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

Date of Decision: 16th October, 2023

+ **W.P.(C) 11168/2020, CM APPL. 40499/2021 & 36035/2023**

JAGDISH SINGH SHARY

..... Petitioner

Through: Mr. Kabir S. Ghosh, Adv.
(M:9599966048)

versus

CENTRAL ADOPTION RESOURCE AUTHORITY..... Respondent

Through: Mr. Vineet Dhanda (CGSC) with Mr.
Vinay Yadav & Mr. Durga D.
Vashist, Adv. (M: 9811013810)
Mr. Atul Nagarajan, Ms. K. Pallavi &
Ms. Lavanya Regunathan Fischer,
Amicus Curiae. (M:9871045249)

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through hybrid mode.
2. *CM APPL. 40499/2021* has been filed seeking directions to the Respondent - Central Adoption Resource Authority (CARA) to issue the No Objection Certificate (NOC) to the Petitioners.
3. The grandfather of the child is also present in Court and has made repeated prayers for issuance of no objection certificate from CARA on an urgent basis.
4. Mr. Atul Nagarajan, Id. Counsel for the Petitioner has raised a grievance that despite so many years the Petitioner has not obtained the NOC by CARA, but has received a support letter dated 3rd November, 2022



which is insufficient. Ld. Counsel points out that CARA is now issuing support letters instead of NOCs as they used to issue earlier.

5. Mr. Dhanda, ld. Counsel for CARA submits that he would personally visit CARA and get this issue sorted out for the Petitioner.

6. The Court notices that in terms of the Adoption Amendment Regulations 2021, the Adoption Regulations 2017 have been modified wherein regulation 22B reads as under:

“22B. Procedure in the case of registered adoption deed.- (1) In the cases where the adoption deed has already been executed in pursuance of adoption under the Hindu Adoptions and Maintenance Act, 1956 (78 of 1956), before the commencement of the Adoption (Amendment) Regulations, 2021, the requisite documents supporting the facts of the adoption deed shall be duly verified and recommended by the District Magistrate in the format as provided in Schedule XXXIII.

(2) On receipt of the verification of documents as per Schedule XXXIII, the Central Adoption Resource Authority shall comply with the provisions of Articles 5 or 17 from the receiving country as provided in the Hague Adoption Convention.

*(3) Upon receiving such certificate, **the Central Adoption Resource Authority shall issue no objection certificate for Hague ratified countries** and in cases of countries outside the Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption, a letter accepting the said adoption from the Government department concerned of the receiving country shall be sought by the Central Adoption Resource Authority in order to issue the final support letter from the Central Adoption Resource Authority.”*



7. As per the aforementioned regulation, CARA is mandated to issue NOCs to Hague Adoption Convention ratified countries and the issuance of mere support letters is completely inexplicable, especially once the documentation is completed by the parties.

8. The Court notices in these cases that Petitioners and other Applicants for intercountry adoption are continuously facing one obstacle or the other to get their adoptions processed through CARA for issuance of NOCs. The Court takes a very grim view of the matter inasmuch as the issuance of NOCs cannot be made so onerous for persons who wish to adopt.

9. Moreover, it has also been brought to the notice of the Court by the Id. Amicus that exorbitant expenses are being incurred by adoptive parents for obtaining Home Study Reports (HSRs) during inter-country adoption of children. The authorities also need to look into the matter and on the last date a joint affidavit was directed to be filed by the concerned Ministries.

10. Ld. Counsel for CARA submits that he has filed the said affidavit but the same is not on record.

11. In view thereof, the concerned Director/Joint Secretary in the Ministry of External Affairs shall also remain present in Court.

12. Ld. Counsel for CARA shall also explain the following on the next date of hearing:

- i. Why only support letters are being issued and not NOCs as was being done earlier and as mandated by the Regulations?
- ii. What is the reason for the delay in respect of the Petitioner in issuing the NOC despite the District Magistrate's verification certificate dated 10th March, 2022?



13. The CEO of CARA shall also be present in Court on the next date hearing with the following data:
- (i) Total number of applications received for issuance of NOC under the Hindu Adoption and Maintenance Act, 1956 after the decision of this Court dated 31st August, 2021 in these and connected petitions as also the amendment of the Adoption Regulations, 2017.
 - (ii) Total number of NOCs issued.
 - (iii) Total number of support letters issued.
 - (iv) The number of applications which continue to remain pending.
14. Mr. Dhanda, Id. Counsel for CARA may take the assistance of Id. Counsel for the Petitioner if any clarifications are required qua the Petitioner's application.
15. List on 28th November, 2023 at 3:30 pm.

PRATHIBA M. SINGH
JUDGE

OCTOBER 16, 2023
dj/kt