

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 162 OF 2015

Mr. Santosh Digambar Honkarape & Anr.	...Petitioners
<i>Versus</i>	
The Central Adoption Resource Agency & Ors.	...Respondents

ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION NO. 47 OF 2016

Federation of Adoption Agencies	...Petitioner
<i>Versus</i>	
The Central Adoption Resource Authority & Anr.	...Respondents

Ms. Shirin Merchant, for the Petitioners in PIL 162/15.

Mr. Anil Singh, ASG a/w Mr. D.P. Singh, Mr. Y.R. Mishra, Mr. D.A. Nalawade, Mr. N.R. Prajapati, Ms. Deepa sharma & B. Shahu, for Respondents No. 1 & 2 in PIL 162/15.

Mr. A.B. Vagyani, GP a/w Mr. A.I. Patel, AGP for Respondent No. 3 in PIL 162/15.

Mr. Anil Singh, ASG a/w Mr. D.P. Singh, Mr. Y.R. Mishra, Mr. D.A. Nalawade, Mr. N.R. Prajapati, for Respondents No. 1 & 2 in PIL 47/16.

CORAM : A.S. OKA &
A.A. SAYED, JJ.
DATE : 5th July 2016

PC. :

1. Though these Petitions were disposed of by the judgment and order dated 12th April 2016, today the said Petitions are fixed for reporting compliance. After having perused the order dated 14th March 2016 passed by the Apex Court in Writ Petition (Civil) No. 124 of 2012, we have no manner of doubt that the 2015 Guidelines, which are made operative today till appropriate Regulations are framed under the new Act, need to be notified. We direct the Union of India to do the needful within a period of three weeks from today.

2. As regards objections to the Guidelines of 2015, there is an Affidavit filed by Shri. Binod Kumar Sahu, Deputy Director of Central Adoption Resource Authority, contending that the modification to said Guidelines is not necessary on the ground that the same infringe the provisions of Section 74(1) of the New Act. As the Petitions have been disposed of, the refusal to modify the Guidelines cannot be tested. However, if the Petitioners are aggrieved by the decision not to modify the Guidelines, they can take appropriate proceedings.

3. In paragraph 4 of the said Affidavit of Shri. Sahu, a statement has been made that the Central Model Juvenile Justice

Rules, 2016 will be notified by the Union of India by September 2016. We accept the said statement. We make it clear that the model Rules will have to be modified at the earliest. Unless the model Rules are notified, the State Government cannot be commence Rule making exercise. For reporting further compliance, both the Petitions shall be listed under the caption of 'Directions' on 16th September 2016.

[A.A. SAYED, J.]

[A.S. OKA, J.]