

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 149
of 2021**

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BACHPAN BACHAO ANDOLAN & ANR.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR PRAGYAN P SHARMA, SR ADVOCATE with MR ANKIT
SHAH(6371) with MS PRUTHA BHAVSAR with MS SURABHI
KATYAL with MS TANVI CHAUDHARY for the Applicant(s)

No. 1,2

MR KAMAL TRIVEDI, AG with MS HETAL PATEL, AGP for the
Opponent(s) No. 1,2,5

NOTICE SERVED for the Opponent(s) No. 4

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CORAM:HONOURABLE THE CHIEF JUSTICE MRS.

JUSTICE SUNITA AGARWAL

and

HONOURABLE MR.JUSTICE D.N.RAY

Date : 07/11/2025

ORAL ORDER

**(PER : HONOURABLE THE CHIEF JUSTICE MRS.
JUSTICE SUNITA AGARWAL)**

1. The present Public Interest Litigation raises an important issue with regard to the working of different statutory bodies established

under the Protection of Child Rights Act, 2005, Juvenile Justice (Care and Protection of Children) Act, 2015 as also under the Gujarat Juvenile Justice (Care and Protection of Children) Model Rules, 2019. The Gujarat State Legal Services Authority (GSLSA) has been impleaded as respondent No. 3 in the writ petition, however, no notice has been issued to GSLSA and hence response on all the issues raised in the present petition has not been obtained so far. In the written submissions filed on behalf of the petitioners, the issues with regard to implementation of directions given by the Apex Court in the case of *Sampurna Behura v. Union of India*, (2018) 4 SCC 433, in light of the Scheme of the aforesaid enactments as also the other issues requiring judicial intervention to fulfill the objectives and purposes of the Juvenile Justice Act and other laws, to protect the rights of children, have been raised. Pertinent it to note that under the Scheme of the aforesaid enactments, in light of the regulations framed by National Legal Services Authority (NALSA), the State Legal Services Authority namely GSLSA, has a crucial role to play, so as to ensure that the statutory bodies created under the Scheme of the aforesaid

enactments are set in place and their working are strictly in accordance with the Scheme of the said enactments.

2. The reply submitted by the State respondents, according to the learned counsel for the petitioners, are halfhearted and they do not answer all the issues raised before us.

3. In light of the above, we issue notice to the Member Secretary, Gujarat State Legal Services Authority to submit a response to the issues raised by the petitioners in the writ petition, as summarized in the written submissions filed on behalf of the petitioners dated 06.11.2025. The office is required to provide the complete copy of the record to the Member Secretary, GSLSA within a period of 10 days from today. The report is required to be submitted by the Member Secretary, GSLSA on each of the pertinent issues raised herein.

4. As far as the State respondents are concerned, the State Commission constituted under the Protection of Child Rights Act, 2005, after intervention by this Court in the present petition, is

required to initiate the Social Audit for the year 2025-2026 in accordance with the Scheme of the Act, 2015 and ensure its completion on or before March 2026. It is clarified that the social audit is required to be conducted in respect of the institutions established under the Juvenile Justice Act such as Child Welfare Committees (CWCs), Juvenile Justice Boards (JJ Boards), and Special Juvenile Police Units (SJPU), Children Homes, Specialized Adoption Agencies, Open Shelter/Shelter Homes, Observations Homes and Special Homes, inasmuch as, it is the duty of the State Commission to monitor and oversee the entire process of Social Audit. The progress made in this direction shall be brought before the Court on the next date fixed.

5. Put up this matter on **12th December 2025 at 12:30 p.m.**

[Sunita Agarwal, CJ.]

[D. N. Ray, J.)

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