

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 SHARMA, SR. ADV. WITH MR ANKIT SHAH(6371) WITH
MS. TANVI CHAUDHARY WITH MS. SURABHI KATYAL, WITH MS.

PRUTHA BHAVSAR for the Applicant(s) No. 1,2

MS. HETAL PATEL, ASSISTANT GOVERNMENT PLEADER for the
Opponent(s) No. 1,2,5

MR. G.M.JOSHI, SR. ADV. FOR LAW OFFICER BRANCH(420) for the
Opponent(s) No. 3

MR CHINTAN N DESAI(9940) for the Opponent(s) No. 3

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 : 27/02/2026

ORAL ORDER

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

This Public Interest Litigation raises the issues to ensure compliances of the directions contained in the judgment and order dated 09.02.2018 passed by the Apex Court in **Sampurna Behura v/s. Union of India and Others** (Writ Petition (C) No. 473 of 2005), thereby seeking for effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015 (in short as 'the J.J.Act, 2015) and the Commissions for Protection of Child Rights Act, 2005 (in short as 'the CPCR Act, 2005) in the matter of establishment and working of the Child Care Institutions in the

State of Gujarat, as well as fulfillment of the requirement of Protection of Children from Sexual Offence Act, 2012 (in short as 'the POCSO Act, 2012') by the Child Care Institutions in the State.

2. By order dated 07.11.2025, noticing that in view of the regulations framed by the National Legal Services Authority (NALSA), the State Legal Service Authority, namely the Gujarat State Legal Services Authority has to play a crucial role in ensuring that the statutory bodies created under the scheme of the aforesaid enactments are set in place and that they are strictly adhering to the scheme of the said enactments, we have issued notice to the Member Secretary, GSLSA to submit response to the issues raised in the writ petition.

3. In compliance of the order dated 07.11.2025, a report was submitted by the Member Secretary, GSLSA before the Court, on 09.01.2026, The copy thereof was provided to the learned senior counsel for the petitioner to make his submissions.

4. Today, when the matter was taken up, Mr. Pragyan Sharma, the learned senior advocate appearing for the petitioners provided a chart indicating the implementation gaps in the Juvenile Justice (Care and Protection of Children) Act, 2015 and other Child Rights Provisions. The issues highlighted therein are categorised on three aspects as under :-

[A]

ISSUES PERTAINING TO IMPLEMENTATION OF JJ ACT/ RULES		
Sr. No.	PENDING ISSUE	PROVISION
1.	Notification and Formal Adoption of the Gujarat State Child Protection Policy.	Rule 3(5) of the POCSO Rules, 2020 mandates the Government to frame zero-tolerance Child Protection Policy for all

		institutions dealing with children.
2.	Completion of Social Audit (To be done Annually)	Earlier, Rule 64 of the Juvenile Justice (Care and Protection of Children) Rules, 2007, mandated the Social Audit. In Re: Exploitation of Children in Orphanages in the State of Tamil Nadu v. Union of India & Ors., W.P. (Crl) No. 102 of 2007, emphasized the critical role of Social Audit and directed the Commission to conduct Social Audits to ensure transparency and accountability in child care institutions. (Para 62(II))
3.	Preparation and Publication of Annual Report and Special Reports by SCPCR	Section 23 of CPCR ACT, 2005 mandates the commission to prepare and publish annual reports as well as special reports anytime during the year on issues requires special attention. Section 109(3) of JJ Act, 2015 also mandates the SCPCR to prepare and publish the annual reports as provided under CPCR Act.
[B] ISSUES PERTAINING TO IMPLEMENTATION OF JJ ACT/ RULES (District Wise Information Received from District/ State Coordinators)		
S.NO.	PENDING ISSUES	DISTRICTS
1.	Non-adherence to due procedure by Child Welfare Committees (CWC) / lack of reasoned orders. [Section 30 read with Rules 18 and 19 of the JJ Model Rules]	26 districts: Ahmedabad, Anand, Arvali, Banaskantha, Dang, Devbhoomi Dwarka, Gir Somnath, Gandhinagar, Junagadh, Jamnagar, Kheda, Kutch, Mehsana, Mahisagar, Morbi, Narmada, Navsari, Panchmahal, Patan, Porbandar, Rajkot, Sabarkantha, Surat, Surendranagar, Tapi, Vadodara, Valsad
2.	Social Investigation Reports (SIRs) not prepared for children produced before CWC. [Section 37 of JJ Act r/w Rule 19(8)]	24 districts: Ahmedabad, Amreli, Anand, Arvali, Banaskantha, Gandhinagar, Junagadh, Kheda, Kutch, Mehsana, Mahisagar, Morbi, Narmada, Navsari, Panchmahal,

	of the JJ Rules and Form 22]	Patan, Porbandar, Rajkot, Sabarkantha, Surat, Surendranagar, Tapi, Vadodara, Valsad
3.	Individual Care Plans (ICPs) not prepared for children produced before CWC. [Section 39 of JJ Act r/w Rule 19 of JJ Rules and Form 7]	27 districts: Ahmedabad, Anand, Arvalli, Banaskantha, Dang, Devbhoomi Dwarka, Gandhinagar, Gir Somnath, Jamnagar, Junagadh, Kheda, Kutch, Mehsana, Mahisagar, Morbi, Narmada, Navsari, Panchmahal, Patan, Porbandar, Rajkot, Sabarkantha, Surat, Surendranagar, Tapi, Vadodara, Valsad
4.	District Child Protection Units (DCPU) not effectively coordinating/monitoring. [Section 106 of the JJ Act read with Rule 85 of the JJ Rules]	5 districts: Ahmedabad, Anand, Arvalli, Banaskantha, Gandhinagar
5.	Inadequate infrastructure and standards in Child Care Institutions (CCIs). [Rule 29-38 of JJ Rules]	11 districts: Anand, Arvalli, Banaskantha, Bharuch, Bhavnagar, Chhota Udepur, Dang, Devbhoomi Dwarka, Gandhinagar, Gir Somnath, Jamnagar
6.	Absence of separate or adequate CCIs for girls. [Rule 29 of JJ Rules]	25 districts: Amreli, Anand, Banaskantha, Bhavnagar, Chhota Udepur, Dang, Devbhoomi Dwarka, Gandhinagar, Gir Somnath, Jamnagar, Junagadh, Kheda, Kutch, Mehsana, Navsari, Panchmahal, Patan, Porbandar, Rajkot, Sabarkantha, Surat, Surendranagar, Tapi, Vadodara, Valsad.
7.	Absence of separate CCIs for boys. [Rule 29 of JJ Rules]	4 districts: Ahmedabad, Arvalli, Mahisagar, Narmada
8.	No CCI for both girls and boys.	4 districts: Botad, Dahod, Morbi, Valsad
9.	No woman member in CWC. [Section 27(2) of JJ Act]	1 district: Amreli
10.	Irregular or inadequate sittings of	3 districts:

	CWC. [Section 28 of the JJ Act, 2015]	Narmada, Panchmahal, Sabarkantha
11.	Details of Child Welfare Police Officers (CWPOs) not displayed in police stations.	12 districts: Ahmedabad, Amreli, Anand, Arvali, Banaskantha, Bhavnagar, Dahod, Dang, Devbhoomi Dwarka, Gandhinagar, Gir Somnath, Jamnagar

5. The Monitoring Authority mandated to ensure and supervise the compliance of the statutory requirements, are as under :-

[C]

MONITORING AUTHORITY		
S.NO.	PARTICULARS	PROVISION
1.	State Commission for Protection of Child Rights (SCPCR)	Section 13 R/w Section 24 of the CPCR Act, 2005 mandates the Commission to monitor the enforcement of child rights laws and protective measures. Section 109 of JJ Act R/w Rule 100 of Gujarat JJ Model Rules, 2019 mandates the National and State Commissions for Protection of Child Rights to monitor implementation of the Act. Section 44 of POCSO Act R/w Rule 12 of POCSO Rules, 2020 empowers the National and State Commissions for Protection of Child Rights to monitor the implementation of the Act.
2.	Juvenile Justice Committee (JJC)	The Chief Justices' Conference, 2006 mandated all the High Courts to constitute JJCs to oversee the effective functioning of bodies identified under JJ act and ensure implementation of the act and rules in its true letter and spirit. The Hon'ble Supreme Court in Sampurna Behura vs Union of India (WPC 473 of 2005) (2018) 4 SCC 433 discussed the rationale behind the creation and constitution of Juvenile Justice

		Committees (JJC) in detail, particularly in Paras 4 to 10 , emphasizing their role in ensuring effective supervision and implementation of the Juvenile Justice Act.
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6. It is submitted that framing of the Gujarat State Child Protection Policy as per Rule (3) (5) of the POCSO rules, 2020, is a major step to be taken by the State Government to adopt the principle of “Zero Tolerance Violence against the children”, which shall then have to be adopted by all institutions, organisations, or any other agency working with or coming in contact with children. In absence of the Child Protection Policy, it is practically impossible for the State Government to ensure that the contact of the child care institutions with children is safe and protected in the State. The conducting of the Social Audit as mandated by the Apex Court in Writ Petition (Criminal) No. 102 of 2007 reported in **[(2017) 7 SCC Page 594]**, is the duty of the State Commission, in addition to the mandate of Section 23 of the CPCr, 2005 to submit annual report to the State Government, to ensure transparency and accountability in the Child Care Institutions.

7. All these processes are necessarily to be completed with in a time bound manner, inasmuch as, no such action has been taken by the State Government and the Commission so far.

8. Taking note of the above, we provide that the above noted three aspects, namely framing of Child Protection Policy by the State Government; Social Audit and preparation and submission of annual report and special reports by the State Commission shall be completed on or before 30th June, 2026.

9. The second issue pertains to non-adherence of various

provisions of the J.J.Act, 2015/Rules by the Child Welfare Committees, District Child Protection Units and the inadequate infrastructure and standards in Child Care Institutions in different Districts of the State. With regard to these issues, as narrated in the table under point-'B' above, we require the Member Secretary, GSLSA to ask for the reports from all the Secretaries, DLSA, Counter-signed by the Chairperson, DLSA with respect to each concerned District, on or before the next date.

10. For, the issue with regard to the details of Child Welfare Police Officers not being displayed in the police stations, leading to accessibility gaps being faced by the victim and their families in 12 Districts, stated in the table under point-'B' above, the Member Secretary, GSLSA is required to submit its report.

11. Taking note of the fact that most of the issues are relating to non-compliance of the statutory requirements by the Child Welfare Committees constituted under the J.J.Act, 2015 we find that as per Section 27(1)) of the J.J.Act, the District Magistrate is the Grievance Redressal Authority to entertain any grievance arising out of the functioning of the Committee; and further that on any complaint received by the District Magistrate, he is empowered to take cognizance of the action of the Committee and pass orders. The CWC is also required to submit a report to the District Magistrate and the District Magistrate is mandated to conduct a quarterly review of the functioning of the Committee as provided in sub-section(8) of Section 27. Thus, in his supervisory role, the District Magistrates of the concerned Districts are answerable to this Court on the issues raised, as aforesaid.

12. Further, the Chairmen of the District State Legal Services

Authority of the concerned Districts, upon whom the responsibility is fixed for implementation of NALSA (Child Friendly Legal Services to Children and their Protection and Security, 2015) are required to conduct a meeting with the District Magistrates in the presence of the Secretary, DLSA and any other concerned officer to take stock of the position on the ground and submit reports on all the issues, as extracted in the table at point No.'B' hereinabove. The compliance report under the joint signature of the Chairperson, DLSA, the District Magistrate and the Secretary, DLSA, of the District concerned for each of the Districts mentioned in the aforesaid table, pertaining to the issues relating to them, shall be filed before the Member Secretary, GSLSA within a period of three weeks. The Member Secretary, GSLSA shall be required to peruse all the reports and submit the same with her own comments.

13. Lastly, as urged, the State Commission for Protection of Child Rights under Section 13 read with Section 24 of the CPCRA Act, 2005 is mandated to monitor the enforcement of the Child Rights Laws and protective measures. Section 109 of the JJ.Act, 2015 read with Rule 100 of the Gujarat Juvenile Justice Model Rules, 2019 mandates the State Commission to monitor implementation of the Act. Similar are the provisions under Section 44 of POCSO Act read with Rule 12 of POCSO Rules, 2020 framed thereunder.

14. Mr. G.H.Virk, the learned Government Pleader is directed to file the affidavit of compliance of the statutory provisions by the State Commission, which has been set in place by the notifications dated 24.10.2025 and 12.12.2024 issued by the Social Justice and Empowerment Department, State of Gujarat, only after the intervention of this Court, in the present petition.

15. The matter is posted on 30.04.2026 at 12.30 p.m. for compliance of the above directions.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

C.M. JOSHI