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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8998/2025 & CM APPL. 38383/2025**

MOHAMMAD WASI THROUGH SPA SUMAN PATRA

.....Petitioner

Through: Mr. Shantwanu Singh, Mrs. Pragya Singh and Mr. Akshay Singh, Advs.

versus

CENTRAL ADOPTION RESOURCE AUTHORITY & ANR.

.....Respondents

Through: Ms. Radhika Biswajit Dubey, CGSC with Ms. Gurleen Kaur Waraich, Mr. Kritarth Upadhyay, Mr. Saksham Sharma, Mr. Mathy V. Kutty and Mr. Aayush Dogra, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% 17.01.2026

1. The petitioner is an Indian Citizen and has been residing in Nigeria since January, 2020. He claims to have adopted a minor child in Nigeria, namely, Master Owode Abdulsommod Olamide [*hereinafter 'the minor adopted child'*]. The guardianship of the minor child was granted to the petitioner *vide* order dated 18.01.2022, passed in Suit No.FCI/201/2021 by the competent Nigerian Court (*Annexure P-2*).

2. Pursuant thereto, an application for the issuance of a visa and Overseas Citizenship of India [*hereinafter 'OCI'*] card for the minor adopted child was initially submitted before the Indian High Commission in



Nigeria on 24.08.2022. The said application remained pending.

3. Subsequently, the adoption was granted in favour of the petitioner *vide* order dated 08.04.2024 by the Chief Magistrate Court, OYO State of Nigeria in the Family Court Division Holden at Ogbomoso. The petitioner, thereafter, again approached the Indian High Commission *vide* letter dated 14.11.2024, requesting the grant of travel visa and OCI card of the minor adopted child. The petitioner stated that he was informed by the Indian High Commissioner in Nigeria that clarifications had been sought from the Central Adoption Resource Authority [*hereinafter* '**CARA**']. Since no response was received, the petitioner has filed the instant petition for the following reliefs:

*“(I) an issue a writ of mandamus or any other appropriate writ directing Respondent No. 1 to issue conformity certificate or no objection as stipulated in Regulation 70 of the Adoption Rules while treating the email dated 18.05.2025 sent by Petitioner as his representation, and/or
(II) issue a writ of mandamus or any other appropriate writ directing Respondent No. 2 to issue visa and OCI card to Master Owode Abdulsommod Olamide so as to enable him to travel to India to meet his relatives and family members, and/or
(III) pass any other order and/or direction as this Hon’ble Court may deem fit and proper in the facts and circumstances of the present case.”*

4. The written submissions have been filed by CARA and it is contended that CARA is governed by the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 [*hereinafter* '**Act**'] and the Adoption Regulations, 2022 [*hereinafter* '**Regulations, 2022**'] framed under Clause (c) of Section 68 read with clause (3) of Section 2 of the Act. It is stated that the CARA has to abide by the provisions of the Act, and Regulations framed thereunder, to regulate all adoptions involving the Indian Citizen, even including those from non-Hague countries.



5. It is the case of the CARA that since India is a signatory to the Hague Adoption Convention, and therefore, being a receiving State, it will have to adhere to Regulation 23, which *inter alia* mandates the compliance of Article 5 and Article 17 of the Hague Adoption Convention. During the course of the hearing, it is also pointed out by Ms Radhika Biswajeet Dubey, learned CGSC, that CARA is fully supporting and assisting the petitioner to facilitate the issuance of NOC.

6. A communication dated 28.07.2025 has also been brought on record by Ms. Dubey, whereby, certain guidelines under the Act and Regulations, 2022 were provided to the Consular and Head of Chancery, Consulate General of India, Lagos. It is stated that the matter will have to be taken to its logical conclusion once the petitioner provides the necessary documents as contemplated under Regulation 23 of the Regulations, 2022. Paragraph VII of the communication dated 28.07.2025 is extracted as under:

“VII As per Regulations, documents for Prospective Adoptive Parents residing abroad shall be authenticated through Indian Mission (in cases of Indian citizens and Overseas Citizen of India Cardholders) only after completion of Home Study Report. Home Study Report and Child Study Report may be conducted through locally recognized Child Protection Officer/Social Worker as per the local fees However, it is imperative to place that any document uploaded on behalf of the parents needs to be authenticated/stamped properly by Central Authority or Government department or through Indian Mission.”

7. Mr. Shantwanu Singh, learned counsel appearing for the petitioner places reliance on the decision of the High Court of Karnataka at Bengaluru in the case of **Ravi Kumar C. v. CARA**¹ and has contended that the controversy involved herein is squarely covered by the said decision.

¹ 2024 SCC OnLine Kar 33



8. Contrary to the said reliance, Ms. Radhika Biswajit Dubey, learned counsel appearing for the CARA, submits that even in the case of **Ravi Kumar**, it is on fulfilment of all necessary conditions that the NOC was directed to be issued. She has also been shown the necessary documents, which were submitted by the petitioner **Ravi Kumar** before CARA.

9. Having considered the submissions made by learned counsel appearing for the parties and on perusal of the record, it is found that the adoption of the minor child by the petitioner will have to be governed by Regulation 23 of the Regulations 2022, which is extracted as under:

“23. Procedure for adoption of a child from a foreign country by Indian citizens.— (1) Necessary formalities for adoption of a child from a foreign country by Indian citizens shall initially be completed in that country as per their law and procedure.

(2) On receiving Home Study Report of the prospective adoptive parents (including supporting documents), Child Study Report and Medical Examination Report of the child, the Authority shall issue the approval, as required in the cases of adoption of children coming to India as a receiving country under Article 5 or Article 17 of the Hague Adoption Convention.

(3) A child adopted abroad by the Indian citizens, having a foreign passport, and requiring the Indian visa to come to India, shall apply for visa or Overseas Citizen of India Card to the Indian mission in the country concerned, who may issue entry visa to the child after checking all the relevant documents so as to ensure that the adoption has been done following the due procedure.

(4) The immigration clearance for the child adopted abroad shall be obtained from the Central Government in the Foreigner’s Division, Ministry of Home Affairs, through the Indian diplomatic mission to that country.”

10. A perusal, thereof, would indicate that the necessary formalities for adoption of the child from a foreign country by an Indian Citizen shall be initially completed in that country as per their law and procedure. To this, the parties are *at idem* that the compliance to that effect has been made.



11. Regulation 23(2) of Regulations, 2022 prescribes that on receiving home study report of the prospective adoptive parents (including supporting documents), child study report and medical examination report of the child, the authority shall issue the approval, as required in the cases of adoption of children coming to India as a receiving country under Article 5 or Article 17 of the Hague Adoption Convention.

12. By virtue of Regulation 23(2) of the Adoption Regulations, 2022, India, as the receiving country, is required to ensure compliance with Article 5 or Article 17 of the Hague Adoption Convention, irrespective of whether the foreign country concerned is a signatory to the Hague Adoption Convention or not.

13. It is at this stage that the petitioner's case has encountered an impediment. According to the petitioner, difficulties have arisen in relation to the procurement of the Child Study Report and the Home Study Report.

14. Learned counsel appearing for the petitioner submits that the petitioner has no difficulty in cooperating with any authority. However, it is contended that the petitioner, acting independently, may not be in a position to obtain the Home Study Report.

15. It is at this stage that Regulation 43 of Regulations, 2022 will have full application, which is extracted as under:

“43. Role of Indian diplomatic missions in inter-country adoption.—
Indian diplomatic missions abroad shall have the following role in inter-country adoption of Indian children, namely:—

(1) liaise, coordinate and facilitate in the matter of inter-country adoption of Non- resident Indian and Overseas Citizen of India Cardholders with the help of the Authorised Foreign Adoption Agencies, Central Authorities, concerned foreign Government departments and social workers authorised by them wherever required;

(2) recommend proposals seeking for authorisation of foreign adoption agencies and social workers in consultation with Central Authority or



Government department concerned for the purpose of sponsoring applications for adoption of Indian children;

(3) issue visa on the basis of supporting documents to foreign prospective adoptive parents who wish to see a child in person at a Specialised Adoption Agency in India, before accepting them for adoption, after their adoption application is approved by the Authority and also for taking custody of the child after issue of adoption order;

(4) empanel and authorise social workers in Non-Hague countries to complete adoption application formalities including Home Study Report, where there is no Authorised Foreign Adoption Agency or a Government department to deal with adoption;

(5) liaise with the authorised social workers of the Non-Hague countries to send progress report of the child on quarterly basis in the first year and on six monthly basis in the second year, from the date of arrival of the child in the receiving country and in case of disruption of adoption, shall take actions as provided under regulation 20;

(6) liaise with the authorised social workers of the Non-Hague countries to complete remaining progress reports of the adoptive parents relocating abroad;

(7) render necessary help and facilitate the repatriation of the child in case required, in consultation with the local authorities, adoption agency concerned and the Authority.”

16. Sub-Regulation 4 of the aforementioned regulation requires empanelment and authorisation of social workers and non-Hague countries to complete adoption application formalities, including a home study report, where there is no authorization foreign adoption agency or a Government department to deal with adoption. Furthermore, Sub-regulation 5 would empowers the Indian diplomatic mission in inter-country adoption to liaise with the authorized social workers of the Non-Hague countries to send progress report of the child on quarterly basis in the first year and on six monthly basis in the second year, from the date of arrival of the child in the receiving country and in case of disruption of adoption, shall take actions as provided under Regulation 20. Sub-regulation 6 requires that liaise with the authorised social workers of the Non-Hague countries to complete the remaining progress reports of the adoptive parents relocating abroad.



17. A cumulative reading of Regulations 23 and 43 would indicate that the petitioner will have to be rendered full assistance by the Indian diplomatic mission situated in Nigeria. The petitioner will have to liaise with the said authority, and in consultation with each other, the home study report and the child study report can be procured. In the instant case, there does not seem to be any other difficulty except the aforesaid two aspects.

18. Since the applicable regulations fully deal with all involved aspects, the Court deems it appropriate to dispose of the instant petition with the following directions:

- i. Let the petitioner to approach the Consul (Consular) and Head of Chancery, Consulate General of India, Lagos, within a period of 15 days from today.
- ii. Let the petitioner to present all documents in order to obtain the home study report and child study report, if necessary.
- iii. On receiving the documents from the petitioner, let the said authority to assist the petitioner and to guide him as to what further steps are required to be taken.
- iv. Let the said exercise be carried out by the concerned authority within a period of 30 days from the submission of documents by the petitioner.
- v. It is, thereafter, that the concerned authority will have to send the necessary communication to CARA, and CARA, thereafter, on its satisfaction, will have to issue NOC.
- vi. For any reason whatsoever, if the home study report/child study report cannot be granted/obtained by the petitioner, let the reasons thereof be



communicated to petitioner, enabling him to take appropriate recourse
in accordance with law.

PURUSHAINdra KUMAR KAURAV, J
JANUARY 17, 2026/p/mj