

EXTRACT/MINUTES OF THE MEETING (interim) OF THE HIGH COURT JUVENILE JUSTICE COMMITTEE FOR  
MONITORING THE IMPLEMENTATION OF JUVENILE JUSTICE ACT, HELD ON 13.03.2018 (BY VIDEO  
CONFERENCING).

**PRESENT:-**

1. Hon'ble Shri Justice J.K. Maheshwari -Hon'ble Chairperson (Jabalpur)
2. Hon'ble Shri Justice Rohit Arya -Hon'ble Member (Indore)
3. Hon'ble Shri Justice G.S. Ahluwalia -Hon'ble Member (Gwalior)
4. Pankaj Gaur -Secretary JJC (Registrar J-I)

Directions pertaining to adoption have been passed in C.R.No.258/2017 and C.R.No.260/2017 and looking to the gravity of the matter Juvenile Justice Committee directed to convene the meeting of JJC with a view to communicate with the concerned and seek response to be placed with the regular agenda in the next meeting of JJC.

**Directions passed by Hon'ble High Court in C.R. No. 258/2017 & 260/2017**

**Item No. 1 Jurisdiction & Smooth Functioning of Court**

The "Court" defined under Section 2 (23) of the J.J. Act is directed to follow the guideline as observed in Paragraph No. 20 of this order. The application seeking adoption should not be treated to be an adversarial litigation and such application should be decided in view of the foregoing direction within a time frame.

*The compliance of the order has been done.*

**Item No. 2. Role & Responsibility of Central Adoption Resource Authority.**

Hon'ble the Single Bench in CR No. 258/2017 & CR No. 260/2017 while dealing with adoption cases, directed to give notice to CARA which was sent on 10.01.2018 and a reply dated 12.01.2018 was received on 27.01.2018 and whereby CARA participated through Assistant Solicitor General in the proceedings and submitted a written reply on 24.01.2018 and tried to shift liability on NIC whereby NIC was called upon and a reply was submitted by Hon'ble the Single Bench, while passing the order dated 12.02.2018 has issued several directions to Court dealing with adoption cases, CWC, SAA, SARA, Steering Committee CARA and CEO



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CARA are mentioned at point 3, 4, 5, 6, 7, 9, 10, 16 in Para 53 of the Order. The copy of the Order has been communicated to NIC & CARA on 14.02.2018 and 15.02.2018. A reminder was sent to CARA on 26.02.2018 whereby a response has been received from CEO CARA dated 09.03.2018 File No. 18-45/2018/Legal-CARA.

1. **Direction No. 3.** In view of the observations made in Paragraph Nos. 29, 30, 33, 34, 35, 36, 38 the stand of the Chief Executive Officer of CARA is not found fair and it is contrary to the provisions of the J.J.Act, J.J.Rules and Regulations, which is wholly unbecoming in a case where the noble cause of adequate upliftment of children by way of adoption was under consideration.
2. **Direction No.4.** The Steering Committee or the Women & Child Development Department as the case may be may look into the aforesaid conduct and may have a vigil as specified under Section 69 of the J.J. Act and supervise the function of the CARA.
3. **Direction No.5.** The action may be taken against the erring persons who made delay in furnishing the information by the Central Government or the State Government as the case may be.
4. **Direction No.6.** After filing the reply of the show cause notice the SAA UDAN who reported a right cause to this Court may be examined by the officer higher than the C.E.O of CARA independently without his intervention and to take a final decision in accordance with law.
5. **Direction No.7.** In the facts, the CARA is directed through Steering Committee to make the referral of the children of SAA UDAN and other alike SAA and CCI by way of immediate placement. In this regard, the older age sibling child must be given priority but immediate placement should not be delayed more than fifteen days from the date of communication of this order.
6. **Direction No.9.** The Steering Committee of CARA or MW&CD are requested to look into the observations made



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in Paragraph Nos.42,43,44,45 of this order and to examine whether the Regulation 10(2) is ambiguous to the provisions of Section 58(2) and the other provisions of the J.J. Act and the Rules and if it is found so, remedial measure may be taken.

7. **Direction No.10.**The Steering Committee of CARA is further requested to look into the observations made in Paragraph No.45 of this order and update the CARINGS application thereby it may be user friendly to SAA and PAPs for upliftment of the adoption in the country.
8. **Direction No.16.**It is further observed that the Central Government, the State Government, CARA and Court are supposed to function as per the object and spirit of the Juvenile Justice (Care and Protection of Children) Act, 2015, the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 and the Adoption Regulations, 2017.

All the Hon'ble Judges/Members of the Committee were primarily of the view that the order of this Court has been flouted and this report dated 09.03.2018 has been sent with a bias attitude by the CEO, CARA, which is wholly unbecoming. The members of the Committee were also of the view that there may be a possibility that the order of the Hon'ble Court may not have been brought to the notice of the Chair Person of CARA by the CEO and he is submitting the response on his own, therefore, as directed by the Juvenile Justice Committee to inform the higher authorities of the Women and Child Development Department of Government of India including Hon'ble the Minister to take appropriate action as directed in the order and submit early response within two weeks from the date of receipt of this letter.

It is made clear that the Hon'ble the Judges/Members of the Committee are of the opinion that the direction No. 7 in regard to immediate placement ought to be complied with within 7 days from the date of receipt of this letter. In case early response is not received, immediate meeting of the Juvenile Justice Committee may be organized



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and matter may be placed to take *suo moto* action of contempt against the CEO, CARA and other erring persons including the Steering Committee.

**Item No. 3. Role & Responsibility of Specialized Adoption Agency**

**Item No. 4. Role & Responsibility of Child Welfare Committee**

Hon'ble Court has given directions No.5,11,12,13,14,15 & 16 in para 53 of the order dated 12.02.2018 in C.R.No.258/2017 and 260/2017.

Hon'ble Committee after consideration had directed to issue letter to Principal Secretary and Commissioner, Women and Child Development, Bhopal to submit:

1. The data as to how many legal-free children entered into SAAs and CCIs as on 1.4.2017 and such updated data on month to month basis be made available upto 31<sup>st</sup> March, 2018.
2. After legal free from CWC on which date the concerned SAAs and linked CCIs have uploaded said children on the CARINGS and on which date the information regarding CSR and MER have been furnished on CARINGS by said SAAs with linked CCIs.
3. How many referrals have been given to individual SAAs or linked CCIs, after uploading the children of CARINGS and such referral after how many days or months is put in remark column.
4. How many adoptions took place on account of such referrals. The information must contain details of all individual SAAs or linked CCIs.
5. The information regarding immediate placement of the children with respect to individual SAAs or linked CCIs be provided indicating the date of entering the child on CARINGS, date of uploading CSR and MER and the date of immediate placement
6. Information be also furnished regarding pending cases in CWCs month-wise and if any delay is caused, its reason for not taking action against the particular CWC to not declaring the child legal-free within the time so specified in the Juvenile Justice



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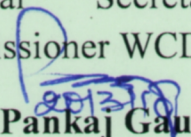
(Care & Protection of Children) Act, 2015.

In addition, other directions regarding constitution of CWC, CCI SAA linkage and constitution of committee of SARA be complied within the time frame.

Hon'ble Committee has also directed that aforesaid information be furnished within two weeks. The officer concerned must ensure that the information which is sent to the Juvenile Justice Committee are correct and if any, discrepancy is found, it shall be viewed seriously.

Therefore, if approved:

1. For **Item No.2** may permit to issue letter to Secretary, Steering Committee CARA and endorsed copy to Members of the said Committee.
2. For **Item No.3 & 4** may permit to issue letter to Principal Secretary and Commissioner WCD.

  
(Pankaj Gaur)

Registrar J-I & Secretary JJC

HON'BLE SHRI JUSTICE J.K. MAHESHWARI s/d

HON'BLE SHRI JUSTICE ROHIT ARYA s/d

HON'BLE SHRI JUSTICE G.S. AHLUWALIA s/d