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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 95/2023**
DELHI COMMISSION FOR PROTECTION OF CHILD RIGHTS
(DCPCR)Petitioner

Through: Mr.R.H.A Sikander, Adv.

versus

UNION OF INDIA & ORS.Respondent
Through: Ms.Manisha Agrawal Narain, CGSC
with Mr.Nipun Jain, Adv for R-1 & 2.
Mr.Sanjeev Bhandari, ASC with
Mr.Arjit Sharma, Ms.Sakshi Jain,
Adv for R-3.
Mr.Hemant Mehta, LCPO, Dept. Of
WCD, GNCTD.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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08.04.2026

1. Heard the learned counsel for the parties, this public interest litigation petition challenges the Clauses 21 and 24 of Form 1 (Social Background Report) and Clauses 42 and 43 of Form 6 (Social Investigation Report for Children in Conflict with Law) appended to the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 on the ground that the same are unconstitutional being *ultra vires* the Articles 14, 20 and 21 of the Constitution of India.
2. The petition has been filed by Delhi Commission for Protection of Child Rights.



3. Section 110 of the Juvenile Justice (Care and Protection) of Children Act, 2015 provides that the State Government by a notification in the official gazette make rules to carry out the purposes of the Act. The proviso appended to Section 110 of the said Act provides that the Central Government may frame Model Rules in respect of all or any matters with respect to which the State Government is required to make rules and such Model Rules shall apply to the States *mutatis mutandis* until rules in respect of such matters are framed by the State Government.

4. Accordingly, so far as Model Rules framed by the Central Government are concerned they are applicable only till the period the respective State Governments frame their own rules.

5. In W.P.(C) 8348/2017 we have passed an order today, which is reproduced hereunder:-

“1. Heard the learned counsel for the parties.

2. Though by instituting the proceedings in this public interest litigation petition the challenge has been made to the validity of the proviso appended to Section 110 of the Juvenile Justice (Care and Protection) of Children Act, 2015, however, having regard to the fact that the process of making the rules by the State Government is going on, with the consent of the petitioner, we disposed of the instant petition with the following directions:-

A. The draft rules which are said to have been submitted by the State Government before the Juvenile Justice Committee of this Court shall be deliberated upon by the said Committee and on such deliberations, appropriate recommendations shall be made by the Juvenile Justice Committee of this Court to the State Government for finalisation of the rules. This exercise of deliberation and consultation by the Juvenile Justice Committee shall be completed within a period of one month.

B. We also permit the learned counsel for the petitioner to make his suggestions before the Chairperson, Juvenile Justice



Committee of this Court within ten days by way of making a written representation.

C. Once the Juvenile Justice Committee of this Court submits its recommendations on the draft rule as proposed by the State Government, the same shall also be considered by the State Government and the rules shall be finalised within two months from the date recommendations are received by the State Government from the Juvenile Justice Committee. On finalisation of the rules they shall appropriately be notified.

D. The entire process, in any case, as directed above, shall be completed by all concerned within four months.

E. It is needless to say that if on finalisation of the rules by the State Government to be framed under Section 110 of the Act, 2015, the petitioner is aggrieved in any manner, he will be at liberty to take appropriate recourse to any legal remedy, which may be available to him under law.

3. The writ petition accordingly, stands disposed of”

6. We note the fact that the process of making the rules under Section 110, so far as the State of Delhi is concerned, is going on and the matter is engaging attention of the Juvenile Justice Committee of this Court as the draft rules have already been submitted to the Juvenile Justice Committee by the State Government. We also note that the Model Rules are to operate only till the rules by the State Government are framed and finalised. In these facts, we find it appropriate to dispose of the instant petition with the following directions:-

A. Some representative of the petitioner – Delhi Commission for Protection of Child Rights shall make a representation to the Juvenile Justice Committee of this Court in respect of the grievances pertaining to the alleged offending clauses in Form 1 and Form 6 appended to the Model Rules, 2016 and point out the alleged discrepancies and illegalities therein. The said



representation by the petitioner – Commission shall be made within ten days from today.

B. The Juvenile Justice Committee shall, accordingly, consider the representation/objections to be filed by the petitioner Commission under this order and, accordingly, after deliberations on all the issues, shall forward its recommendations to the State Government where the rules shall be finalised in accordance with the directions issued by us today in W.P(C) 8348/2017.

C. We further provide that, in case, even after finalisation of the rules by the State Government of Delhi, the petitioner in any manner feels aggrieved, it will be open to it to take appropriate legal recourse, which may be available to the petitioner – Commission under law for redressal of its grievances.

7. The petition stands disposed of in the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

APRIL 8, 2026

S.Rawat