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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11187/2017

COURT ON ITS OWN MOTION

.....Petitioner

Through: Mr. Anant K. Asthana, Amicus  
Curiae with Mr. Vibhav Rawat,  
Advocate.

versus

GOVT OF NCT OF DELHI & ORS. ....Respondents

Through: Ms. Avnish Ahlawat, SC for  
GNCTD with Mr. Nitesh  
Kumar Singh, Ms. Laavanya  
Kaushik, Ms. Aliza Alam and  
Mr. Mohnish Sehwat,  
Advocates for GNCTD.

Mr. S.M. Ali, DD (CPDO) with  
Mr. Hemant Mehta, CCPO,  
DWCD, GNCTD and Ms.  
Shreyanshi Tiwari, WO,  
DWCD, GNCTD.

Ms. Neha Jain, Advocate for R-  
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Mr. Vivek Goyal, CGSPC with  
Mr. Gokul Sharma, Advocate.

Mr. Sumer Kumar Sethi,  
Advocate for DSLSA.

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+ W.P.(C) 2495/2018 & CM APPL. 6877/2024, CM APPL.  
23832/2024, CM APPL. 23886/2024.

COURT ON ITS OWN MOTION

.....Petitioner

Through: Mr. Anant K. Asthana, Amicus  
Curiae with Mr. Vibhav Rawat,  
Advocate.

versus



GOVT. OF NCT OF DELHI AND ORS. ....Respondents

Through: Ms. Avnish Ahlawat, SC for GNCTD with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehwat, Advocates for GNCTD.  
Mr. S.M. Ali, DD (CPDO) with Mr. Hemant Mehta, CCPO, DWCD, GNCTD and Ms. Shreyanshi Tiwari, WO, DWCD, GNCTD.  
Mr. Vivek Goyal, CGSPC with Mr. Gokul Sharma, Advocate.  
Mr. Sumer Kumar Sethi, Advocate for DSLSA.  
Ms. Prabhsahay Kaur, Ms. Tanvi Chaudhary, Ms. Rachna Tyagi, Mr. Bhuvan Ribhu, Ms. Palak Matur and Ms. Sampurna Behura, Advocates for intervenor.

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+ W.P.(C) 4689/2018 & CM APPL. 47123/2018  
COURT ON ITS OWN MOTION

.....Petitioner

Through: Mr. Satish Tamta, Senior Advocate with Mr. Shariq Iqbal, Ms. Ritika Achint, Ms. Manavi Joshi, Advocates for Amicus Curiae.

versus

STATE

.....Respondent

Through: Mr. Anuj Aggarwal, ASC, GNCTD with Mr. Yash Upadhyay and Mr. Siddhant Dutt, Advocates for GNCTD.  
Mr. S.M. Ali, DD (CPDO), DWCD for GNCTD with Mr. Hemant Mehta, CCPO, DWCD,



GNCTD Ms. Shreyanshi  
Tiwari, WO, DWCD, GCNTD.  
Mr. Sumer Kumar Sethi,  
Advocate for DSLSA.

**CORAM:**  
**HON'BLE MR. JUSTICE YASHWANT VARMA**  
**HON'BLE MR. JUSTICE RAVINDER DUDEJA**

**ORDER**  
% **25.10.2024**

1. Having heard the learned Amicus, Ms. Kaur who appears for the intervener and Mr. Aggarwal, who represents the respondents, we find that the following four issues would appear pertinent to be accorded requisite priority and precedence.
2. The first and foremost is the constitution of the **Delhi Commission for Protection of Child Rights**<sup>1</sup> which we are informed has remained headless and without a member since 2023. We take into consideration the immense responsibilities and the salutary obligations that the Act places upon the DCPCR. The composition and constitution of that body is thus an imperative necessity.
3. We are presently informed that the Secretary in the Department of Women and Child Development has been handed over additional charge of that office and acts as the Chairperson. It becomes pertinent to note that the DCPCR is obligated to function not just through the Chairperson but also through its members. It is required to undertake and discharge functions of oversight, visitation and following up the pendency of matters before different courts.
4. In view of the aforesaid, we direct the respondents to ensure

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<sup>1</sup> DCPCR



that the Selection Committee as contemplated in terms of Section 18 of the **Commission for Protection of Child Rights Act, 2005** is constituted by the Hon'ble Minister in charge within a period of two weeks from today. The Department shall also ensure that an advertisement inviting applications for the constitution of the DCPCR is issued within a period of two weeks therefrom. We also place the Department on notice of the aforesaid selection process being liable to be concluded within a period of 90 days.

5. The other issue which was flagged for our consideration pertained to the constitution of the 10 Child Welfare Committees [**"CWCs"**]. Mr. Aggarwal learned counsel, on instruction, states that the note as forwarded by the Government of National Capital Territory of Delhi [**"GNCTD"**], has been duly approved by the Hon'ble Lieutenant Governor and that a notification of appointment shall be issued within a period of one week from today. The statement so made is recorded and accepted.

6. Yet another important aspect that has been flagged for our consideration was with respect to the functioning of the District Child Protection Unit [**"DCPU"**] and the obligations as placed on those bodies in terms of Rule 85 (XX) of the **Juvenile Justice Model Rules, 2016**. We require the respondents to place an affidavit of a responsible officer in the Department of WCD dealing with the aforesaid aspect.

7. We request the learned Amicus to place a Brief Note which would identify the principal issues that would warrant our consideration and the framing of appropriate directions on or before the next date.

8. Let this matter be called for review and consideration on



29.11.2024 at 02:15 PM.

9. We also take note of the fact that CM 6385/2019, 23886/2024 and 23832/2024 are rendered infructuous in light of the orders passed in the main matter.

10. Ordered accordingly.

**W.P.(C) 4689/2018**

11. Bearing in mind the nature of issues that we would have to traverse in W.P (C) 4689/2018, let the same be called separately on 06.12.2024 at 02:15 PM.

**YASHWANT VARMA, J.**

**RAVINDER DUDEJA, J.**

**OCTOBER 25, 2024/SKY**