ITEM NO.6 COURT NO.1 SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 1296/2026

ABHINAV BHARAT CONGRESS THOUGH ITS FOUNDING PRESIDENT PROF DR PANKAJ K PHADNIS Petitioner(s)

VERSUS

NATIONAL HUMAN RIGHTS COMMISSION THROUGH REGISTRAR LAW & ORS. Respondent(s)

(IA No. 312764/2026 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 19-11-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) : Petitioner-in-person

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

1. Application for permission to appear and argue in person is allowed.

2. The petitioner, Abhinav Bharat Congress, through its President, Professor Dr. Pankaj K. Phadnis, has invoked the writ jurisdiction of this Court under Article 32 of the Constitution, purportedly in public interest, raising various issues, especially re: enforcement of long-dormant statutory mandates for the protection of the rights of children and youth. The petition rests four sets of laws, namely, (i) Protection of Human Rights Act, 1993 (for short, the "1993 Act"); (ii) Commissions for Protection of Child Rights Act, 2005; (iii) Right to Education Act, 2009; and

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Reason:

(iv) the amendment to the Preamble of the RBI Act, 1934 brought in 2016.

3. During the course of hearing, the petitioner, appearing in person, has primarily highlighted the issue of non-establishment of District Human Rights Courts as contemplated under Section 30 of the 1993 Act. It is averred that no such Courts have been established over the last 33 years, and as a result, victims of human rights violations, especially the children and youth, are deprived of access to justice.

4. Section 30 of the 1993 Act provides that, for ensuring speedy trial of offences arising out of violations of human rights, the State Government may, with the concurrence of the Chief Justice of the High Court, by notification, specify for each district a Court of Session to function as a Human Rights Court for trying such offences. Section 31 further contemplates the appointment of a Special Public Prosecutor in such Court to prosecute the violators of human rights.

5. It may, thus, be seen that under statutory scheme, the Human Rights Courts can be established by the State Government in concurrence with the Chief Justice of the jurisdictional High Court. Thus, the effective recourse for seeking such relief would be to approach the concerned State Governments and jurisdictional High Courts, which are better placed to assess the availability of requisite infrastructure, suitably sensitized judicial officers,

adequate financial resources and other administrative arrangements necessary for the effective functioning of such Courts. We are, however, cognizant that relegating the petitioner to approach different High Courts and State Governments individually may cause considerable hardship and impede the effective pursuit of the cause espoused in the writ petition. We are, therefore, of the view that the National Human Rights Commission (NHRC) would be the appropriate authority to examine the issue comprehensively and consider the desirability of establishment of District Human Rights Courts, in different States, wherever warranted.

6. In view of the above, we dispose of this petition with a request to the Hon'ble Chairman of the National Human Rights Commission to examine the matter and if, upon such examination, the Commission finds that the designation of Human Rights Courts would advance the cause of victims of human rights violations and further the legislative object underlying the 1993 Act, it may take up the issue with the concerned State Governments and jurisdictional High Courts for appropriate consideration. We would appreciate it if the Commission undertakes this exercise within a reasonable period.

7. As regards the other issues raised in the writ petition, we do not express any opinion. The petitioner is granted liberty to submit a comprehensive representation with respect to the other issues to the competent authorities of the Union of India and/or the respective State Governments. In the event such representations are made, the authorities concerned are expected to examine the

issues raised therein in accordance with law, having due regard to the larger public interest involved.

8. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR