

Writ Petition (Civil) No.1003/2022 in Hon'ble Supreme Court of India

The Temple of Healing Vs. Union of India

Ref: Hearing dated 26th August.2022 - Court No.2, Item No. 31

**Coram: Hon'ble Dr. Justice D.Y. Chandrachud
Hon'ble Mr. Justice A.S. Bopanna
Hon'ble Mr. Justice J.B. Pardiwala**

Sub: Simplification of adoption process for orphans

The petitioner has filed a PIL petition (https://www.drpiyushsaxena.com/assets/pdf/PIL_Orphans.pdf) to the Hon'ble Supreme Court for simplification of adoption procedure of orphans. On the third hearing (dated August 26, 2022), the learned Additional Solicitor General (ASG) has sought six weeks' time. In their order, the Lordships have requested the Secretary, Ministry of Women & Child Development, Government of India, to depute a senior officer to hold a meeting with the petitioner.

Hence, this concept note has been drafted which may be treated as an agenda paper for discussion with the stakeholders. This paper should be read in conjunction with the petition as above.

In India, the adoption procedures are governed by the following three Acts -

1. The Guardians and Wards Act, 1890 (GWA)
2. The Hindu Adoptions and Maintenance Act, 1956 (HAMA)

3. The Juvenile Justice Act, 2015 (J J Act)

These laws have been made with care and compassion for humankind. The legislative, while drafting the law, has respected the spirit of Indian religions, culture, customs, traditions, and practices.

But the **DEVIL LIES IN THE DETAILS**. To implement the collective wisdom laid down by law makers, the executive is required to develop rules and regulations, and issue frequent guidelines to ensure justice, transparency, and equality. The rules, regulations, and guidelines cannot militate against the Acts. Rather, they should smoothen the functioning of the Act and not make it difficult.

THE DEVIL CREEPS INTO THE SYSTEM FROM THIS MINISCULE OPENING. The executive always prefers a cautious and defensive approach. While drafting rules, regulations, and guidelines, conservative bureaucrats have included cumulative conditions which make the process of adoption extremely cumbersome and difficult. These have been concocted by the bureaucracy for reasons best known to them.

There are nearly three crore orphans in India and approximately the same number of infertile couples. These numbers can be verified from articles published in the Times of India, dated October 02, 2019 (<https://timesofindia.indiatimes.com/blogs/voices/orphans-of-india/>), the Hindustan Times, dated July 27, 2011 (<https://www.hindustantimes.com/delhi/about-20m-kids-in-india-orphans-study/story-CM5xsW91McYBjQ3WLhh6MO.html>), Orphan report by INSAMER, April, 2021 edition (<https://ihh.org.tr/public/publish/0/152/insamer-2021-yetim-raporu-eng-200425-n.pdf>), The Diplomat,

dated May 30, 2018 (<https://thediplomat.com/2018/05/indias-hidden-infertility-struggles>), Express Healthcare, dated July 24, 2020 (<https://www.expresshealthcare.in/news/infertility-affects>) and The Times of India, dated April 27, 2018 (<https://timesofindia.indiatimes.com/life-style/parenting/getting-pregnant/27-5-million-couples-in-india-suffering-from-infertility/articleshow/63938393.cms>).

However, only around 4000 adoptions take place every year. In the United States of America, 1,35,000 children are adopted (<https://www.goodhousekeeping.com/life/parenting/a35860/adoption-statistics/>) every year, which is a hundred times more than adoptions taking place in India annually when compared to the population of both countries.

The solutions suggested here by the Petitioner will add no cost to the exchequer. The petitioner has already mentioned his suggestions (outlined below) in the Petition (pages 29 to 33 and others). However, for clarity, the petitioner has consolidated the following suggestions for the Ministry's perusal.

Sr No.	Present scenario	Reference	Suggestion
1.	Tedious and lengthy procedure	Page 29, Agenda 1 of the Petition	<p>Superfluous duplication of documents and miniscule technical details should be avoided (annexure I). There is no need of multiple address proofs as per CARA guidelines.</p> <p>For example, the social worker often checks Aadhar and PAN Cards, electricity and telephone bills, Municipal Corporation Tax receipts, and other such documents, to verify the address of the PAPs (Prospecting Adoptive Parents). However, if the parent's name is inadvertently mis-spelt in any of these documents (for example, R K Misra as R K Mishra), the social worker will insist to have it corrected before proceeding further, thereby delaying the process of adoption.</p>

			<p>Since an Aadhar Card is a standard proof of address, a personal visit by the social worker to the given address should be sufficient. The petitioner has observed that the social worker in his/her enthusiasm or apathy checks all documents in minute detail even though it is not required.</p> <p>Under Schedule VII (Section I (1) (HSR)), a single PAP must provide an undertaking from a close relative for the security of the child in case of an unfortunate event.</p> <p>The undertaking from a close relative in case of some an undesired event (eventuality certificate) is a big shock itself for the PAP. It is possible that the single PAP has suffered loss in his/her life previously, and, their demand for</p>
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			<p>such an undertaking is a cruel reminder of the tragic event.</p> <p>Life is an unpredictable journey. Our deep love for our near and dear ones also makes feel scared about losing them. Since the undertaking requirement in case of an undesired event is hypothetical,; it should be henceforth scrapped.</p>
2.	Delay in registration of orphans	Page 30, Agenda 2 of the Petition	<p>For timely registration of orphans, local governing bodies, such as Gram Panchayats in rural areas and Nagar Palikas in Towns, should be made responsible. The registration process should be completed within 24 hours of the discovery of “any child in need of care and protection” (orphans, abandoned and surrendered children) as per the guidelines of Section 31 (1) of J J Act, 2015. Further, “any responsible person who has committed an</p>

			offense” of delay in registration should be punished as per section 34 of the Act.
3.	Documentation dilemma	Page 32, Agenda 3 of the Petition	<p>An Adoption Preparer scheme should be introduced for PAPs, i.e., for persons willing to adopt. The Child Adoption Resource Authority may appoint trained ‘Adoption Preparers’ on the same lines as the Income Tax Preparer Scheme’ 2006. Unfortunately, PAPs face extreme difficulty in completing various forms. This can be simplified by the appointment of trained Adoption Preparers (Refer Page 17 para ii of the petition).</p> <p>Names of the Adoption Preparers should be published on the portal of the concerned respective government offices at the district level.</p>

			<p>These Adoption Preparers will help PAPs complete the ponderous paperwork required for adoption. Another specialized honorary post may be created for leading civilians to whom these Adoption Preparers can report to locally. He/she can be a retired Senior Class 1 officer or a senior person who empathizes with the pain of childless couples, orphans, and prospective adoptive parents.</p>
4.	Simplification of Rules	<p>Notification by Ministry of Women & Child Development, New Delhi, January 4, 2017 – Para 6 for adoption procedures.</p> <p>https://wcd.nic.in/acts/adoption-regulations-2017</p>	<p>Many rules have been modified in the past 25 years to make several complex processes easier for citizens. Some examples include issuance of international credit cards, self-certification of documents, issuance of passports, clearance of baggage at airports, transgender identification, issuance of learners driving licenses, and Jandhan accounts.</p>

			<p>Government has trusted its citizens and citizens have not let their government down.</p> <p>However, for adoption, citizens are being treated as rogues and more stringent and impractical laws have been enacted. To plug the 'loopholes', various amendments have been made to the Act.</p> <p>According to the concerned Ministry, "with each subsequent amendment the loopholes for faulty adoptions have been plugged. But in the process the number of adoptions has come down".</p> <p>In a welfare state, orphans too have a right to family and a caring home, and prospective adoptive parents have a desire to adopt an orphan and complete their family. Adoptions are a win-win for both the child and the PAPs.</p>
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			<p>The black sheep should be harshly punished but there is no reason to be overly cautious for the fear of abuse and exploitation of children. The rules should facilitate the life of orphans rather than make it nearly impossible for couples to adopt.</p> <p>The Petitioner can assure and guarantee that if the suggested processes are followed and implemented in their true spirit, there will be zero incidents of abuse and exploitation of adoptive children.</p>
5.	Referral letters	Schedule VI of Adoption Regulations' 2017	Currently, PAPs need to submit two referral letters "from respected members of the society" known to them. However, this requirement may be removed altogether. Instead, the PAPs should provide three recommendations (even two can do) from persons who have their mobile

			<p>numbers linked to their Aadhar Card. A system generated SMS to their mobile numbers will confirm their recommendation. A CARA-certified social worker shall make a short visit to homes of these three references to ascertain their identity and address.</p> <p>Banks and the Army (among other established institutions) use dual control systems to protect most sensitive assignments (for example, custodian of cash vault or operations of the Indian Army). It is most unlikely that the two persons will have malicious intentions and abuse the adopted child. While appreciating the cautious approach, the Petitioner has proposed two to three references in addition to the applicant him/herself.</p> <p>It should be made mandatory for parents adopting an orphan to upload the latest</p>
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			<p>photograph of the child in front of that day's newspaper (front page) on a regular basis. Failure to do so will create a system generated SMS to the references provided by the parents. The petitioner can assure that all two or three persons will instantly call the parents of the adopted child to enquire about the whereabouts and wellbeing of the child.</p> <p>It is a proven fact that whenever the government has trusted its citizens, the outcomes have turned out well. For example –</p> <p>1. International Credit cards (ICCs)</p> <p>In 1997, the RBI feared that issuance of international credit cards to common people may lead to massive flight of capital. However, the government took a risk and issued ICCs to all who desired and deserved. There was no flight of capital as was previously assumed.</p>
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			<p>2. Self-certification of documents</p> <p>All of us have faced difficulty in getting true copy of a document attested by a Gazetted officer. The government took a risk and permitted self-certification. Nothing adverse happened.</p> <p>3. Issuance of passports</p> <p>We used to receive passports in three to four months after completing the standard application process. For urgent needs, the applicants had to submit a certificate from a senior government officer which was a difficult task for an ordinary citizen. The government trusted its citizens. Now, passports are normally issued in two weeks.</p> <p>4. Clearance of baggage at airports</p>
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			<p>A long time ago, baggage tags were checked before delivery of bags at the airports. There used to be long queues to get ones' baggage. The government trusted its citizens. Now it so hassle-free and now people collect their baggage hassle-free and there are hardly any cases of mismatches.</p> <p>5. Transgender identification</p> <p>Long debates were held between the members of an Expert Committee on issues relating to the transgender (Notification dated October 22, 2013, No.17-08/2013-DP-II) and stakeholders, about who is a transgender and how they will be identified. It was suggested that a core committee, including a Urologist, Psychiatrist, District Magistrate, a Transgender, etc., should be appointed in each district to give transgender a certificate. The petitioner has been a technical</p>
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			<p>expert to the Ministry of Social Justice and Empowerment. He recommended that the transgender persons should be allowed to make a self-declaration in this regard (www.sooe.org.in). The petitioner had also presented his views on the above to the Parliamentary Committee on Social Justice and Empowerment on November 05, 2016. Through a notification dated September 25, 2020, the government trusted transgender people and permitted them to have an identity certificate based on self-declaration.</p>
6.	A Guarded Secret	The Guardians and Wards Act, 1890 (GWA)	<p>Muslims, Christians, Jews, and Parsis have no adoption laws and must approach the court under the Guardians and Wards Act, 1890. They can have custody of a child under the said Act only as foster caretaker. Once a child under foster care reaches adulthood, he/she is free to break all ties with the foster parents. If a person</p>

			<p>(or couple) belonging to the above-mentioned religions goes for CARA registration, he/she should be asked whether they would like to take custody of the ward according to The Guardians and Wards Act, 1890.</p> <p>Muslim Personal Law forbids a person to adopt a child as their own, i.e., to become a biological/legal parent, but permits them to take care of the child, which is known as الكفالة (kafala) in Arabic (translates to 'sponsorship').</p> <p>This, however, does not provide the same status to the child as a child born biologically or as a child adopted under the Hindu Adoption and Maintenance Act, 1956. The child cannot inherit the name or property of his/her adoptive parents as in HAMA' 1956. This Act confers only a guardian-ward relationship. This legal guardian-</p>
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			<p>ward relationship exists until the child completes 21 years of age.</p> <p>The petitioner has visited a few Muslim Madrasa's (मदरसा) and Yateemkhana's (यतीमखाना) and met with Maulvi, Maulana, and Qazi to understand the specificities. The petitioner has also met with families of Parsis and Jews. They too have their personal laws and for specific reasons, adoptions are normally not permitted in their religion. However, they can take complete care of the orphans as guardians, but not as adoptive parents.</p>
7.	HAMA hammered	Hindu Adoptions and Maintenance Act, 1956	<p>Adoption has been made possible by means of a simple deed of adoption under the Hindu Adoptions and Maintenance Act, 1956. Under HAMA, "adoption is valid only if the person adopting a child is lawfully capable of applying for adoption, the person giving up the child for</p>

			<p>adoption is lawfully capable of doing so. Further, the child being adopted should be legally capable of being taken into adoption”.</p> <p>The adoption is completed by an actual giving and taking ceremony called <i>Datta Homam</i> (oblation to the fire).</p> <p>Hence, adoption in this Act is simpler and easier. Rulemaking powers have not been provided under this Act.</p> <p>Therefore, all adoptions should, henceforth, be furthered if both the orphan and the prospective adoptive parents are Hindus, as defined in section 2 of HAMA. There is no conflict involved as Section 56 (3) of the J J Act, 2015 allows existing provisions of HAMA to continue.</p>
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If a Hindu (Section 2 (b) Hindu, Buddhist, Jain, or Sikh by religion, etc., as defined in HAMA' 1956) is willing to adopt through CARA, the authorities should ask the PAPs whether they would be willing to adopt the child under HAMA 1956. According to section 2 (bb), any child, legitimate or illegitimate, who has been abandoned by both his/her father and mother or whose parentage is unknown and who in either case is brought up as a Hindu, Buddhist, Jain, or Sikh can be adopted under HAMA' 1956.

Documenting the religion of an orphan as 'unknown'(अज्ञात) makes the identification task of the child complicated and adoption procedures much more difficult. All efforts should be made to identify the religion of the orphaned, abandoned, and surrendered child (**Refer to Form 31, Rule 23(4) Child Study Report**). In

		<p>case an orphan has a name, then it may help in identifying his religion. While registering, if the orphan appears to fall under Section 2 (bb) of HAMA Act, then the orphan can also be presumed as a Hindu until proven otherwise.</p> <p>If a person as defined in section 2 (c) of HAMA applies for CARA registration and he/she is not a “Muslim, Christian, Parsi or Jew by religion” and is “a convert or re-convert to the Hindu, Buddhist, Jain or Sikh”, he/she should be advised to apply for adoption only through HAMA as it is simpler.</p>
	Inter country adoption	<p>The existing criteria can be continued for inter-country adoption while implementing the Hague Convention on Protection of Children and Co-Operation in respect of Inter-country Adoption</p>

		Adoption by LGBTI (Lesbian, Gay, Bi-sexual, Transgender and Intersex)	<p>which came in effect on May 1, 1995. (We can discuss the modifications later)</p> <p>Lesbians (females) will adopt a child in the same way as a female does. Gay persons (males) will adopt a child in the same way as a male does. Bi-sexual will adopt according to their biological gender. Intersex will adopt as per medical advice. Transgender will adopt a child according to a gender with which they identify themselves. All the existing norms for the adoption as per J J Act, 2015 should be brought in practice only when an adoption/guardianship procedure is not covered either by HAMA or GWA. The same applies to State Acts related to adoptions.</p>
8.	Understanding the intent of Juvenile Justice Act, 2015	Chapter II Sec. 3 (v)	Principle of family responsibility - The primary responsibility of care, nurturing, and protection of the child.

	Chapter V Sec. 30 (viii)	Functions and responsibilities of Committee - Conduct at least two inspection visits per month of residential facilities for children in need of care.
	Chapter VI Sec. 32 (1)	Mandatory reporting of a child is found separated from its guardian - within twenty-four hours.
	Chapter VI Sec. 38 (1)	Orders passed regarding a child in need of care and protection - declaration that the child is legally free for adoption under section 38 - within two months for children below two years and four months maximum for children above two years.
	Chapter VI Sec.38 (5)	Procedure for declaring a child legally free for adoption - The Committee shall inform the State Agency and the Authority regarding the number of children declared as legally free for adoption and the number of cases pending for

		<p>Chapter VII Sec.39 (1)</p> <p>decision every month in the manner as may be prescribed.</p> <p>The process of rehabilitation and social integration - The process of rehabilitation and social integration of children under this Act shall be undertaken based on the individual care plan of the child, preferably through family-based care, such as by restoration to the family or guardian with or without supervision or sponsorship, or adoption, or foster care.</p> <p>The intention of the legislature is clear. The Act shows deep concern of law makers about the right to family for an orphan. Hence, the District Magistrate must be instructed to keep the intent of the Act in mind before rejecting an application. In this context, along with the above factors the following factors are crucial:</p>
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			<ul style="list-style-type: none"> a. Whether such a person and his/her spouse have criminal antecedents. b. Whether such a person and his/her spouse are well placed in their lives and can shoulder the responsibility of upbringing the said child. c. Whether the said child would receive the proper atmosphere to grow physically, mentally, and intellectually in association with the same person, his/her spouse, and other family members. d. Whether the said person and his/her family members would shower love and affection to the adopted child to create a good life and future for such child. e. Whether such a child would receive a proper education and future opportunities to achieve a better life and social status.
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9.	Home Study Report (HSR) – Superfluous and against the spirit of the Act	Page 23, Section 18 of the Petition	<p>This should be scrapped in totality and replaced by a simple format – a home study report which includes all three references provided by the PAPs. According to a reply (Ref. No. R-76001/1/2021/RTI) dated August 1, 2022 received by us through the RTI Act, 2005, the eligibility criteria for PAPs is stated at Regulation 5 of Adoption Regulation’ 2017 and the suitability is determined by the HSR which has no bearing on the finances, properties, relationships, and educational qualifications, among other things, of PAPs.</p> <p>While submitting an HSR, the social worker (after meeting the PAP and two to three references provided) can write “I recommend” without citing any details. However, he/she must provide detailed reasons for not recommending adoption to the PAPs.</p>
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10.	Legally free for adoption	Section 37/38 of J J Act, 2015	<p>Currently, a child is declared legally free for adoption only after a newspaper advertisement has been published and no claims have been received within 60 days of publication of the same. Many a times the government advertises just once a year or when they have “enough” orphans (say five to six) to save costs. The clock, however, keeps ticking.</p> <p>The Petitioner visited four offices of different district collectorates. The concerned junior officers had 3 to 12 years of experience in their positions. All of them, on conditions of anonymity, confirmed that in their entire careers, they had not come across any case where a person had responded to the advertisement for the claim of child. Even CARA has accepted this fact in response to an RTI application filed by Shri Vikas Sahai Johari, dated July 4, 2022. In</p>
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			<p>fact, three of them suggested that this is a wasteful exercise since all district offices have their own computerized portal for publishing data of missing persons in that district.</p> <p>A simple matching of missing person's data and data of the "child in need of care and protection" will give a prompt result and child can be declared legally free for adoption in no time.</p>
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The Guardians and Wards Act, 1890 and HAMA' 1956 covered nearly the entire Indian population for adoption and taking care of orphaned children. According to the Allocation of Business Rules' 1961, an orphan is a subject matter of the Ministry of Women & Child Development (Item 26, inserted on June 01, 2006). However, both Acts – HAMA and GWA are currently administered by the Ministry of Law & Justice, as the Ministry of Women & Child Development came into existence in 2006, i.e., much after these Acts were passed (in 1890 and 1956 respectively).

While the Secretary of the Ministry of Law & Justice discharges functions primarily of a Legal Remembrancer, the administrative jurisdiction came later. They are not as well connected to the

grassroots level as the Ministry of Women & Child Development. The matter of children in need of care and protection concerns the Ministry of Women & Child Development without any doubt.

Adoption matters are frequently left hung between the Ministry of Law & Justice and the Ministry of Women & Child Development. To get a single clearance window of adoption related issues, both these Acts, namely HAMA'1956 and GWA' 1890, should be transferred from the Ministry of Law & Justice to the Ministry of Women & Child Development.

Henceforth, all rules, regulations, and guidelines must be centralized, and one model rules, regulations, and guidelines should be issued by the Union Government. All rules, regulations, and guidelines should be integrated as an Act covering Guardians and Wards Act, 1890, HAMA' 1956, and J J Act, 2015. The J J Act, 2015 may be renamed as the **Child Care and Protection Act** and Juvenile Justice should be a part of this Act.

A Directorate of Orphans should be formed for monitoring and implementation of these new provisions. The Childcare and Protection Act should be the responsibility of this newly formed “**Directorate of Orphans**” in the Ministry of Women and Child Development. It should be entrusted with the job of implementation of these provisions and enhance the number of adoptions in the country.

The petitioner's suggestions may be suitably examined in the short, medium, and long-term basis, in a phased manner, depending on the Ministry's convenience. For example, suggestions provided in the above paragraph may be taken into consideration as a long-term measure.

Needless to say, fathers play a vital role in the development of a child's emotional well-being. Children also look up to their father for security, both physical and emotional. Children want to make their father proud, and a father, a hero for the child, promotes their inner growth and strength. On the other hand, a mother's role is to love her children with all her heart and to understand and help the child. One of the most meaningful roles that a mother plays is the role of a nurturer. When a mother nurtures her child well, love and goodness are awakened in the child's heart.

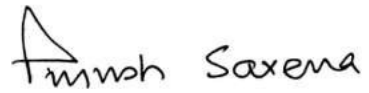
The three crore orphans and almost same number of infertile couples are deprived of these primary human emotions. They are suffering from psychological and emotional consequences, including turmoil, frustration, depression, anxiety, helplessness, guilt, and the worst feeling of all, worthlessness in life. A simpler adoption procedure will not only provide an orphan a home, but also will give an infertile couple an opportunity of fulfilling their lifelong dream of raising a child.

The petitioner is convinced that within two years of implementation, legal adoption will grow up to 60% from the current 0.1%. Moreover, more and more distressed children, children in need of care and protection will have a better childhood and will grow in a safe and secure atmosphere of a home with a family. They will be properly educated and contribute to the growth of our nation.

Thus, the government will be able to help two crore orphans get a home, a doting mother, a protective father, and a family in a short span of two years, and vice versa. The government will also save its scarce resources as the adoptive parents will bear the cost of education and upbringing of the child.

If these suggestions fructify, we will see the following changes in our society -

- a. Every orphan feels loved, valued, and safe.
- b. No orphan ages out of the system as this process will help every orphan find a family.
- c. Every orphan becomes a son or daughter.
- d. India will be a nation without orphans.
- e. We make an orphan's journey to a family.
- f. A parent-less child will become a beloved son or daughter.
- g. The fatherless and the motherless... that are in ample numbers in our vicinity; stigmatized, despised, and depressed, will get a reason to smile.
- h. And the childless couples will have a reason to live a healthy and long life.
- i. Let India have a turnaround from the ORPHAN CAPITAL OF THE WORLD to the ADOPTION CAPITAL OF THE WORLD.

Temple of Healing throughA handwritten signature in black ink that reads "Piyush Saxena". The signature is written in a cursive style with a large initial 'P'.**Dr. Piyush Saxena****Secretary****(Petitioner-in-Person)**

Date: September 08, 2022

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Websites

1. www.thetempleofhealing.org
2. www.sooe.org.in
3. www.menknowwomen.com
4. www.drpiyushsaxena.com

- PIL Petition Copy
- https://www.drpiyushsaxena.com/assets/pdf/PIL_Orphans.pdf
- Supreme Court Order dated 26th August 2022 Copy
- https://www.drpiyushsaxena.com/assets/pdf/SC_Order_26_08_2022.pdf
- Copy of this Concept Note
- https://www.drpiyushsaxena.com/assets/pdf/SC_Order_26_08_2022.pdf

YouTube Channel:

<https://www.youtube.com/c/CureYourself>

Annexure 1 Sample list of papers required or adoption

Annexure 2 Guidelines to District Magistrates

Annexure 3 Draft of deed of Adoption under HAMA

Annexure 1

JANANI ASHISH CHARITABLE TRUST
DOMBIVLI (EAST) DIST THANE Phone No - 0241 2455879
PAPERS REQUIRED TO BE SUBMITTED FOR ADOPTION OF A CHILD
(WITH 1 FILE)

1. CARA Registration Acknowledged printout (One self-attested photocopy)
2. Medical Certificate stating that either of the parents is medically unfit to produce a child (Infertility Certificate) (M.D.D.G.O Doctor) (One self-attested photocopy)
3. Health certificate of adoptive parents (Husband and wife) (One self-attested photocopy)
4. Two-character certificates of well-known persons on letterhead. (One self-attested photocopy)
5. Income certificate of both parents. (Husband and wife) (One self-attested photocopy) (I.T Return, salary slip, Appointment Letter)
6. Financial Assets / Property statement (LIC, FD, P.F, PPF shares, Savings) (Not needed)
7. Details about the residence with necessary certificate, i.e., Letter from Housing Society or Rent Receipt or Municipal Tax receipt, Registration agreement papers, Housing loan papers, etc. (One self-attested photocopy)
8. Letter from any nearest relative who will undertake the responsibility of the adopted child in case of any mishap. (Eventuality letter)

9. Plain paper with ID proof + Marriage certificate + photo of couple upto 45 years old. One copy of couple's photograph (Post Card Size, Recent, Colour).
10. Marriage certificate. (One self-attested photocopy)
11. Age Certificate. School Leaving or Birth Certificate or 10th mark sheet, (One self-attested photocopy)
12. H.I.V & V.D.R.L and HSBs AG Test Report. (Husband and wife) (One self-attested photocopy)
13. Qualification certificate. (Husband and wife) (One self-attested photocopy)
14. PAN Card of adoptive parents (Husband and wife) (One self-attested photocopy)
15. Aadhar Card of adoptive parents (Husband and wife) (One self-attested photocopy)
16. Passport (If available) (One self-attested photocopy)

ALL OFFICIAL TRANSACTION WILL BE CARRIED OUT
STRICTLY DURING OFFICE HOURS

MONDAY TO FRIDAY: 3.30 PM TO 5:00 PM

SATURDAY : As per appointment

SUNDAY : CLOSED

Suggestions with respect to Annexure I

1. With reference to Para 2, an infertility certificate of the PAPs from any registered medical practitioner should be considered lawful and valid.
2. With reference to Para 3, a medical certificate of the PAPs from any registered medical practitioner should be considered lawful and valid.
3. With reference to Para 4, verification of the Aadhar Card linked mobile number of the references provided by the PAPs and a physical visit by the social worker will do the needful.
4. With reference to Para 5, only Income Tax Returns of the previous three years will do the needful.
5. With reference to Para 6, none of the mentioned documents are needed.
6. With reference to Para 7, an Aadhar Card should be considered as a valid address proof. In case of no Aadhar Card, any of the documents mentioned in Para 7 will suffice.
7. With reference to Para 9, a self-declaration by the PAPs should be considered.
8. With reference to Para 10, a self-declaration by the PAPs should be considered.
9. With reference to Para 11, along with the existing documents, passport or Aadhar Card should also be taken into consideration.

Annexure II

Guidelines to DMs for consideration of an application for adoption of an orphan

In cases where a person has expressed his/her desire to be appointed as the guardian of an orphan, the Court should keep in mind that the orphan's interest is of paramount consideration. The Court should cautiously determine whether such a person should be permitted to be the guardian of the orphan or whether his/her prayer should be rejected. Further, the Court should be careful enough to recognize whether the said person's desire to adopt is bona fide or whether it is motivated by harmful intentions which would not be beneficial to the future of the said child. In this context, the following factors are crucial:

- a) The District Magistrates should keep in mind the provisions of J J Act 2015 as provided in Chapter II Sec. 3 (v), Chapter V Sec. 30 (viii), Chapter VI Sec. 32 (1), Chapter VI Sec. 38 (1), Chapter VI Sec.38 (5), Chapter VII Sec.39 (1) mentioned at page 23 of this note.
- b) Whether such a person and his/her spouse have criminal antecedents.
- c) Whether such a person and his/her spouse are well placed in their lives and can shoulder the responsibility of upbringing the said child.
- d) Whether the said child would receive the proper atmosphere to grow physically, mentally, and intellectually in association with the same person, his/her spouse, and other family members.
- e) Whether the said person and his/her family members would shower love and affection to the adopted child to create a good life and future for such child and the Prospective Adoptive Parents.

DRAFT OF DEED OF ADOPTION UNDER HAMA

THIS DEED OF ADOPTION is made and entered into at ____ this ____ day of _____, 20__ BETWEEN MR. A N, Adult, Indian Inhabitant of ____, residing at _____, hereinafter referred to as the 'ADOPTIVE FATHER' (which term and expression shall unless it be repugnant to the context or meaning thereof shall mean and include his heirs, executors, administrators and assigns) of the ONE PART and MRS. B N, Adult, Indian Inhabitant of ____, residing at _____, -, hereinafter referred to as the 'NATURAL MOTHER' (which term and expression shall unless it be repugnant to the context or meaning thereof shall mean and include her heirs, executors, administrators, and assigns) of the SECOND PART and MASTER AD, a Minor, through her Natural Mother and Guardian, Mrs. B N, the Party of the Second Part herein, hereinafter referred to as the 'Adopted Son' of the THIRD PART.

WHEREAS the Party of the Second Part herein had married S R on ____ at ____ and after marrying Mr. S R, her name was Mrs. B R, hereinafter for the sake of brevity referred to as the 'Said Marriage'.

AND WHEREAS out of the Said Marriage, there has been an issue, i.e., a Male Boy namely, "AD", born on _____, hereinafter for the sake of brevity referred to as the Said Boy.

AND WHEREAS due to their difference of opinion, the Party of the Second Part and her then husband, i.e., Shri S. R preferred a Petition No. AA____/____ for Divorce by Mutual Consent in the Family Court at _____ and the Honorable Court was pleased to dissolve the Said Marriage vide their order passed

below Exh. ___ on _____ besides awarding the permanent custody of the Said Boy to the Party of the Second Part herein, hereinafter for the sake of brevity referred to as the 'Said Order'.

AND WHEREAS Mr. S R the Ex-Husband of the Party of the Second Part herein did not prefer any Appeal and/or revision against the Said Order and Judgment.

AND WHEREAS the Party of the First Part herein has married the Party of the Second Part herein and have registered their marriage at the office of the Sub-Registrar of Assurances (Marriage Officer), ___ vide Their Receipt No. _____/_____ dated _____, hereinafter for the sake of brevity referred to as the 'Said Second Marriage'.

AND WHEREAS the Party of the First Part has married the Party of the Second Part herein, has decided to Adopt the Party of the Third Part herein as he is issueless and has married the natural mother of the Said Boy.

AND WHEREAS the natural mother (the Party of the Second Part herein) consented for the said adoption and on _____ the physical act of giving and taking of the boy in adoption was performed, namely the natural mother gave the third party in adoption and the adaptor took the boy as adopted son accompanied by performance of Datta Homam.

AND WHEREAS the parties considered it necessary and expedient that a Deed of Adoption be executed so as to be authentic record of the Adoption having already taken place.

NOW THEREFORE THIS INDENTURE WITNESSETH AS FOLLOWS;

1. It is hereby declared that on _____ the party of the Second Part, i.e., the Natural Mother of the Third Party gave in adoption her son "AD" to the Adopter who took the boy in Adoption. The Adopter took the boy in Adoption, the physical act of giving and taking was also accompanied/ not accompanied by *Datta Homam* ceremony and in the presence of assembled brotherhood of the parties.
2. As a result of the aforesaid adoption the Third Party was transferred legally from the Natural Mother to the Parties of the First and Second Part herein and Adopter became entitled to all the rights and obligations of his Adopted Son.
3. The Adopted Boy by virtue of the Said Adoption has become member of the Coparcenary with his Adopted father and shall be entitled to inherit his self-acquired property if indisposed of and shall be entitled to succeed to his Joint Ancestor's property by Survivorship except that if a legitimate son is born subsequent to his adoption, the right of inheritance of succession of the adopted son shall be regulated by Rule of the Hindu Law.
4. The Adopter, first party, shall be responsible for the maintenance and education of the adopted son and agrees to bring him up according to his status in life.

5. The Natural Father of the Said Boy having relinquished all his right, title, interest and claim over the said boy and Natural Mother having married the Party of the first part herein after her marriage having been dissolved by the Family Court, _____ and being continue to remain as Natural Mother of the Said Boy, question of taking any consent from anybody does not arise at all.
6. The Adopter shall not lay any claim hereinafter against the natural father for expenses incurred by him for the education and maintenance of the Said Boy/Adopted Son.

IN WITNESS WHEREOF the parties hereto have hereunto set and subscribed their respective hands to this on the day and year first hereinabove written

SIGNED, SEALED AND DELIVERED

By the within-named Party of First Part)

In the presence of _____

SIGNED, SEALED AND DELIVERED)

By the within-named Party of Second Part)

In the presence of _____)

1)

2)

SIGNED, SEALED AND DELIVERED)

By the within-named Party of Third Part)

Through his Natural Mother

In the presence of _____)

*Not relevant paragraphs in this deed of adoption may be omitted