

05. In compliance of the direction of Hon'ble Delhi High Court, a Call Centre is required to be set up for 24 hrs. as CARA Help Desk for which CARA has submitted a proposal for 12 hrs helpline and in this regard counter affidavit has been submitted to the Hon'ble Court. It is proposed to set up a CARA Help Desk for 12 hrs. from 8am to 8pm at the building of CSWB, Qutub Instructional Area, New Delhi. A team of officials of CARA has visited the CSWB Building and accordingly it has proposed that space of 20x20 hall/room could be finalised for the purpose. In this regard, file is under consideration in the Ministry. The estimated budget for the year 2021-22 is Rs. 32,12,000/- and for the year 2022-23, Rs 48,60,000/-. File is submitted for information.

Decision: Approved

Agenda No. 29.03: Office space of CSWB be utilized for CARA

06. In the SOM held dated. 6th Dec 2021 under chairpersonship of Secretary, WCD, it has been decided that the building space of CSWB at Qutub Institutional Area, New Delhi may be utilized by CARA/NIPCCD. Accordingly, a team of senior officers visited the building and it has been noticed that the building requires huge repair/renovation and maintenance work before shifting and in this regard a detailed proposal is being sent to MWCD for administrative/financial approval of the Competent Authority.

Decision: Approved

Agenda No. 29.4: Revision of Head wise Expenditure

07. In the Budget Head "Repair & Maintenance" budget of Rs.2 lakhs was earlier provisioned till 31st March, 2021. It is proposed to enhance the budget to Rs. 7 lakhs that can be utilised before March, 2021. Hence, in the Budget Head "Repair & Maintenance" amount of Rs.7 lakhs may kindly be sanctioned.

Decision: Approved

Agenda No. 29.5: Issue of support letters

08. On compliance of requisite procedure by adoptive parents residing in India, CARA has been issuing support letters to enable them to relocate to a foreign country. The notification dated 11.8.2021 is reproduced here below:

"(7A) Where the adoptive parents move with the child to some other country within two years of adoption, the concerned Indian Diplomatic Missions in the country of departure and arrival, shall be intimated at least two weeks in advance through a written communication by the adoptive parents with their full contact details at the new place and thereafter, it shall be the responsibility of the Indian Mission of the country to which the child has moved, to perform all the assigned duties under the Adoption Regulations, 2017 in respect of the adopted child."

09. In view of the above, CARA may issue support letters to seek approval for all types of Support Letters including the one to passport officer etc. on receipt of necessary undertaking from the adoptive parents in the following situations:

- When resident Indian/OCI adoptive parents habitually residing in India have completed adoption procedure as per the JJ Act 2015 (amended in 2021) subject to completion of remaining post-adoption follow-up by the Indian Mission abroad.
- When foreign adoptive parents habitually residing in India have completed adoption procedure as per the JJ Act 2015 (amended in 2021) subject to completion of remaining post-adoption follow-up by the AFAA/Central Authority.

10. The above is submitted for approval.

Decision: Approved and template of support letter will be shared with the Ministry

Agenda No. 29.6: Constitution of NOC committee for HAMA Inter country cases

11. NOC Expert Committee was constituted in accordance with the directions of the Hon'ble Supreme Court of India order dated 08-09-2010 in SLP (C) No. 25713/2009 and Civil Appeal No. 7475/2010. As per the provisions of Regulation 16 & 37(4) Adoption Regulations, 2017, CARA required to issues the No Objection Certificate (NOC) in all the cases of Inter- Country Adoption within ten days from the date of receipt of the acceptance of the child by the prospective adoptive parents and letter of approval or permission of the receiving country as per Article 5 and Article 17 of the Hague Adoption Convention, wherever applicable; and a copy of the No Objection Certificate shall also be endorsed to all concerned and posted in Child Adoption Resource Information and Guidance System forthwith. NOC will be issued after the recommendation and approval of NOC expert committee.

12. Article 37 of the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Inter-country Adoption stipulates that in relation to a State where two or more systems of law applicable to different categories of persons, any reference to the law of that State shall be construed as referring to the legal system specified by the law of that State.

13. As per Adoption (Amendment) Regulations, 2021 Gazette Notification dated 17-09-2021 process for children adopted under the Hindu adoption and Maintenance Act, 1956, by parents who desire to relocate child abroad, CARA is required to issue NOC on receipt of verification certificate from the District Magistrate, on the registered adoption deed and necessary permission under Articles 5 or 17 from the receiving country as provided in

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the Hague Adoption Convention on Protection of Children and Co-operation in respect of inter-country Adoption, the Central Adoption Resource Authority shall issue no objection certificate for Hague ratified. In the case of countries outside the Hague Adoption Convention, a support letter shall be issued by the Central Adoption Resource Authority.

14. In view of above it is proposed that NOC expert committee may be constituted for recommending the HAMA Inter Country adoption cases. From the pool of already panel of experts, one member from Social Work and one from Legal background may be chosen and CEO CARA may nominate the name of official Member as Member Secretary of the Committee. There is no need to have a medical member in such cases as the adoptions under the HAMA Act are family adoptions.

Decision: It was decided that the same NOC expert committee shall recommend the HAMA Inter Country Adoption Cases.

Additional Agenda Items with permission of Chair

Agenda No. 29.7: Regarding children of biological mothers having mental disability

15. A number of children in the country are in the child care institutions because their biological mothers are mentally ill, and there appears to be no immediate remedy for them. The medical board of the Government Hospital issues a certificate of mental disorder to the birth mother in the aforementioned situation. The medical board/committee invariably states that, "given the current presentation, nature, and course of her psychiatric disease," she is "unfit to take care of her babies at this time."

16. As per information, received from 24 States/UTs, there are 166 children with mentally challenged biological single mothers. The figures of all child care institutions have not been added which may be quite high. In this regard, The Rights of Persons with Disabilities Act, 2016, or The Mental Health Act 2017 does not provide any clear-cut provision to deal with future of children by such biological parents.

17. The CWCs are expected to act in the best interest of the child in such cases since the JJ Act 2015(amended in 2021) specifies that all decisions affecting the child must be made with the primary consideration of the child's best interests in mind.

18. With the facts mentioned above, when there is no significant improvement in the mental health of the birth mother for a continuous period, despite continued psychological and medical interventions, the CWC may, ideally, decide such matters with a full bench, taking into account the medical report about the birth mother's mental disorder/illness, the biological mother's background, and, most importantly, the child's welfare.


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आयुक्त (इंफोर्मेशन प्रोसेसिंग) कारा

आयुक्त (ऑनलाइन प्रशासनिक मामला)

कारा, इंदौर रोड, इंदौर, मध्य प्रदेश

कारा, इंदौर रोड, इंदौर, मध्य प्रदेश

Decision: It was decided to explore scope of adoption/foster care of such children in extended families. Opinion may be sought from Disability Department of Ministry of Social Justice & Empowerment and also from Ministry of Health & Family Welfare

Agenda No. 29.8: Disqualifying the PAPs after three referrals of normal children

19. As on date, there are 27927 PAPs for in-country adoption and 1176 PAPs for inter-country adoption who are waiting while 2339 children are available for adoption out of which 945 children are normal and 1394 children are having special needs.

20. Prospective adoptive parents who have been considered three referrals of normal children but have not chosen one may be considered ineligible to adopt a normal child in future, as there are currently a large number of PAPs waiting for adoption compared to the number of children available for adoption. If considered, the provision can be implemented with immediate effect.

Decision: The PAPs may be debarred for a period of one year and after one year of cooling period, the PAPs may register afresh and this would be effective from prospective effect.

Agenda No. 29.9: Cases where one of the India PAPs is living in India and the other is on work permit in a Non Hague Country

21. We have come across queries from the PAPs enquiring about the process of adoption to be followed in the aforementioned instances. For example, while the husband lives in Dubai and travels a few times a year to his home town located in Gujrat while the spouse is based in India.

22. HSR is usually conducted where the spouses live on a regular basis based on their usual residence. At this time, there is no clarity in the Adoption Regulations. If agreed, CARA may decide to classify such cases as in-country adoptions for solely Non-Hague nations, where CARA is not obligated to receive Art 5/17 from the destination country and in all such cases, the home study can be done while both the couples are in India.

Decision: Approved

Agenda No. 29.10: Requirement of Psychological Evaluation Report of Inter-Country and In-Country PAPs in Relative Adoption

23. Procedure related adoption of a child from a relative by another relative, irrespective of their religion, has been facilitated through the JJ Act 2015(amended in 2021) and the Adoption Regulations 2017. According to a decision made by the CARA Steering Committee at its 13th meeting on

March 23, 2018, the Psychological Evaluation shall be required for all cases of Inter-country PAPs, including Relative Adoption cases, even when the same was not proposed by CARA due to the closed nit relations maintained between the families and the mutual decision made by the biological parent and the adoptive parent.

24. The background can be attributed to the fact that the child Sherin Susan Mathews (Saraswati Kumari) was an Indian American toddler who was found dead in a culvert in Richardson, Texas. She was adopted in the year 2017.

Decision: The Committee agreed that CARA can do away with this rule involving adoption cases by relatives.

25. CEO CARA raised the issue about managing the CARA without professional staff and with vacancy of 15 regular staff. She reiterated that the relevant files have already been moved to Ministry. Secretary MWCD asked the files to be expedited to fill up regular vacancies as well as to outsource technical staff competent to revamp its IT application as CARA has huge task in the days to come to connect all DMs in the country

26. The meeting ended with thanks to the Chair.



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West Block, C.K. Puram, India

**Twenty-Ninth (29th) Meeting of the Steering Committee of
Central Adoption Resource Authority (CARA)**

Attendance Sheet

Steering Committee Members

1. Shri Indevar Pandey, Secretary, Ministry of Women & Child Development
2. Ms. Tripti Gurha, Joint Secretary & CEO CARA, Ministry of Women & Child Development
3. Ms. Preeti Pant, Joint Secretary, Ministry of Women & Child Development
4. Director, Department of Women & Child Development, Government of Orissa **(connected through VC)**
5. Ms. Sangeeta Banginwar, H.No. 103, Mont Vert Tropez, Wakad, Pune **(connected through VC)**
6. Ms. Shirali Radhakrishan Tyabji, Initiatives for Change, Asia Plateau, Satara Dist, PANCHGANI, Maharashtra, 412805 **(connected through VC)**

Special Invitees

7. Shri Navendra Singh, Director, CARA, Ministry of Women and Child Development
8. Ms. Diksha Prakash, ASO, Ministry of Women & Child Development
9. Ms. Anubha Goyal, Sr. Tech. Director, NIC, Ministry of Women & Child Development
10. Shri Sanjay Barishilia, Director, CARA
11. Dr. Jagannath Pati, Joint Director, CARA
12. Sh. Kamal Kishore, Deputy Director, CARA
13. Ms. Indu Vermani, Data Analyst, CARA



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2019