



Role of Judiciary & Court Procedure for Adoption

Central Adoption Resource Authority

**Ministry of Women & Child Development
Government of India**





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An Adoption Poem

The Gift of Life

I didn't give you
the gift of life,
But in my heart
I know.

The love I feel is
deep and real,
As if it had been so.

For us to have
each other
Is like a dream
come true!

No, I didn't give you
The gift of life,
Life gave me
the gift of you.

— AUTHOR UNKNOWN —



Towards a new dawn



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Preview



- **Perspective on Adoption**
- **Laws, Rules & Regulations Governing Adoptions in India**
- **Adoption Process under JJ Act, 2015 & Adoption Regulations, 2017.**
 - ✓ *Process for declaring a child legally free for adoption*
 - ✓ *Assessing eligibility of Prospective Adoptive Parents for various types of Adoptions*
 - ✓ *Child Adoption Resource Information & Guidance System (CARINGS)*
 - ✓ *Types of Adoptions*
 - ✓ *Hague Convention on Inter-country Adoptions & NOC*
 - ✓ *Post adoption follow up of adopted children*
- **Court Procedure**
- **Order Sought by the Applicants**
- **Court Pendency & Reasons for Delay**
- **Few Adoption Orders**



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What is Adoption?



- Relationship of the child is severed legally from his/her biological parents
- Child becomes the lawful child of his/her adoptive parents
- All the rights, privileges and responsibilities post adoption are similar to that in case of a biological child.

(Sec 2(2) of JJ Act, 2015 & Sec 12 of HAMA, 1956)





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Laws, Rules & Regulations Governing Adoptions in India



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Adoption Legislations



- Hindu Adoption Maintenance Act, 1956 (HAMA)
- Juvenile Justice (Care & Protection of Children) Act, 2015 (JJ Act)

(Came into effect from 15 January 2016)

- ✓ Model JJ Rules, 2016
(Came into effect from 21 September 2016)
- ✓ Adoption Regulations, 2017
(Came into effect from 16 January 2017)

REGISTERED No. D. 221



No. 73] NEW DELHI, SATURDAY, DECEMBER 22, 1956

MINISTRY OF LAW

New Delhi, the 21st December, 1956

The following Act of Parliament received the assent of the President on the 21st December, 1956, and is hereby published for general information:—

THE HINDU ADOPTIONS AND MAINTENANCE ACT, 1956

No. 78 of 1956

[21st December, 1956]

An Act to amend and codify the law relating to adoptions and maintenance among Hindus.

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

CHAPTER I

संख्या सं. सं. सं. (ए/१०४/००७/२०१६—१६

REGISTERED NO. DL—(N/१०४/००७/२०१६—१६



असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्रधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 2] नई दिल्ली, शुक्रवार, जनवरी 1, 2016/पौष 11, 1937 (सक)

No. 2] NEW DELHI, FRIDAY, JANUARY 1, 2016/PAUSHA 11, 1937 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 1st January, 2016/Pausha 11, 1937 (Saka)

The following Act of Parliament received the assent of the President on the 31st December, 2015, and is hereby published for general information:—

THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

No. 2 of 2016

[31st December, 2015]



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Hindu Adoption Maintenance Act, 1956 (HAMA)



- An Act only for Hindus, as the child, the giver and the taker has to be a Hindu (a Muslim, Christian, Parsee, Jews, any member of a scheduled tribe governed by their customary law can not adopt) **(Sec 2 of HAMA)**

- Eligibility of adoptive parents **(Sec 6 to 8 of HAMA)**
 - ✓ A Hindu, Buddhist, Jain, or Sikh husband above the age of 18 can adopt under this act only with the consent of his living wife
 - ✓ A single female (unmarried, divorcee or widow) can also adopt **(Sec 8 (c))**
 - ✓ A person having a male child can not adopt a male child
 - ✓ A person having a girl child can not adopt a girl child
 - ✓ Age difference between the adoptive father and the adoptive girl child to be at least 21 years **(Sec 11 (iii))**

- The child has to be below 15 years of age **(Sec 10(iv) of HAMA)**

- Provision of payment or reward and any contravention shall be punishable **(Sec 17 of HAMA)**





Role of Court in Adoption under HAMA



- Adoption can be concluded through a registered Adoption deed subject to compliance with the provisions of the Act (**Sec 16 of HAMA**)

- Courts permission to adopt under this act is required only in the following cases (**Sec 9(4) of HAMA**):
 - ✓ where both the father and mother of the child are dead
 - ✓ where both the father and mother of the child have completely and finally renounced the world
 - ✓ where both the father and mother have abandoned the child
 - ✓ where both the father and mother of the child have been declared to be of unsound mind by the court concerned
 - ✓ where the parentage of the child is not known

- Valid Adoption can not be cancelled (**Sec 15 of HAMA**)



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Abbreviations



- **JJ Act:** Juvenile Justice (Care and Protection of Children) Act, 2015
- **JJ Rule:** Model Juvenile Justice Rule, 2016
- **AR 2017:** Adoption Regulations, 2017
- **CARINGS:** Child Adoption Resource Information & Guidance System
- **PAPs:** Prospective Adoptive Parents
- **HSR:** Home Study Report
- **CSR:** Child Study Report
- **MER:** Medical Examination Report
- **CARA:** Central Adoption Resource Authority
- **SARA:** State Adoption Resource Agency
- **SAA:** Specialized Adoption Agency
- **CCI:** Child Care Institutions
- **AFAA:** Authorised Foreign Adoption Agency
- **CWC:** Child Welfare Committee
- **DCPU:** District Child Production Unit
- **NOC:** No Objection Certificate
- **CPC:** Code of Civil Procedure
- **CMA:** Civil Miscellaneous Applications
- **MJC:** Miscellaneous Judicial Case



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Juvenile Justice Act, 2015 (JJ Act)



- A secular Act (any body irrespective of religion can adopt a child under this act) (Sec 58(1) of JJ Act)
- Nothing in this act shall apply to adoption under HAMA (Sec 56(3) of the JJ Act)
- All Inter-country adoptions shall be done 'only' as per provisions of this Act & Adoption Regulations framed by the Authority (Sec 56(4) of the JJ Act)
- Children up to the age of 18 can be adopted under this Act (Sec 2(12) of the JJ Act)
- Orphan, Abandoned & Surrendered (OAS) children declared legally free for adoption by CWC (Sec 38 of JJ Act & Reg 6, 7 of AR 2017) can be placed in In-country and Inter-country adoptions (Sec 56(1) of the JJ Act, Reg 4 (a) of AR 2017)
- Children of relatives, as defined in Sec 2(52) of the JJ Act, can be adopted by a In-country parent (Sec 56(2) of the JJ Act & Reg 51 of AR 2017)
- Children of relatives, as defined in Sec 2(52) of the JJ Act, can be adopted by a Inter-country parent (Sec 60 of the JJ Act & Reg 53, 54 of AR 2017)

Contd.





Juvenile Justice Act, 2015 (JJ Act)



- Eligibility of PAPs (Sec 57 of the JJ Act & Reg 5 of AR 2017)
 - ✓ A couple/single parent can adopt
 - ✓ Single male not eligible to adopt a girl child
 - ✓ PAPs age eligibility criteria is defined
 - ✓ Minimum 2 years stable marital relationship is mandatory
 - ✓ PAPs with 3 or more children shall not be eligible to adopt a normal OAS child
 - ✓ Eligibility and suitability of the PAPs are ascertained through a Home Study by the SAA (Sec 58(2) of the JJ Act & Reg 9(13) of AR 2017)

- Court Procedure is defined in Sec 61 of the JJ Act & 12, 17, 55 of AR 2017

- Post adoption Follow up of the adoptive family both in case of In-country and Inter-country is undertaken for 2 years by the SAA and the AFAA respectively (Reg 13 & 19 of AR 2017 respectively)





Salient Aspects of Adoption Under HAMA & JJ Act



HAMA	JJ ACT
Only for Hindus	Secular Act
Same sex children can not be adopted	No such conditions
Children only upto 15 years of age can be adopted	Children upto 18 years of age can be adopted
Registered deed finalizes adoption, court permission required in some cases	Adoption order finalizes adoption, deed is not required
OAS children in SAA/CCI belongs to the State & can not be adopted under HAMA. Such application should not be entertained by the courts	JJ Act provisions for rehabilitation of OAS children in the SAA/CCI and these children have to be placed in adoption under this Act
Suitability of the PAPs, sourcing of the child and the post-adoption follow up can not be ascertained/ensured for adoption under HAMA	Welfare & Best Interests of the Child is ensured due to the built in mechanisms in the JJ Act
Courts may require services of Scrutiny Committee in case declaratory suit is filed for adoptions under HAMA	There is no requirement of scrutiny and the same has not been envisaged under JJ Act due to the built in scrutiny mechanisms.
Inter-country adoptions can not be done under HAMA as these fall under private and direct adoption and is not supported by Hague Convention on Adoptions (Para 22 & 23 of Ch 6 of Hague Convention Information Brochure)	All Inter-country adoptions shall be done only as per provisions of this Act (Section 56(4) of the JJ Act, 2015)





Guardians and Wards Act, 1890 (GAWA)



- Not an Adoption Law as it does not establish parent child relationship
- Establishes only a Guardian and Ward relationship only till the child attains the age of 18 years
- The cases applicable under GAWA may be admissible under Civil Miscellaneous Applications (CMA) or Miscellaneous Judicial Case (MJC)
- Eligibility for applying for guardianship order and the court procedure as per CPC, 1882 is defined under **Sec 7 to 26 of GAWA.**



Salient Aspects of GAWA



- Guardianship petitions can only be filed by a person entitled as defined in **Sec 8 of GAWA**
- PAPs are resorting to filing an application under GAWA for taking custody of OAS children with a view to undertake adoption under HAMA through a deed
- Rehabilitation of OAS children has to be as per the JJ Act 2015 and such petitions should not to be entertained
- In case of applicant being given guardianship under GAWA, the interest of the child can not be ensured in the absence of proper eligibility check and follow up
- They have no legal rights and responsibilities towards each other as soon as the child attains majority (18 years)





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Adoptions under JJ Act 2015 & Adoption Regulations 2017



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Fundamental Principles Governing Adoption

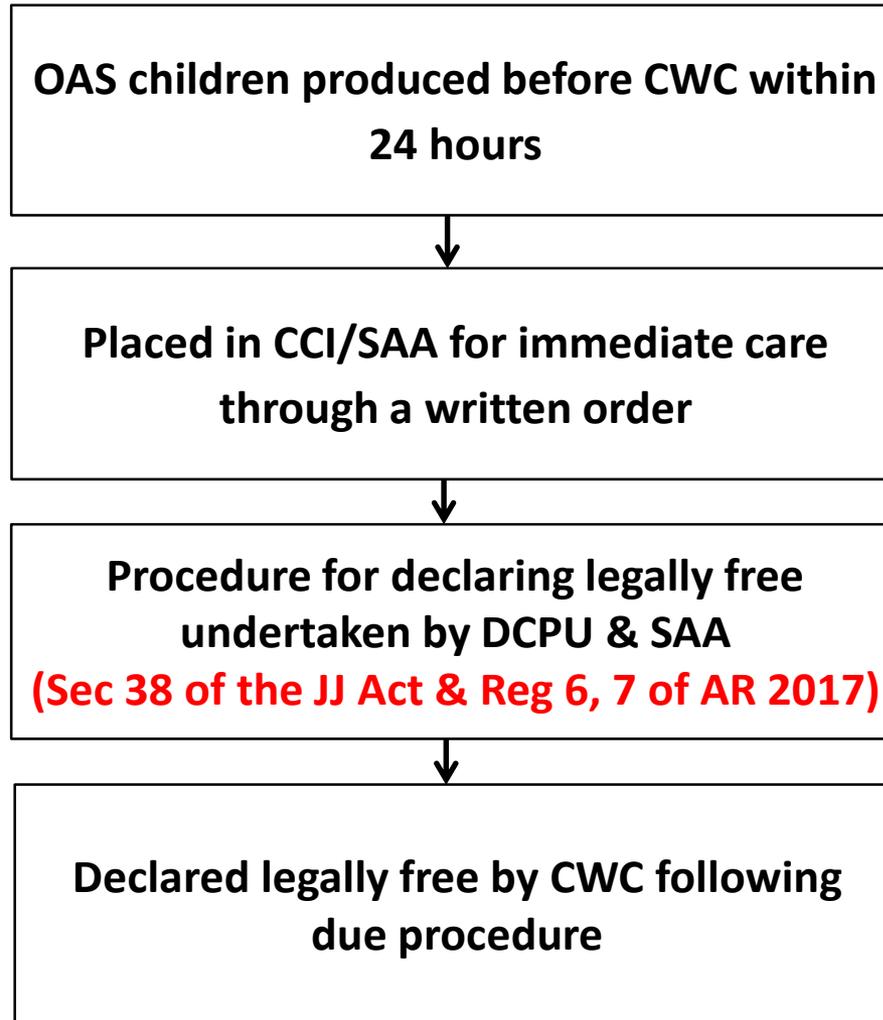


- Adoption shall be resorted to right to family for the OAS children (Sec 56(1) of JJ Act)
- The child's best interests shall be paramount (Reg 3(a) of AR, 2017)
- The principle of placement of the child is in his own socio-cultural environment (Reg 3(b) of AR, 2017)
- All adoptions shall be registered on CARINGS (Reg 3(c) of AR, 2017)
- Maintaining the confidentiality is mandatory (Sec 74 of JJ Act & Reg 3(c) of AR, 2017)





Process for Declaring a Child Legally Free for Adoption





Child Welfare Committee (CWC)



- It is a 5 membered committee (at least one women member) notified by State Government for each District (**Sec 27, 28 of the JJ Act**)
- Committee shall function as a bench and shall have powers conferred by the CrPC, 1973 on a metropolitan Magistrate or Judicial Magistrate of First Class (**Sec 27(9) of the JJ Act**)
- CWC is authorised to dispose off cases for the care, protection, treatment, development and rehabilitation of the children (**Sec 29(1) of the JJ Act**)
- CWC has the power to deal exclusively with all proceedings under this Act relating to children in need of care and protection (**Sec 29(2) of the JJ Act**)
- The District Magistrate is empowered to conduct a quarterly review of the functioning of CWC (**Sec 27(8)(10) of the JJ Act**)





Assessing Eligibility of PAPs for Adoptions



- Home study to check the suitability and eligibility of the PAPs is conducted by the social worker of a SAA in the place of PAPs' residence (Reg 9(7)(8) of AR 2017)
- Home Study Report (HSR) is prepared in the format given in Schedule VII of AR 2017 which has a validity of 3 years (Reg 9(10) to (12) of AR 2017)
- PAPs are declared suitable based on the HSR and only then they are eligible for adopting a child depending upon the availability of a suitable child (Reg 9(13)(17) of AR 2017)





Child Adoption Resource Information & Guidance System (CARINGS)



- Online Application to facilitate, guide and monitor adoption programmes.
- It has two databases: one for the children filled by the SAAs and the other is for the PAPs filled by the domestic PAPs or the AFAAs for the NRIs/OCIs/foreign PAPs
- It has secure role based access for various stakeholders

Central Adoption Resource Authority
Ministry of Women & Child Development
Government of India

Child Adoption Resource Information and Guidance System (CARINGS) 2.1

Sign In

User Type: Select
SAA
AFAA
SARA
CARA
DCPU
NOC Committee

User ID

Password

LOGIN

Forgot Password?

New DCPU Registration

CARINGS

A web based information management system to create a network of stakeholders designed to improve synergy. It provides a national database to enable effective policy making and research.

Manual for AFFA/CA.

Key implementing Stakeholders are:-

- ❑ Prospective Adoptive Parents (PAPs) both within the country and abroad.
- ❑ Specialized Adoption Agencies (SAAs).
- ❑ Child Care Institutions (CCIs).
- ❑ State Govt. and State Adoption Resource Agencies (SARAs).
- ❑ District Child Protection Units (DCPUs) registered with CARA.
- ❑ Authorized Foreign Adoption Agencies (AFAAs), Central Authorities (CAs) and Indian Diplomatic Mission in the receiving countries.



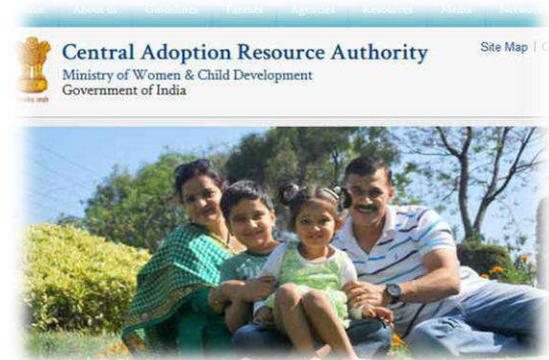


Types of Adoptions Under JJ Act 2015 & AR 2017



- In-country Adoptions
 - ✓ Adoption of OAS Children
 - ✓ Relative Adoption
 - ✓ Adoption by Step Parents

- Inter-country Adoption
 - ✓ Adoption of OAS Children
 - ✓ Relative Adoption



Secure | <https://www.hcch.net/en/instruments/conventions/specialised-sections/intercountry-adoption>

HCCH Français Other languages Search ...

MEMBERS & PARTIES INSTRUMENTS PROJECTS GOVERNANCE PUBLICATIONS & STUDIES

ADOPTION SECTION Home / Instruments / Conventions, Protocols and Principles / Specialised Sections



The Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention) protects children and their families against the risks of illegal, irregular, premature or ill-prepared adoptions abroad. This Convention, which operates through a system of national Central Authorities, reinforces the UN Convention on the Rights of the Child (Art. 21) and seeks to ensure that intercountry adoptions are made in the best interests of the child and with respect for his or her fundamental rights. It also seeks to prevent the abduction, the sale of, or traffic in children. For further information, see the Outline of the Convention or the more detailed "Information Brochure" on the Convention.

Please note that the Permanent Bureau of the Hague Conference has no mandate to assist in individual adoption cases. If you have a question relating to intercountry adoption and your country is a Party to the 1993 Adoption Convention, please contact the Central Authority designated by your country.

Specialised Section

- Full text
- Status table
- Authorities
- Country Profiles
- Special Commission meetings
- Experts Groups

[Work in Progress](#)

The 1993 Hague Convention
on Protection of Children and
Co-operation in Respect of Intercountry Adoption
INFORMATION BROCHURE





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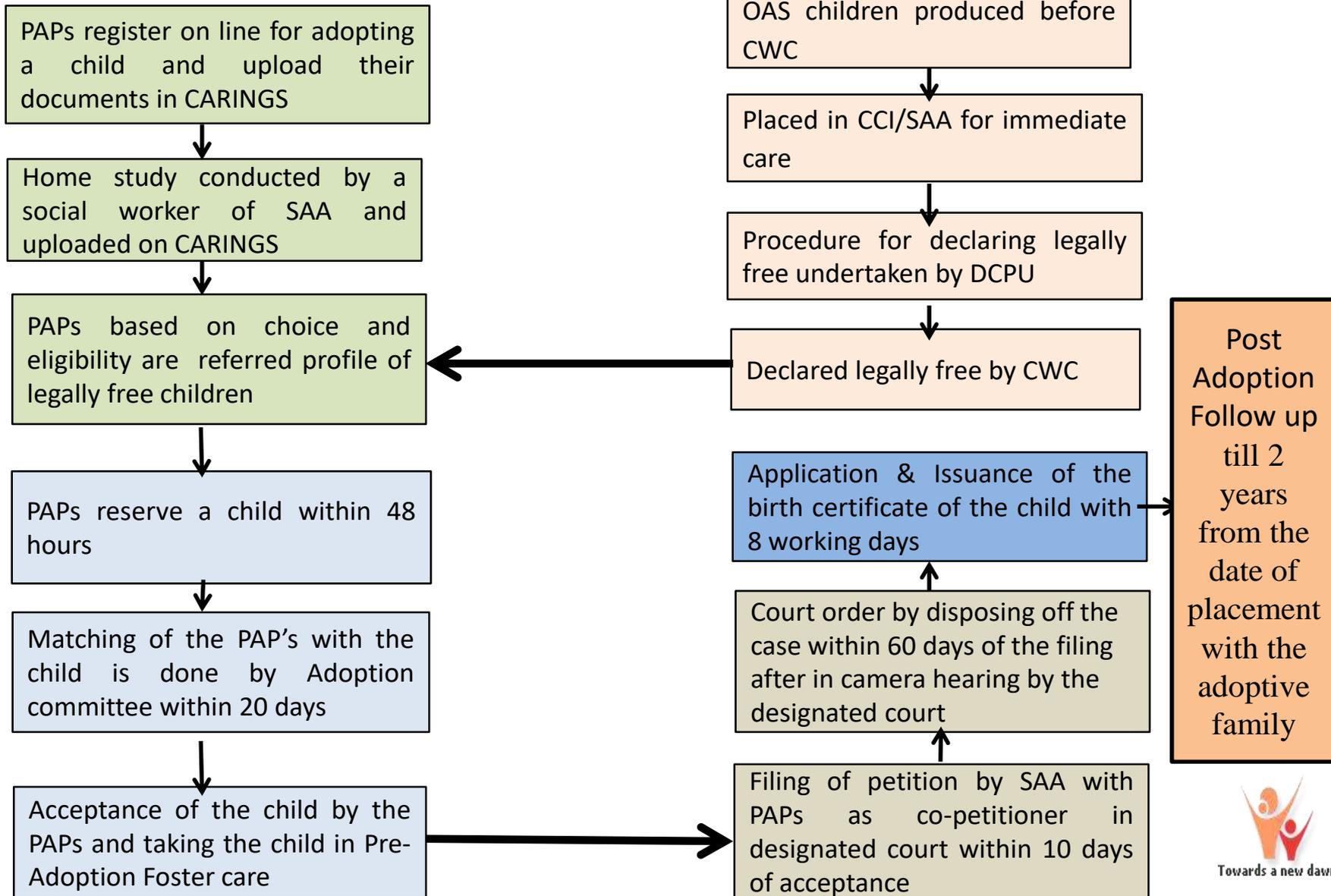
In-country Adoptions



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In-country Adoption of OAS Children





Inter-country Adoptions





Hague Convention on Inter-country Adoption



- The *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (Hague Adoption Convention) protects children and their families against the risks of illegal, irregular, premature or ill-prepared adoptions abroad.
- This Convention, which operates through a system of national Central Authorities, reinforces the UN Convention on the Rights of the Child (Art. 21) and seeks to ensure that intercountry adoptions are made in the best interests of the child and with respect for his or her fundamental rights.
- It also seeks to prevent the abduction, the sale of, or traffic in children.
- Website: www.hcch.net
- India became signatory to this convention in the year 2003





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Regulation By Central Authority



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NOC For Inter-country Adoptions



- All Inter-country adoption shall only be under the provisions of JJ Act & AR 2017 (Section 56(4) of the JJ Act)
- NOC is mandatory for all Inter-country adoption under Hague Convention
- It is issued by the Central Authority of sending country (CARA) after receipt of Article 5 & 17 from the receiving country



Article 5 & 17: Hague Convention



Article 5

An adoption within the scope of the Convention shall take place only if the competent authorities of the receiving State –

- a) have determined that the prospective adoptive parents are eligible and suited to adopt;
- b) have ensured that the prospective adoptive parents have been counselled as may be necessary; and
- c) have determined that the child is or will be authorised to enter and reside permanently in that State.

Article 17

Any decision in the State of origin that a child should be entrusted to prospective adoptive parents may only be made if–

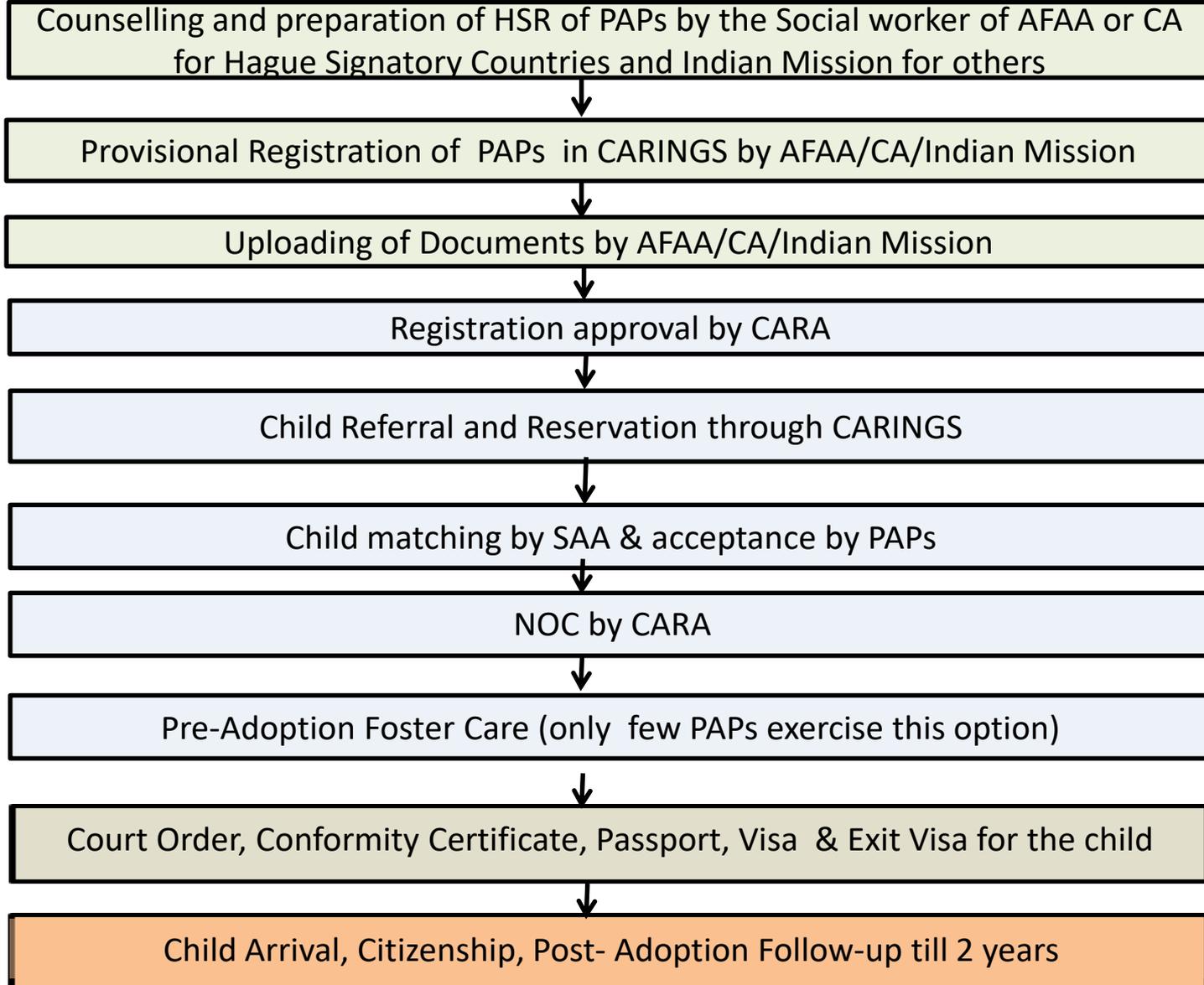
- a) the Central Authority of that State has ensured that the prospective adoptive parents agree;
- b) the Central Authority of the receiving State has approved such decision, where such approval is required by the law of that State or by the Central Authority of the State of origin;
- c) the Central Authorities of both States have agreed that the adoption may proceed; and
- d) it has been determined, in accordance with Article 5, that the prospective adoptive parents are eligible and suited to adopt and that the child is or will be authorised to enter and reside permanently in the receiving State.



Inter-country Adoption of OAS Children



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Inter-Country Relative Adoption



HSR & Registration of PAPs by the Social worker of AFAA (Authorised Foreign Adoption Agency) or CA (Central Authority) or Indian Diplomatic Mission (IDM)

Uploading of Documents of PAPs in CARINGS by AFAA/CA/IDM

Verification by DCPU & Recommendation by SARA

Pre- Approval by CARA (as per Article 16)

Filing of application & obtaining of Court order* by the PAPs

Issue of NOC* & Conformity Certificate by CARA

Passport & Exit Visa for the child

Child Arrival, Citizenship & Post-Adoption Follow-up till 2 years





Post Adoption Follow Up of Inter-country Adopted Children



- Post Adoption follow up for Inter-country adoptions is conducted for two years, on quarterly basis in the first year followed by bi-annually in the second year, by the AFAA and report is uploaded in CARINGS as per **Schedule XII of AR 2017 (Reg 19(1)(7) of AR 2017)**
- In case of adjustment problem or disruption or dissolution, the child is entitled to receive, care, protection and rehabilitation through the child protection services of the receiving country as per the Hague Convention **(Reg 19(2) to (5) of AR 2017)**
- The AFAA or CA or Govt Dept concern may organize Annual get together to be facilitated by Indian Diplomatic Missions **(Reg 19(6) of AR 2017)**





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Court Procedure



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Court Procedure



- Adoption gets concluded legally after obtaining an adoption order from the court concerned
- Court means civil court, which has jurisdiction in matters of adoption and guardianship and may include the District Court, Family Court or City Civil court (**Section 2 (23) of the JJ Act**)
- Court Procedure is defined in **Sec 61 of JJ Act & Regulations 12, 17, 55 of the Adoption Regulations**
- Procedure before the Court shall not be bound by the procedure laid down in the CPC, 1908 (**Rule 45 of the JJ Rule**)
- The application for Adoption Order is non adversarial in nature, the SAA and the PAPs are co-applicant and there shall not be any opposite party or respondent (**Reg 12(5) of AR 2017**)
- Five different model applications for different types of Adoptions are provided in **Schedules XXVIII to XXXII of AR 2017**
- List of documents to be attached for different types of Adoptions applications have been enumerated at **Schedules VI & IX of AR 2017**
- In case the PAPs are habitually residing abroad, they may permit the Social worker of the SAA to represent them through a Power of Attorney (**Reg 17(2) of AR 2017**)

Contd.





Court Procedure



- SAA shall file the application in the Court within 10 working days after matching/NOC (Reg 12(1), 17 (a) of AR 2017)
- In case Child is from a CCI linked to the SAA, the CCI also becomes co-applicants along with the PAPs (Reg 12(3) of AR 2017)
- A single petition is filed for twins or siblings (Reg 12(4) of AR 2017)
- **All court proceedings to be held in camera and disposed with in 2 months of date of filing (Sec 61 (2) of the JJ Act & Reg 12 (6) of AR 2017)**
- **Adoption Order should not stipulate execution of bond or making investment by the PAPs in the name of the child (Reg 12(7) of AR 2017)**
- **Registration of Adoption deed shall not be mandatory as per the Act (Reg 12(9) of AR 2017)**
- Petition filed by PAPs to adopt a child of a relative, should carry the consent letter of biological parents or permission of CWC as per Schedule XIX or Schedule XXII of AR 2017 respectively (Reg 51(2) & 55(1) of AR 2017)
- In case of Inter-country Relative Adoption, the PAPs shall file an application in the District where the child resides (Reg 55(3) of AR 2017)
- Before issuing the court order the court shall satisfy itself as mandated under **Section 61(1) of the JJ Act**





Section 61 of the JJ Act



- Before issuing an adoption order, the court shall satisfy itself that:-
 - ✓ That the adoption is for the welfare of the child.
 - ✓ That due consideration has been given to the wishes of the child having regard to the age and understanding of the child.
 - ✓ That neither the PAPs have given and agreed to give nor the agency or the parent or guardian of the child in case of relative adoption has received or agreed to receive any payment or reward in consideration of the adoption, except as permitted under the adoption regulations framed by the Authority (CARA) towards the adoption fees or service charges or child care corpus.

- The adoption proceedings shall be held *in camera* and the case shall be disposed off by the court within a period of two months from the date of filing.





Comments on Section 61 (1) of the JJ Act



- Welfare of the child (Sec 61(1)(a) of the JJ Act) can be ascertained from the CWC order declaring the child legally free for adoption, HSR recommending the eligibility of the PAPs and minutes of the Adoption Committee matching the PAPs with the child. Further post-adoption follow up is already built in the procedure.
- Wishes of the child (Sec 61 (1)(b) of the JJ Act) can be ascertained from the consent of the older child i.e. above five years of age (Ser No 1(16), 2(15) of Schedule IX & Ser No 3(2), 4(2), 5(2) of Schedule VI of AR 2017). Further, it may be ascertained during the In camera hearing by the Judge.
- No payment or reward has been made in consideration for the adoption, other than the fees or child care corpus as stipulated in the Adoption Regulation (Sec 61(1)(c) of the JJ Act) can be ascertained from the fact that the adoption process has been undertaken by PAPs duly registered in CARINGS and hence would not be paying any money other than the stipulated fees.
- There is no requirement of Scrutiny Committee as the application gets filed in the court only after the entire process has been scrutinized by the respective agencies mandated to do so and relevant documents are attached with the application.
- In-camera hearing and disposal within a period of two months (Sec 61(2) of the JJ Act) must be ensured in the welfare of the children



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Order Sought For By The Adoptive Parents



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Order Sought For By The Adoptive Parents



- To be declared as parent(s) of the child legally.
- The new name as given by the adoptive parents to be recorded along with the date of birth of the child.
- Direction to be given to the Birth Certificate issuing authority (name & place) to issue Birth Certificate within five working days from the date of receipt of application, with the child's name (as requested by the adoptive parents in the application), the date of birth, adoptive parents (names) as parents and the place of the SAA as place of birth (only the place).
- Attested photograph of the child affixed in the Court order.





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The Concerns



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Court Pendency



Ser NO	State/UTs	Pendency As on 01 Apr 2017				Total
		2 - 4 Months	4 - 6 Months	6 -12 Months	Beyond 1 Year	
1	Andhra Pradesh	0	0	0	0	0
2	Arunachal Pradesh	0	0	0	0	0
3	Assam	0	0	0	0	0
4	Bihar	34	0	10	51	95
5	Chandigarh	1	0	0	0	1
6	Chhattisgarh	6	4	5	1	22
7	Delhi	2	1	0	0	3
8	Goa	0	0	0	0	0
9	Gujarat	0	1	1	0	2
10	Haryana	14	4	2	0	20
11	Himachal Pradesh	1	2	0	0	3
12	Jharkhand	0	0	0	0	0
13	Karnataka	21	7	4	1	32
14	Kerala	0	0	0	2	2
15	Madhya Pradesh	27	14	24	9	74
16	Maharashtra	38	16	15	34	103

Contd.



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Court Pendency



Ser NO	State/UTs	Pendency As on 01 Apr 2017				Total
		2 - 4 Months	4 - 6 Months	6 -12 Months	Beyond 1 Year	
17	Manipur	0	0	0	0	0
18	Meghalaya	0	0	0	0	0
19	Mizoram	0	0	0	0	0
20	Nagaland	0	0	0	0	0
21	Orissa	30	13	24	13	80
22	Pondicherry	0	0	1	0	1
23	Punjab	0	0	6	1	7
24	Rajasthan	9	3	8	3	23
25	Sikkim	0	0	0	0	0
26	Tamil Nadu	0	13	23	54	90
27	Telangana	0	1	0	0	1
28	Tripura	0	0	0	0	0
29	Uttar Pradesh	2	17	26	35	80
30	Uttaranchal	0	0	0	0	0
31	West Bengal	18	8	47	35	114
Total		210	103	196	241	761





Delay Due To...



- Following CPC procedure instead of that as defined in JJ Act & AR 2017
- Prescribing extraneous agencies (like scrutiny committee) for various things
- Not admitting/registering the application
- Advertising and making Respondents while hearing of the case
- Power of Attorney not respected to in Inter-country cases (17(2) of AR 2017)
- Delay in assigning dates and short adjournments (cases must be treated as urgent)
- Absence of the Family/District Court Judges
- Petitions not filed in order (it shouldn't be adversarial) and supporting documents listed in Schedules VI & IX of AR 2017 not enclosed
- Reserved judgements and delayed pronouncement of Adoption Order





Few Adoption Orders



- Advertising about the adoption violates the right to privacy enshrined in constitution and is prohibited under **Section 74 of JJ Act**
- Adoptive parents ordered to execute bonds and deposits in the name of the child
- Adoptive parents ordered to donate money to an organisation
- Asking the adoptive parents to produce the child in the court in regular interval up to a certain duration



Few Adoption Orders



- Orders of some Courts for Advertisement of Adoption Cases in Newspaper, in contravention of the Judgement of Hon'ble Apex Court dated 06.02.1984 in L.K. Pandey case 
- Orders of some Courts for production of the adopted child for post adoption follow-up 
- Orders of some Courts for Fixed Deposit/Investment in the name of the adopted child 
- Orders of Court for Donation 
- Orders of some Courts for Scrutiny Report in adoption cases from External Agencies (Indian Council for Child Welfare) 
- PAPs/General Public/District Collector/CWC being made Opposite Parties to Adoption Cases 
- Order(s) of Court for DNA Test of the adopted child 
- Orders of some Courts for registration of Adoption Deeds despite Adoption Orders issued under JJ Act 
- Court Order(s) relating to Authentication of the Documents of Prospective Adoptive Parents (PAPs) 
- Misc. Orders of some Courts relating to Adoption 





सत्यमेव जयते



Some Progressive Orders/Judgements



Towards a new dawn



Some Progressive Orders/Judgements



- Order dated 11.09.2012 (para 11) of Hon'ble High Court of **Orissa** in W.P. (C) No.29388/2011, vide which it has been observed that *law is well settled that it is substance and not the form which is to be looked into by a Court of Law while deciding any lis and appropriate relief to which a party may be entitled to, should not be withheld on the technical ground that the nomenclature of an application has been made wrongly.*
- Order dated 15.03.2017 (para 4) of the Hon'ble High Court of Calcutta in C.O. No.820/2017, vide which it has been observed that *the District Judge does not exercise the plenary authority as under GAWA, 1890 qua the child to be given in adoption. At any rate, the Court does not continue to exercise jurisdiction over the child or the adoptive parent for an indefinite period of time.*



Some Progressive Orders/Judgements



- Judgement dated 4.4.2017 of Hon'ble Patna High Court, in Civil Misc. Application No.395/2017, vide which *it has been observed that This Court, after quashing the impugned Order would have normally remanded the matter for fresh consideration. However, after considering the submissions on behalf of the Petitioner and keeping in view the avowed object underlined in the JJ Act, 2015 as well as Adoption Regulations, 2017 for adopting the child friendly approach in the adjudication and disposal of the matter in the best interest of children and for their rehabilitation through prescribed processes, this court is of the well considered opinion that remanding the matter back for fresh consideration before the Ld. Court below would not sub-serve the best interest of the child... as it would deprive her the opportunity to grow under the loving care and attention of the parents and to lead life basic human dignity.*





Fervent Request



- Delay in adoption order delays the right to family which every child has.
- The adoption cases must be looked with sensitivity and accorded due priority.
- Rules and Regulations must be followed in letter & spirit
- Timelines as stipulated must be strictly adhered to in the interests of the children who can't represent for themselves.