



FAMILY LAW

Beyond Jurisdictional Barriers: Delhi High Court Mandates CARA's Role in HAMA-Based Intercountry Adoptions

AUTHOR Nidhi Singh, Ritika Dedhia

PUBLISHED 22 April 2026

Introduction

In *Gur Kaur Minor & Ors. v. Union of India & Anr.*¹ (2026), the Delhi High Court addressed a critical gap at the intersection of domestic adoption law and intercountry relocation procedures. The case raised important questions regarding the obligations of the Central Adoption Resource Authority (CARA) in facilitating the relocation of children adopted under the Hindu Adoption and Maintenance Act, 1956. At its core, the judgment clarifies whether regulatory authorities can deny or dilute procedural safeguards by invoking jurisdictional limitations, particularly when India's commitments under the Hague Convention on Intercountry Adoption are engaged. The ruling ultimately reinforces a purposive interpretation of adoption regulations, anchored in the paramount consideration of child welfare.

Table of contents

- [Introduction](#)
- [Factual Background](#)
- [Core Legal Issue](#)
- [Judicial Reasoning](#)
- [Key Findings](#)
- [Directions Issued](#)
- [Conclusion](#)

Factual Background

The dispute arose from the intercountry relocation of a minor child validly adopted under the Hindu Adoption and Maintenance Act, 1956 by Indian-origin parents residing in Canada. The adoptive mother, an Indian citizen with permanent residency in Canada, and the adoptive father, a Canadian citizen and Overseas Citizen of India (OCI) cardholder, had completed the adoption through a registered adoption deed prior to the coming into force of the Adoption (Amendment) Regulations, 2021.

Subsequently, with the intention of relocating the child to Canada, the adoptive parents initiated the process under the applicable regulatory framework. In compliance with the procedure prescribed, the District Magistrate furnished a verification report confirming the validity of the adoption and the supporting documentation.

Despite this, the Central Adoption Resource Authority (CARA) did not proceed to issue a No Objection Certificate (NOC), which is a prerequisite for intercountry relocation in Hague Convention countries. Instead, it issued a "Support Letter" and later reflected the application status as "rejected" on its portal, citing that the matter pertained to a HAMA adoption.

The absence of an NOC effectively halted the processing of the relocation request by the foreign adoption agency in Canada. Attempts by the petitioners to seek clarification, including through a request under the Right to Information Act, 2005 and a subsequent legal notice, failed to elicit any substantive response. Aggrieved by this administrative inaction and the resulting impediment to the child's relocation, the petitioners approached the Delhi High Court seeking appropriate directions.

Core Legal Issue

The central question before the Court was:

Whether CARA is obligated to issue an NOC for intercountry relocation of a child adopted under HAMA, in light of the Adoption Regulations, 2021 and 2022, and India's obligations under the Hague Convention on Intercountry Adoption?

Judicial Reasoning

The Delhi High Court grounded its analysis in a textual and purposive interpretation of the Adoption (Amendment) Regulations, 2021 and the Adoption Regulations, 2022. At the outset, the Court noted that Chapter IV-A of the 2021 Regulations is expressly designed to govern cases where adoptions have already been validly completed under the Hindu Adoption and Maintenance Act, 1956 and the adoptive parents seek to relocate the child abroad. This, in the Court's view, squarely covered the present case.

Interpreting Regulation 22B, the Court held that once the verification report is furnished by the District Magistrate in the prescribed format, the regulatory framework casts a positive obligation on the Central Adoption Resource Authority (CARA) to

carry the process forward. This includes ensuring compliance with the requirements of Articles 5 and 17 of the Hague Convention on Intercountry Adoption. Crucially, the Court clarified that the responsibility to secure such compliance lies with CARA and not with the adoptive parents.

The Court rejected CARA's contention that adoptions under HAMA fall outside its jurisdiction. It observed that both the 2021 and 2022 Regulations explicitly contemplate and regulate such adoptions for the limited purpose of intercountry relocation. Any interpretation excluding HAMA adoptions would render these provisions otiose and defeat their legislative intent.

Further, the Court emphasized that the statutory scheme requires CARA to actively liaise with the authorities of the receiving State. The issuance of a "Support Letter" in lieu of an NOC, without undertaking the mandated procedural steps, was held to be inconsistent with the regulatory framework. Such an approach, the Court noted, amounts to an abdication of statutory duty.

Placing reliance on the cooperative framework embedded in the Hague Convention, particularly the obligation of Central Authorities to coordinate and facilitate intercountry adoptions, the Court highlights that administrative authorities must act in a manner that advances, rather than frustrates, the process. The failure of CARA to appropriately engage with the Canadian authorities and clarify the legal position was identified as a key lapse.

Ultimately, the Court adopted a purposive construction to hold that CARA is duty-bound to pursue the process envisaged under the Regulations, ensure compliance with international requirements, and issue the NOC upon completion of such formalities.

Key Findings

The Delhi High Court laid down the following key principles:

- **Applicability to HAMA Adoptions:**

The Court clarified that adoptions validly completed under the Hindu Adoption and Maintenance Act, 1956 are expressly covered under the Adoption (Amendment) Regulations, 2021 and the Adoption Regulations, 2022 for the limited purpose of intercountry relocation.

- **Mandatory Duty of CARA:**

The Central Adoption Resource Authority (CARA) is under a statutory obligation to act upon receipt of the District Magistrate's verification report and cannot remain passive or shift responsibility onto adoptive parents.

- **Obligation to Facilitate Hague Compliance:**

Compliance with Articles 5 and 17 of the Hague Convention on Intercountry Adoption is the responsibility of CARA, which must coordinate with the authorities of the receiving State to complete the required formalities.

- **Support Letter Not a Substitute for NOC:**

The issuance of a "Support Letter" in place of a No Objection Certificate (NOC), without completing the mandated process, is contrary to the regulatory framework and legally unsustainable.

- **Rejection of Jurisdictional Objection:**

CARA's contention that HAMA adoptions fall outside its jurisdiction was rejected as inconsistent with the express language and intent of the governing regulations.

- **Duty to Ensure Inter-Authority Coordination:**

Central Authorities are required to actively liaise and cooperate with foreign authorities in line with the Hague Convention framework, rather than adopting a restrictive or non-responsive approach.

- **Primacy of Child Welfare:**

The entire regulatory scheme must be interpreted in light of the best interests of the child, and administrative actions that impede lawful relocation without justification are impermissible.

Directions Issued

The Court directed CARA to:

- Engage and coordinate with Canadian authorities in accordance with Article 7 of the Hague Convention.
- Clarify the validity of the adoption.

- Facilitate completion of procedural requirements.
- **Issue the NOC upon conclusion of the process.**

Conclusion

The ruling of the Delhi High Court marks a decisive affirmation of a functional and child-centric interpretation of India's intercountry adoption framework. By rejecting a narrow, jurisdictional approach adopted by the Central Adoption Resource Authority (CARA), the Court ensures that children adopted under the Hindu Adoption and Maintenance Act, 1956 are not left in a regulatory vacuum when it comes to cross-border relocation.

The judgment is significant not merely for resolving the dispute at hand, but for clarifying that statutory obligations under the Adoption Regulations must be meaningfully discharged, particularly in the context of India's commitments under the Hague Convention on Intercountry Adoption. It reinforces that administrative convenience or institutional hesitation cannot override the structured framework designed to facilitate intercountry adoption.

Going forward, the decision is likely to serve as an important precedent in ensuring greater accountability, coordination, and procedural clarity in similar cases. More fundamentally, it reiterates that the regulatory regime must operate in a manner that enables, rather than obstructs, the legitimate interests of adoptive families while consistently placing the best interests of the child at the forefront.

For more details, write to us at: contact@indialaw.in

1. W.P.(C) 16096/2024, CM APPLs.67638/2024 & 20198/2026 ??

Related Practice Areas

Family Law Dispute