status report as to the details of the framework which has been put in place for facilitating adoptions, especially in the case of children who have been orphaned during the COVID-19 pandemic.

10. These matters shall be treated as part-heard, for the purpose of

compliance.

11. List on 8th April, 2022.

PRAITHIBA M. SINGH, J.

FEBRUARY 16, 2022

dj/ad