

Pdp

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 22 OF 2025

Shraddha Bharat Dalvi

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

Mr. Ashley Cusher for petitioner.

Ms. Rebecca Gonsalves for respondent nos.2 and 3.

Mrs. Neha S. Bhide, Govt. Pleader with Mr. O. A. Chandurkar,
Addl. Govt. Pleader with Mrs. G. R. Raghuwanshi, AGP for
respondent nos.1, 4 and 5.

**CORAM: ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATE: 12th JUNE, 2025

ORAL ORDER [Per Chief Justice]:

1. The petitioner claims to be an Advocate practicing in various Courts in Mumbai and suburbs. In this petition, which has been filed as Public Interest Litigation, the petitioner, *inter alia*, prays for a direction to the respondents to frame the guidelines for the Child Legal Assistance Program in the State of Maharashtra for child custody cases, family court cases/POCSO cases. The petitioner, in addition, seeks a direction to the respondents to grant permission to the child to appoint an independent counsel/advocate/lawyer under the Legal Services Authorities Act, 1987 for representing the child in a custody battle between the parents.

2. We have heard the learned counsel for the petitioner at length.

3. This Court had issued a notice to the respondents on 5th February, 2025, in pursuance of which, the Member Secretary, Maharashtra State Legal Services Authority, has filed an affidavit-in-reply. In paragraphs 4 and 5 of the aforesaid affidavit-in-reply the following averments have been made: -

"4. I say that NALSA (Child-Friendly Legal Services for Children) Scheme, 2024 [hereinafter 'the scheme'] came into operation in September, 2024. The said scheme updates, revises and consolidates two previous schemes, the NALSA (Child-Friendly Legal Services to Children and their Protection) Scheme, 2015 and the Legal Services for Differently-Abled Children Scheme, 2021, into one comprehensive scheme.

5. I say that in November, 2024, Legal Services Units for Children [hereinafter 'LSUCs'] as required by the scheme were constituted in every district. Training was provided to the members of the LSUCs in December 2024. The DLSAs have conducted awareness and outreach programmes on the NALSA (Child-Friendly Legal Services for Children) Scheme, 2024 in schools, colleges, villages and other places. This is an ongoing activity."

4. Thus, it is evident that grievance of the petitioner with regard to framing of the scheme does not arise for consideration as the scheme has already been framed. In fact, the petitioner has filed the instant PIL without even making any effort to find out whether the scheme is already framed or not.

5. So far as the relief with regard to providing legal assistance to child is concerned, in paragraph 6 of the aforesaid affidavit-in-reply filed on behalf of the Maharashtra State Legal Services Authority, following averments are made:-

"6. Till today, not a single case concerning custody, guardianship, or maintenance has been referred to the LSUCs by the Family Courts, for providing legal services to a child, under the scheme. I say that if a child in need of legal services for a case concerning custody, guardianship, or maintenance is referred to the LSUCs by the Family Court, the child will be provided with the necessary legal services."

6. In view of the stand taken by the Maharashtra State Legal Services Authority in its affidavit-in-reply, which has been referred to supra, no further orders are required to be passed in the PIL.

7. The PIL is accordingly disposed of.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)

PRAVIN
DASHARATH
PANDIT

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