

ITEM NO.102, 102.1-102.10 COURT NO.3

SECTION IV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5912/2012

PUNJAB STATE HUMAN RIGHTS COMMISSION

Appellant(s)

VERSUS

JATT RAM & ORS.

Respondent(s)

WITH

C.A. No. 6236/2012 (IV)

C.A. No. 6237/2012 (IV)

C.A. No. 6232/2012 (IV)

C.A. No. 6230/2012 (IV)

C.A. No. 6233/2012 (IV)

C.A. No. 6235/2012 (IV)

C.A. No. 6234/2012 (IV)

C.A. No. 6231/2012 (IV)

CONMT.PET.(C) No. 222/2005 In C.A. No. 6236/2012 (IV)

C.A. No. 6244/2012 (IV)

Date : 10-01-2019 These appeals were called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE DEEPAK GUPTA

For Appellant(s)

Mr. Aseem Mehrotra, Adv.
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Mr. Rajesh Sharma, Adv.
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Mr. K.T.S. Tulsi, Sr. Adv.
Mr. Jagjit Singh Chhabra, AOR

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Ms. Navkiran B., Adv.
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Mr. Mohan Pandey, AOR

For Respondent(s)

Ms. Pinky Anand, ASG
Ms. Kiran Suri, Sr. Adv.
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Ms. Prerna Kumari, Adv.
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Mr. Abhishek Atrey, AOR

Mr. Tarun Gupta, AOR

Mr. Ashish Wad, Adv.
Mr. Jayashree Wad, Adv.
Mr. Sidharth Mahajan, Adv.
Ms. sukriti Jaggi, Adv.
for M/S. J S Wad And Co, AOR

UPON hearing the counsel the Court made the following
O R D E R

At the time of hearing of these matters,
Section 30 of the Protection of Human rights Act,

1993 (for short, "the Act") was pointed out to this Court which reads as under :

"For the purpose of providing speedy trial of offences arising out of violation 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 be a Human Rights Court to try the said offences.

Provided that nothing in this Section shall apply if

(a) A Court of Session is already specified as a special court; or

(b) a special court is already constituted, for such offences under any other law for the time being in force."

When this provision came for consideration before a bench of this Court in D.K. Basu vs. State of West Bengal & Ors. (2015) 8 SCC 744, in paragraphs 30 & 38.4 this Court observed as follows :

"30. There is, in our opinion, no reason why the State Governments should not seriously consider the question of specifying Human Rights Court to try offences arising out of violation of human rights. There is nothing on record to suggest that the Governments have at all made any attempt in this direction or taken steps to consult the Chief Justices of the High Courts of their respective States and examine the feasibility of specifying Human Rights Court in each district within the contemplation of

Section 30 of the Act. Beyond that we do not propose to say anything at this stage."

38.4- The State Governments shall take appropriate action in terms of Section 30 of the Protection of Human Rights Act, 1993, in regard to setting up/specifying the Human Rights Courts."

Learned counsel for the National Human Rights Commission, fairly states that except in few States, there is no compliance of these orders and Session Judges have not been designated as Judges of Human Rights Courts created by the Act. It is also clear that the setting up of these designated Courts, does not involve any additional infrastructure or additional recruitment of Judges or the staff.

We see no reason why afore-mentioned judgment of this Court has not been complied with.

Accordingly, issue notice to the Chief Secretaries of all the States, calling upon them to show cause why appropriate directions should not be issued in this regard, returnable within eight weeks.

[Charanjeet Kaur]
A.R. -cum-P.S.

[Indu Kumari Pokhriyal]
Asstt. Registrar