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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 Kumar Asthana, Amicus Curiae.

versus

GOVT OF NCT OF DELHI & ORS

.....Respondents

Through: Mr. Chetan Sharma and Ms. Archana Pathak Dave, ASGs, Ms. Nidhi Raman, CGSC with Mr. Amit Gupta, Mr. Vinay Yadav, Mr. Saurabh Tripathi, Mr. Shubham Sharma, Mr. Aakash Mishra, Ms. V. Pandey, Advocates and Mr. Vinod Kumar, U/S, MHA.

Mrs. Avnish Ahlawat, Standing Counsel, GNCTD, (Services) with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advocates for GNCTD.

Mr. Vivek Goyal, CGSPC with Mr. Gokul Sharma, Advocate for UOI.

Mr. Syed Abdul Haseeb, CGSC for R-3/UOI.

Mr. Abhaid Parikh, Ms. Katyayani Anand and Ms. Saumya Kapoor, Advocates for R-6.

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+ **W.P.(C) 2495/2018, CM APPL. 6877/2024 & CM APPL. 65749/2024**

COURT ON ITS OWN MOTION

.....Petitioner



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GOVT. OF NCT OF DELHI AND ORS

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Mrs. Avnish Ahlawat, Standing Counsel, GNCTD, (Services) with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advocates for GNCTD.

Mr. Abhaid Parikh, Ms. Katyayani Anand and Ms. Saumya Kapoor, Advocates for R-6.

Mr. Vivek Goyal, CGSPC with Mr. Gokul Sharma, Advocate for UOI.

Mr. H.S. Phoolka, Senior Advocate with Ms. Prabhsahay Kaur, Mr. Bhuwan, Ms. Rachna Tyagi, Ms. Janvi Chaudhary, Mr. Arani Chaudhary and Ms. Kavya Shukla, Advocates for the intervenor.

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+ W.P.(C) 6040/2024

NATIONAL CHILD DEVELOPMENT COUNCILPetitioner

Through: Mr. Robin Raju, Advocate.

versus



GNCTD & ORS

.....Respondents

Through: Mr. Chetan Sharma and Ms. Archana Pathak Dave, ASGs, Ms. Nidhi Raman, CGSC with Mr. Amit Gupta, Mr. Vinay Yadav, Mr. Saurabh Tripathi, Mr. Shubham Sharma, Mr. Aakash Mishra, Ms. V. Pandey, Advocates and Mr. Vinod Kumar, U/S, MHA.
Mrs. Avnish Ahlawat, Standing Counsel, GNCTD, (Services) with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advocates for GNCTD.
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Mr. Vivek Goyal, CGSPC with Mr. Gokul Sharma, Advocate for UOI.
Mr. Syed Abdul Haseeb, Advocate for UOI.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
07.04.2025

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1. Learned ASG Sh. Chetan Sharma has tendered to the Court a notification dated 05.04.2025 issued by the department of Women and Child Development of the NCT of Delhi whereby the Chairpersons and members of Child Welfare Committees have been appointed with immediate effect.
2. Another notification dated 05.04.2025 has also been tendered by the learned ASG appointing the members of Social Workers in the Juvenile Justice Boards in the National Capital Territory of Delhi.



3. We take the said notifications on record.
4. We also put on record the laudable efforts made by learned ASG, assisted by learned senior counsel Ms. Archana Pathak Dave and Ms. Nidhi Raman, CGSC who using his good offices has been able to get the issue cleared. Juvenile Justice Boards and Child Welfare Committees in Delhi will now be able to discharge their statutory functions more appropriately.
5. In our order dated 25.10.2024, a direction was issued to the respondents that the Selection Committee as contemplated under Section 18 of the Commission for Protection of Child Rights Act, 2005, be constituted within a period of two weeks. Further direction was that the department shall also ensure that an advertisement inviting applications for constitution of the Delhi Commission for Protection of Child Rights (DCPCR) be also issued within a period of two weeks therefrom. The Court had also directed that the selection process be completed within a period of 90 days.
6. The period as spelt out for conclusion of the selection process has already expired, however, the appointment to DCPCR nowhere appears to be in sight. Learned counsel representing the GNCTD, on instructions, has submitted that advertisement was issued in December, 2024, whereafter a Screening Committee was constituted on 31.01.2025 and that after the scrutiny by the Scrutiny Committee, the list of eligible candidates shall be placed before the Selection Committee and accordingly the selection shall be concluded.
7. We have been informed that on account of vacancies, the DCPCR is not functional since July, 2023. There is no gainsaying that the said Commission performs certain important statutory functions under the Act, 2005 to ensure protection of child rights. However, on account of vacancies in



the Commission, such functions are not being performed as a result of which, the rights of the children have taken a back seat. Such a situation, resulted on account of callousness on the part of the Government, cannot be appreciated.

8. At this juncture, learned counsel for the GNCTD, on instructions, has stated that the Government may be given two months' time to complete the selection process.

9. Having regard to the fact that the Commission has not been functioning in Delhi since July, 2023 and the time as spelt out in our order dated 24.10.2024 has expired long time ago, we direct that the selection process shall be completed within a period of six weeks.

10. By the next date, learned counsel representing the GNCTD shall file an affidavit to be sworn in by a responsible officer of the Government bringing on record the actions which might be taken by the Government to ensure compliance of this order.

11. The Court in its earlier order dated 10.01.2025 had expressed its concerns about selection of Members of District Child Protection Units. Having regard to the large number of applications received pursuant to the advertisement dated 09.01.2024, the Court had directed the Department of Women and Child Development to ensure that the scrutiny process is completed with expedition and further that seven more Selection Boards or such other number of Boards as may be considered desirable, shall be constituted, which shall complete the process of selection.

12. We have been informed by learned counsel representing the GNCTD that as many as nine Selection Boards have been constituted and the process of scrutiny of applications has been completed. She further informs that the process of interview shall commence in the last week of this month.



13. We thus direct that the selection process of the members of the District Child Protection Units shall also be completed within eight weeks from today.

14. We also direct that an affidavit shall be filed by the Delhi Government giving details of the up to date payment of salaries and other emoluments to the members of the Child Welfare Committees and Juvenile Justice Boards by the next date of listing.

15. List on 09.07.2025.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

APRIL 7, 2025

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