Central Adoption Resource Authority Ministry of Women & Child Development R.K. Puram, New Delhi

Minutes of the 34th Meeting of Steering Committee Resource Authority (CARA)

The 34th Meeting of the Steering Committee of Central Adoption Resource Authority (CARA) chaired by Shri Indevar Pandey, Secretary, MWCD (Chairperson of the Steering Committee of CARA) was held on 15th February, 2023 at 10:30 AM at Conference Hall, Shastri Bhawan, New Delhi.

- 2. The list of participants is attached. The meeting was held virtually, while the Chairperson, and other official members of the Ministry were physically present.
- 3. At the outset, CEO & Member Secretary, CARA welcomed Chairperson of the Steering Committee and all the other Members of the Committee. Chairperson of the Steering Committee requested Member Secretary & CEO, CARA to start the proceedings of the 34th Meeting of the Committee.
- 4. The Action Taken report on the Decision on the Agenda items of the $33^{\rm rd}$ Meeting placed at Annexure-A was discussed and approved

AGENDA ITEMS AND DECISIONS:

PROGRAMME & POLICY MATTERS

Agenda No. 34.01 Notification of Adoption Regulations, 2022

1. The Adoption Regulations, 2022 framed by CARA have been notified on 23.09.2022 by the Ministry of Women & Child Development. The Adoption Regulations, 2022 has been uploaded on CARA website and has been circulated to all concerned. Some of the key features of the revised Regulations are placed at **Annexure-B.** The Steering Committee may adopt the Regulations 2022 as required under Section 69(3)(c)of the JJ Act, 2015 which provides that "to adopt the recruitment rules, service rules, financial rules of Authority as well as the other regulations for the exercise of the administrative and programmatic powers within the organisation, with the prior approval of the Central Government".

Decision: Approved

Agenda No. 34.02: Case for Relaxation in the matter of Mr. Jyotirmoy Dutta and Mrs. Sukla Dutta (Supreme Court matter).

2. Petitioners Jyotirmoy Dutta and Mrs.Sukla Dutta are residents of West Bengal. The Child Welfare Committee, Mayurbhanj Odisha handed



over a female baby named Tarana (DOB: 27 July 2013) on 8th October 2013 and was placed under Foster Care with the Petitioners. Since October 2013 the child is under Foster care of the petitioners. Their combined age is exceeding 110 years and that they have been taking care of the child since the child was three months old.

- 3. Hon'ble Supreme Court of India vide order dated 20.10.2022 directed as under:
 - "......Considering the fact that the petitioners have been the foster parents and the girl in question is aged 10 years and apparently developed mutual attachment, we feel that in the interest of justice the following order should be passed:- If the petitioners do the needful in terms of uploading details on the portal hereinbefore mentioned within a period of two weeks from today, the same will be acted upon in accordance with law and a decision will be taken as early as possible preferably within four months from the date on which the details are uploaded by the petitioners-----"
- 4. A copy of the Order is placed at **Annexure-C.** Since it is difficult to register online an old case, CARA has acted on the basis of the hard copy of the application received from the petitioners.
- 5. The PAPs as per rule are not eligible to adopt as the combined age of the foster parents is more than 110 at the time of taking custody of the child in 2013. This case of foster care adoption has to pass through the scrutiny of Rule 44 of the JJ Rules. Since it is an old case, it is proposed to decide the case in the light of Rule 44(iii) of the JJ Rules 2022, where the child has remained with a foster family for about 9 years other than in pre-adoption foster care.

Rule 44(iii) of the JJ Rules 2022

"Where the child has remained with a foster family for a minimum of two years other than in preadoption foster care, the foster family may apply for adoption and shall be given preference to adopt the child after the child has been declared legally free for adoption and after registering in "after registering in the portal of the Authority and according to procedures laid down in Adoption Regulations.",

- 6. Based on the social investigation report from the state of West Bengal and on the basis of fresh CWC order declaring the child legally free from the District Sundergarh, Odisha, CARA has issued support letter for adoption order to be issued by the DM concerned.
- 7. As per Regulation 63 of the Adoption Regulations 2022, the power of relaxation and grant exception to any provision of these regulations in respect of a case or class of cases shall be vested with the Relaxation Committee of the Authority. Relaxation Committee of the Authority shall be chaired by the chairperson of Steering Committee of the Authority and two

members consisting of its Chief Executive Officer and a member of Steering Committee having experience in law as members. Since all relaxation Committee members are part of the Steering Committee, the Steering Committee may kindly consider the relaxation of the age on ex-post facto basis.

Decision: Ratified by the Committee.

Agenda No. 34.03: Case for Relaxation in the matter of T.P.(C) No.1439/2021 - Brian Keith Alves & Anr. v. Central Adoption Resource Authority &Ors.(Supreme Court matter).

- 8. This has reference to one Transfer Petition (Civil) No.1439/2021 dealing with a case of a child placed in foster care in June 2016 by a Kolkata based adoption agency with a set of OCI parents where Hon'ble Supreme Court of India on 04.03.2022 has directed as under:-
 - "(1) Let CARA examine the factual circumstances, which are peculiar to this case, and take a decision as to whether the child whose adoption the petitioners want to confirm, is free for adoption or not.
 - (2) In the event CARA finds that the child is free for adoption, it shall also take steps for registration of the child as well as Prospective Adoptive Parents and allocate the requisite registration numbers to them. While undertaking the afore stated exercise, CARA shall take into consideration the Social Investigation Report/Home-Study Report, which is available and was prepared on the basis of the directions issued by the appropriate authority at Barasat, North 24 Parganas, Kolkata."
- 9. CARA has already received CWC certificate declaring the child as legally free for adoption from the State of West Bengal while social investigation report has already been completed by DCPU Delhi. The Home Study Report of the parents is still awaited who are habitual residents of the USA. CARA shall issue pre-approval letter prior to issue of adoption order by the DM concerned. This is for information of the Steering Committee.

Decision: Noted by the Committee.

Agenda No. 34.04: Relating to a particular case of surrogacy

10. Mr. Manmad Kumar Sunkari and his wife Mrs. Chandana Kolla are citizens of USA habitually residing in USA decided to go for their second biological child through test tube and surrogacy process and a male child, born on 09.10.2014 was handed over to them. USA Consulate at Hyderabad conducted the DNA Test and notified that child is not biologically connected to any of the parents and denied the USA Passport to him. The child entered



into a **'State less'** situation and wife Chandana Kolla got divorced from Mr.Manmad Kumar Sunkari from a USA Court in 2019.

- 11. In accordance with Regulation 41(17)(b) of the Adoption Regulations 2022 on the ground of special circumstance read with Rule 44(iii) of the JJ Rules 2022, CARA has issued adoption support letter in the particular case on the basis of positive recommendation of the CWC, Bangalore (based on social investigation report), Order of the Ld. Court of the Principle District Judge, Ananthapuram appointing Mr.Manmad Kumar Sunkari as legal guardian of the child, NOC received from the Embassy of United States of America.
- 12. CARA has finally issued conformity certificate on the basis of adoption order issued by the DM concerned. This is for information of the Steering Committee. This is for information of the Steering Committee.

Decision: Noted by the Committee.

Agenda No. 34.05: Case of Afghan child

- 13. This is about a case of Afghan child surrendered by Afghan couple in Pune which is pending for CWC clearance for quite sometime. The biological parents are Afghan citizens living at Pune, Maharashtra on student visa. Baby Atlas was born out of wedlock, and after baby Atlas's birth, the couple decided to surrender the baby to Specialized Adoption Agency (SAA) at Pune. Child Atlas was produced before the Child Welfare Committee (CWC) and later temporarily placed at Bhartiya Samaj Seva Kendra at SAA Pune.
- 14. While every child has a right to family, the JJ Act, 2015 is silent on the citizenship issue. Ministry of Law and Justice has advised to consider rehabilitation of the child under the JJ Act, 2015 as interpreted by the Hon'ble Supreme Court of India in the matter of Exploitation of Children in Orphanages in the State of Tamil Nadu v/s Union of India & Others in WP (C) NO. 102 OF 2007 order dated 05.05.2017. Accordingly, the State Govt. of Maharashtra has been advised. This is for information.

Decision: Noted by the Committee.

Agenda No. 34.06: Decision regarding ineligibility of PAPs to adopt normal child in case they have already two children

15. As per Regulation 5(7) of the Adoption Regulations-2022, couples with two or more children shall only be considered for special needs children as specified in clause (25) of regulation 2, and hard to place children as stated in clause (13) of regulation 2 unless they are relatives or step-children. Presently there are approximately 1282 PAPs with two or more than two children registered on CARINGS prior to the notification of Regulations.



16. The database of registered PAPs on CARINGS is as below:-

Category of PAPs	No. of PAPs with two or more biological and adopted children desiring to adopt normal children	
2 2	(as on 31-10-2022).	
RI	1229	
NRI	3	
OCI	9	
Foreigner	41	

17. It is proposed that the provision may be made effective on prospective basis i.e. 10th November, 2022, the day the new registration module has been made operational as required under the Adoption Regulations 2022, else there will be more grievances from the PAPs.

Decision: The issue was discussed in detail including the long pendency of waiting parents to adopt a normal child. Many of the PAPs even do not have a single child. It was finally decided by the Steering Committee to disallow the PAPs already having two children to adopt a normal child. Accordingly, the provision in the CARINGS portal may be made operational forthwith. However, such PAPs shall be eligible to reserve children available on Immediate Placement or Special Needs portal. The PAPs may be informed accordingly.

Agenda No. 34.07: Decision regarding debarring PAPs for a period of one year not reserving a child after receipt of requisite no. of referrals.

- 18. As per Regulation 9(3), 2022, when resident Indian or non-resident Indian or Overseas Citizen of India Cardholder prospective adoptive parents do not reserve a child, out of three referrals, such parents shall be debarred for a period of one year, after which they shall be eligible for fresh registration and the foreign prospective adoptive parents shall also be debarred for a period of one year if they do not reserve a child out of two referrals.
- 19. Presently there are approximately 928 PAPs registered on CARINGS who have not reserved a child out of stipulated referrals.

Types of PAPs waiting	Already referrals received as required under the Regulations
RI	922
NRI	-
OCI	-
Foreigner	6

20. It is proposed that the provision may be made effective on prospective basis i.e 10th November, 2022, the day the new registration module has been made operational as required under the Adoption Regulations 2022.

Decision: Approved

Agenda No. 34.08: TSG proposal for overall revamping of IT Application at CARA

- 21. CARA has been advised by the Ministry to place the proposal before its Steering Committee and ensure compliance of GeM guidelines and GFR, 2017 while hiring the Technical Support Group. An expert committee has been constituted consisting the Member Secretary & CEO, CARA, DDG (MeitY), Professor IIT Kanpur, Chief Coordinating Officer from AICTE, Under Secretary, MWCD to assess the suitability of the manpower outsourced through the agency to be selected in compliance of GeM guidelines.
- 22. Earlier the Technical Support Group of CARA was referred to IFD and IFD has noted that the additional budget support required would be Rs.43.20 lakh per annum. However, no additional support would be required during the current FY. Further, AS&FA has concurred the additional fund requirement of Rs.43.20 lakh to CARA for the above engagement from next FY. CARA may send requisition for additional funds to the Budget Section at the appropriate time.
- 23. Further 4% service charge while hiring Technical Support Group through GeM Portal has been approved by IFD in addition to the above. On concurrence of IFD, necessary formalities have been completed to hire Sr. software Backend Developer, Jr. Software Backend Developer, Sr. Database Administrator & Jr. Front-end Developers through the GeM as proposed in the TSG. So far two developers have already been hired and the remaining Sr. Software Professionals shall be recruited soon.

Decision: Approved. It was decided to expedite the process for revamping the overall IT application. If there is need for more man power a proposal may be moved.

Agenda No. 34.09: Regarding authorisation of one AFAA (Holt International Children Services, USA)

24. This is about the suspension of one foreign agency (Holt International Children Services) due to the death of an adopted child and in this regard, Steering Committee vide its Meeting dated 10.11.2017 had directed to "take suitable action against the AFAA and accordingly send a letter to the US Central Authority and Indian Mission Abroad for seeking detailed Report". The Steering Committee also asked CARA to send the reminder to the US Authority and the Indian Mission. The then Joint Secretary (CARA) suggested to withdraw the services of the Agency till any conclusive report is



received from the receiving country and accordingly the agency was suspended and the pipeline cases were transferred. Meanwhile the authorization of the agency was suspended with the approval of the Secretary, WCD on 26.12.2017, and the file was also seen by the Hon'ble Minister, MWCD.

- 25. The USA authority through the Council of Accreditation (COA), USA has come out with its observations about the functions of the agency and indicated that the agency maintained substantial compliance with standards of the Hague Convention with respect to Home Study, preparation and training of prospective adoptive parents (PAPs), provision of medical and social information and post-adoption services, etc.
- 26. The agency has placed a large number of special needs children from India and has been working long in Inter-country Adoption of Indian children with USA families (NRI, OCI and Foreign). The appeal submitted by the AFAA along with one self-contained note is placed at **Annexure-D** for perusal of the Steering Committee.

Decision: The proposal was not considered.

Agenda No. 34.10 Activities during Adoption Awareness month for information of the Steering Committee

- 27. The month of November is celebrated as "Adoption Awareness Month" and during the period, the States/UTs have been requested to take-up following measures for promotion, facilitation, monitoring and regulation of the Adoption Programme in the State/UT as envisaged in Regulation 35(2) of the Adoption Regulations, 2022.
 - a. Informing the District Magistrates to issue Adoption Orders expeditiously in all pending adoption cases;
 - b. Updating adoption related information in the dashboard of SAA, DCPU and SARA;
 - c. Instructing CWCs to declare LFA (Legally Free for Adoption) in long pending cases where the legal status of the children has not been determined since last six months and further reaching all older children residing in CCIs and determining their legal status in case they have no legal claimant;
 - d. Directing DCPUs to link all OAS (Orphan, Abandoned and Surrendered) children residing in CCI with the linked SAA even if such children are older who can later benefit from foster adoption as provided in Regulation 53 of the Adoption Regulations, 2022.
- 28. As previous years, various activities are also being undertaken at CARA level to promote in-country adoption in the country. Advt and



promotional messages are being disseminated through social media on day to day basis. A number of training and awareness activities are also being conducted in collaboration with States/UTs. This is for information of the Steering Committee.

Decision: The Committee was briefed about various activities conducted for promoting the cause of adoption during the awareness month. The Committee appreciated the activities carried out during the Adoption Awareness Month.

Agenda No. 34.11: Priority for authorising Foreign Adoption Agencies to sponsor PAPs from the receiving countries.

- 29. CARA has been authorising Foreign Adoption Agencies to sponsor adoption applications of NRI/OCI/foreigner PAPs from the receiving countries as per its Adoption Guidelines/Regulations in force from time to time. The mandatory criteria is that the agency should have Hague accreditation and recommendation from the Indian Missions abroad concerned. For having a more stringent procedure, it is proposed that the following criteria may be looked into by CARA before authorising any new agency in the receiving country.
 - a. CARA may not authorise a new one, if there are adequate number of authorized foreign agencies spread over in different regions of that country;

b. CARA may consider priority to such countries where there are more NRI/OCI PAPs habitually residing;

c. CARA may consider such country having robust inter-country adoption programme at least for a period of 3 years;

d. Foreign agencies having experience in placement of older and special needs children in adoption can be preferred;

e. Reasons and motivations for seeking authorization by foreign agency.

30. There are a few pending new cases for authorization and if approved, the above criteria would be stipulated.

Decision: Approved

Agenda No. 34.12: Classification of children directly reserved from CARINGS

31. There is a check that the minimum age difference between the child and either of the PAPs shall not be less than 25 years of age difference. This clause is already applicable for normal and hard to place children. However, there is flexibility for PAPs desiring to adopt a special need child, although not specifically mentioned in the Regulations. PAPs irrespective of age have been able to reserve a child having special need. Further, the PAPs



reserving a child from the category of special needs or hard to place (immediate placement category) or through Seven Days Module for RI/NRI/OCI do not lose seniority after reserving such a child.

Decision: Since it is difficult for special needs children to get family, the age criteria for PAPs who desire to adopt such children may remain flexible. However, in cases of other categories of children reserved directly by waiting PAPs, the age criteria as provided in Regulation 5 of the Adoption Regulations 2022 should continue.

ADMINISTRATIVE & FINANCE MATTERS

Agenda No.34.13: Annual Report of CARA for the year 2021-2022

- 32. The draft Annual Report of CARA for the year 2021-2022 is being finalised which will be circulated to all members of the Steering Committee. Section 71(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 stipulates that the Authority shall submit an Annual report to the Central Government. Further, as per Section 69(3)(b) of the JJ Act, 2015, the Steering Committee of CARA shall have to approve the Annual budget, Annual Accounts and Audit Reports as well as the Action Plan and Annual Report of Authority. The Annual Accounts for the financial year 2021-2022 have already been approved by the Steering Committee in its 33rd Meeting held on 11.08.2022. The Final Audited report of C&AG for the financial year 2021-2022 has been received and is placed at **Annexure-E.** The same has also been incorporated in the draft Annual Report 2021-2022. The feedback has already been received from Members through circulation.
- 33. A copy of the draft Annual Report has already been circulated to the members for approval.

Decision:Approved.

Agenda No. 34.14: Approval for grant of Non-Productivity Linked Bonus (ad-hoc bonus) to the eligible CARA employees.

- 34. Ministry of Finance, Department of Expenditure, New Delhi vide its Office Memorandum No. 7/24/2007/E III (A) dated 06/10/2022 has granted the Non-Productivity Linked Bonus (ad-hoc bonus) to Central Government Employees in Group-C and all non-gazetted employees in Group-B, who are not covered by any Productivity Linked Bonus Scheme for the financial year 2021-22.
- 35. Earlier, CARA used to pay the Non-Productivity Linked Bonus (Ad-hoc Bonus) to their eligible employees as and when on the issuance of bonus OM/Order by the MoF, DoE, GoI as CARA employees are not covered under any Productivity Linked Bonus Scheme. However, MWCD vide OM No. IFD/5/2020-IFD dated 23/10/2020 instructed all the Autonomous Bodies



of MWCD that the MoF's OM dated 21/10/2020 issued for grant Non-PLB for the financial year 2019-20 is meant for Central Government Employees only, and the same shall not be applicable to Autonomous Bodies of the Ministry. Since, then the payment of N-PLB was on-hold for the CARA officials from the year 2019-20 onwards.

- 36. Presently, other parallel Autonomous Bodies under MWCD, like NIPCCD, NCW and NCPCR have already disbursed the bonus for the year 2021-2022 to their employees on the basis of aforesaid OM/Order of MoF.
- 37. As per the Rule 48.1 of the Rules and Regulations of CARA, in respect of matters not provided for in these Rules & Regulations, Rules as applicable to Central Government Employees regarding General Conditions of Service, Pay and Allowances including leave salary, LTC, joining time, foreign service terms, etc. and other orders and decisions issued in this regard by Central Government from time to time shall apply mutatis mutandis to the employees of the Authority.
- 38. In view of the above, the Steering Committee may kindly consider the proposal and approve for grant of Non-Productivity Linked Bonus (ad-hoc bonus) to the eligible employees of CARA, as proposed above, for the year 2021-22 as other autonomous bodies of the Ministry.

Decision: File may be put up to the Ministry for necessary consideration.

Agenda No. 34.15: Medical Facility to the Retired Officials of CARA and their dependents.

- 39. Central Adoption Resource Authority (CARA) is a Statutory Body of the Ministry of Women and Child Development, Government of India. CARA has 37 sanctioned posts, out of which 22 officials (both regular and deputationists) are in position and efforts for filling up the vacant posts are under process and so far **O6 officials have retired**.
- 40. At present, the Central Services (Medical Attendance) Rules, 1944, which are amended from time to time by the Central Government, is applicable to the CARA's regular officials and their dependents, as approved by the then Ministry (Ministry of Social Justice & Empowerment) which allowed to adopt NIPCCD's rules for reimbursement of medical charges. The then Secretary, MSJ&E approved on 28.04.2004 as under:-

"To simplify matters, CARA could be allowed to adopt NIPCCD's rules for reimbursement of medical charges as per the latest services."

However, the same facility has not been extended to the retired officials at CARA.

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- 41. A copy of Minutes of 44th Meeting of the Executive Council of NIPCCD which was held on 14/03/1996 has been made available to CARA, wherein the governing body of NIPCCD considered the proposal for providing medical facilities to the retired employees of NIPCCD and their dependents.
- 42. The file related to providing medical facility to retired officials of CARA and their dependents is now under consideration of MWCD (Computer No. 89835).
- 43. In view of the above, it is proposed that we may extend the existing medical facility to the retired officials of CARA and their dependents on reimbursement basis till further orders from MWCD, as at present no medical facilities are available to the retired officials of CARA. The budget requirements would be met from regular budget and no additional budget is required.
- 44. Steering Committee may please approve the existing medical facility of NIPCCD to the retired officials of CARA and their dependents as an interim measure.

Decision: File may be put up to the Ministry for necessary consideration.

Agenda No. 34.16: Approval of RE for FY 2022-23 and BE for FY 2023-24.

45. As per Rule 15.1 of Rules & Regulations of CARA-2018, in the month of September every year, the Member Secretary & CEO shall send the Budget estimate for the ensuing financial year before the Steering Committee. Accordingly, the proposal for RE 2022-23 and BE for 2023-24, which has already been submitted to the Ministry, are tabulated below for approval:-

(Rs. In Crore)

BE	Proposed	Proposed
2022-23	RE 2022-23	BE 2023-24
10.00	8.50	11.00

46. Details are placed at **Annexure F**

Decision: Approved

47. CEO and Member Secretary CARA apprised Chairperson and the Committee Members about speedy disposal of adoption cases by the District Magistrates all over the country after notifications of the Adoption Regulations 2022. Chairperson and the Members appreciated the developments.

48. Chairperson of the Steering Committee directed CARA to:

a. come out with updated details of activities performed/ achievements before the Committee;

b. prepare Annual Training Calendar for all Stakeholders and carry out

both online and offline training program on regular basis;

c. extend automated e-mail facility to NRI/OCI/foreign PAPs about referrals;

d. facilitate CWCs to view relevant fields in CARINGS Portal.

49. The meeting concluded with thanks to the Chair.

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Thirty Fourth (34th) 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. Shri Navendra Singh, Director representing JS (IM), MWCD
- 4. Shri Alex P. Thomas, Deputy Secretary representing Additional Secretary and Financial Advisor, MWCD
- 5. Rega Geetarani Patnaik, Additional Secretary to State Government representing Principal Secretary, Government of Odisha-**through VC**
- 6. Mr. Thingnam Roshan Singh, SAA Imphal East, Manipur-through VC
- 7. Mr.Bimal Kumar Tyagi, Sewa Bharti Madhya Bharat, Matruchhaya (Shishu Kalyan Kendra) Bhopal, Madhya Pradesh-**through VC**
- 8. Ms. Shirali Radhakrishan Tyabji, older adoptee-through VC
- 9. Prof. Poonam Saxena, Vice Chancellor, National Law University, Jodhpur-**through VC**
- 10. Ms. Sangeeta Bangiwar, adoptive parents -through VC

Special Invitees

- 1. Dr. Jagannath Pati, Director (Programme), CARA
- 2. Shri Manoj Kumar Prabhat, Under Secretary, MWCD

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