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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 22nd January, 2021

+ **W.P.(C) 13615/2018 & CM APPL. 53050/2018**

WORLD VIEW ADOPTION ASSOCIATION Petitioner

Through: Ms. Neela Gokhale, Ms. Harshal
Gupta, Ms. Shruti Dixit & Mr. Kushal
Choudhary, Advs. (M:9810166391)

versus

UNION OF INDIA AND ANR. Respondents

Through: Mr. Gaurang Kanth, Standing
Counsel with Ms. Biji Rajesh,
Advocate for R-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through video conferencing.
2. The Petitioner - World View Adoption Association is a Canadian organisation, duly recognised as an authorised foreign adoption agency by the Ontario Ministry of Children and Youth Services, in Canada. The Petitioner is stated to have a licence as an adoption agency for inter-country adoption services since 2003. The Petitioner's licence was renewed under Regulation 31(3) of the Adoption Regulations, 2017, under Section 68(c) read with Section 2(3) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (*hereinafter, 'Juvenile Justice Act'*). The said recognition was granted on 19th June, 2013, which remained in force for a period of five years and expired in June, 2018.
3. According to the Petitioner, during the period of authorization, it had complied with all the formalities and requirements as prescribed in terms of the statute and the guidelines for facilitating adoption from India to Canada.

However, when it applied for a renewal of the said licence, the same was not granted by the Respondent No.2 to the Petitioner. Hence, the Petitioner has filed the present writ petition before this Court seeking an appropriate direction to the Respondent Authority, to renew its license.

4. Ms. Gokhle, Id. counsel for the Petitioner submits that prior to the decision of non-renewal, no hearing was given to the Petitioner and in fact the Petitioner was not aware of any of the reasons as to why its licence was not renewed.

5. In the reply affidavit, there are certain pleas which have been taken by the Respondent No.2 - Central Adoption Resource Authority (*hereinafter*, "CARA") that there were alleged irregularities in the adoptions which were facilitated by the Petitioner, and certain non-compliances in submission of documents such as annual reports etc. which were required to be submitted in compliance of Regulation 30 and 31(2) of the Adoption Regulations, 2017.

6. Ms. Biji Rajesh, Id. counsel appearing for the Respondent No.2-CARA, accordingly submits that there is adequate material available to justify the non-renewal of the licence of the Petitioner.

7. The Petitioner submits that these reasons have come to light for the first time through the reply affidavit, but however, it takes the position that it has fully complied with all the requirements mentioned in the said Regulations.

8. Considering the fact that the Petitioner has had a licence since 2003 and is a recognised adoption agency in Canada, this Court is of the opinion that the said non-renewal cannot result in permanent disbarment of the Petitioner from operating as a recognised adoption agency, under the

relevant regulations and statutes.

9. Even if the earlier licence is not renewed, the Petitioner ought to have an opportunity to apply afresh to Respondent No. 2- CARA, so that its case can be considered again on merits.

10. Accordingly, the Petitioner is permitted to file a fresh application seeking a licence under the Adoption Regulations, 2017 framed under the scheme of the Juvenile Justice Act. The said application, if filed, shall be considered afresh in accordance with law. As a part of the consideration for a fresh licence, the submission of the Petitioner to the effect that there was complete compliance of the said Adoption Regulations by the Petitioner even on the previous occasion, shall also be considered. If the Petitioner seeks a hearing, the said request shall be considered.

11. If the said application is made within a period of eight weeks from today, a hearing shall be awarded to the Petitioner and a decision shall be taken on a fresh license, within four months thereafter.

12. This petition and all pending applications are disposed of in the above terms.

PRATHIBA M. SINGH
JUDGE

JANUARY 22, 2021

dj/Ak

(Corrected & released on 27th January, 2021)