

ITEM NO.301

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

MA Noof 2023 in Writ Petition(s)(Civil) No(s).65/2023

P

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(Application for directions on behalf of the Central Adoption Resource Authority)

Date : 21-02-2023 This application was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s)

Mr. Rahul Sharma, AOR

For Respondent(s)

Mr. Tushar Mehta, SG
Ms. Aishwarya Bhati, ASG
Mr. Gurmeet Singh Makker, AOR

UPON hearing the counsel the Court made the following
O R D E R

- 1 An application for directions has been moved on behalf of the Central Adoption Resource Authority¹. The Court is apprised of the fact that a child has been delivered on 20 February 2023.
- 2 On 2 February 2023, this Court issued directions in the exercise of its jurisdiction under Article 142 of the Constitution clarifying in para 8 that these directions were issued “having regard to the extraordinary situation which has emerged before the Court involving a young woman in distress, who moved this Court at a late stage of her pregnancy”.

1 “CARA”

- 3 It needs to be reiterated that the petitioner before the Court is an unmarried young student, aged about twenty years. She has communicated both through her counsel and through the Additional Solicitor General, who had personally interacted and counselled her on the request of the Court, that she does not desire to retain the custody of the child after delivery. In this backdrop, it had become necessary to seek prospective adoptive parents with the utmost priority and urgency before the delivery.
- 4 It needs to be noted, at this stage, that the petition was originally filed for seeking the directions of this Court for medical termination of the pregnancy. The Court had, upon the report submitted by the All India Institute of Medical Sciences, formed the view that the course of action suggested in the petition as it was filed may have resulted in possible harm to the mother and the child having regard to the stage of the pregnancy on 2 February 2023.
- 5 The directions which have been issued by this Court under Article 142 of the Constitution are hence confined to the specific facts of the present case and have, therefore, been issued in the exercise of the constitutional jurisdiction which is entrusted only to this Court to pass such orders as would advance the cause of substantial justice.
- 6 It is clarified that these directions do not operate to supplant the procedure which has been laid down by CARA in their general application to other cases falling within its jurisdiction.
- 7 In view of the above clarification, CARA shall now take steps in compliance with the directions contained in para 7 of the order of this Court dated 2 February 2023 without taking recourse to the procedure as mentioned in paras 4(A) and 4(B) of its letter dated 8 February 2023. CARA shall take necessary steps within twenty four hours.

8 The application is disposed of.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR