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WP No.4794 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2025

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,

CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

WP No. 4794 of 2024

B.Shama

Petitioner(s)

Vs

Union Of India

Rep. By Its Secretary To Government, Ministry
Of Women And Child Department, Shastri
Bhawan , Dr. Rajendra Prasad Road, New
Delhi 110 001 and 5 Others

Respondent(s)

For Petitioner(s):

Ms.Karthikaa Ashok

For Respondent(s):

Mr.AR.L.Sundaresan,
Additional Solicitor General Of India
For Mr.R.K.Gandhi
For R1, R2 And R5.
Mr.A.Edwin Prabakar,
State Government Pleader Assisted By
Mr.T.K.Saravanan,
Additional Government Pleader
For R3 & R4.



WP No.4794 of 2024

WEB COPY

ORDER

(Order of the Court was made
by the Hon'ble Chief Justice)

While challenging the validity of the adoption laws, as contained in the Hindu Adoption and Maintenance Act, 1956 and the Central Adoption Resource Authority (CARA) guidelines framed under the Juvenile Justice (Care and Protection of Children) Act, 2015 in the matter of adoption as discriminative and against the spirit of the provisions contained in the Transgender Persons (Protection of Rights) Act, 2019, learned counsel for the petitioner would submit that after the enactment of Act of 2019, which was enacted to provide for protection of rights of transgenders and their welfare, the provision contained in Rule 5 of the CARA Guidelines wherever uses the expression, "male" and "female", should be read as including "transgender", which alone would advance the object and purpose of the Act of 2019. It is submitted that under the present scheme of the Act, and various proforma for applying online on the website of CARA do not allow or admit a transgender to apply and seek adoption under the scheme of the Juvenile Justice Act.



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WEB COPY

2. Notice was taken by the Additional Solicitor-General of India earlier, but reply has not been filed so far. The Juvenile Justice Act, 2015, being central legislation and CARA functioning under the general control and supervision of the Central Government, is required to make it clear by an appropriate affidavit as to why the CARA guidelines has so far not been amended or no guidelines issued in fulfillment of statutory obligation under Section 8 of the Act of 2019 to include transgenders also for the purpose of statutory adoption as envisaged under the Juvenile Justice Act and CARA guidelines.

3. Learned Additional Solicitor-General of India prays for one more opportunity.

4 List on 04.12.2025.

(MANINDRA MOHAN SHRIVASTAVA, C.J.) (G.ARUL MURUGAN, J.)
03.11.2025

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