



2026 INSC 964

REPORTABLE

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.4075 OF 2026
[@SLP(CRL.) NO.16453 OF 2025]**

SAYAD ASIFULLA

...APPELLANT

VERSUS

STATE OF KARNATAKA & ORS.

...RESPONDENTS

**WITH
CRIMINAL APPEAL NO. 4076 OF 2026
[@SLP(CRL.) NO.872 OF 2026]**

O R D E R

VIKRAM NATH,J.

1. Leave granted.
2. The present appeals arise from the judgment and order dated 17.07.2025 passed by the High Court of Karnataka in Writ Petition No. 200873 of 2024, whereby the High Court struck down Rule 6 of the Karnataka State Human Rights Courts Rules, 2006¹ as unconstitutional, inconsistent with the provisions of the Protection of Human Rights Act, 1993² and ultra vires the rule-making power conferred upon the State Government under Section 41 of the said Act. As a consequence, the High Court also quashed Crime No. 15 of 2024 registered at Jalanagar Police Station, Vijayapura, and held that the order dated 20.01.2024 passed by the Principal District and Sessions Judge and Special Judge, Human Rights

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Reason:

¹ hereinafter referred to as “the 2006 Rules”

² hereinafter referred to as “the 1993 Act”

Court, Vijayapura, in PCR No. 1 of 2024 directing investigation did not survive for consideration.

3. Criminal Appeal No. 4075 of 2026 has been preferred by Sayad Asifulla, who was respondent no. 2 before the High Court and the complainant in PCR No. 1 of 2024. Criminal Appeal No. 4076 of 2026 has been preferred by the State of Karnataka, which was respondent no. 1 before the High Court. The police officers against whom the proceedings arising from PCR No. 1 of 2024 came to be initiated were the writ petitioners before the High Court and are the contesting private respondents in Criminal Appeal No. 4075 of 2026. Both appeals assail the judgment and order dated 17.07.2025 passed by the High Court in Writ Petition No. 200873 of 2024.
4. For ease of reference, Criminal Appeal No. 4075 of 2026 shall be treated as the lead matter. Accordingly, Sayad Asifulla, the appellant therein, shall hereinafter be referred to as “the appellant”.
5. The facts giving rise to the present appeals are as follows:
 - 5.1 The appellant was arrayed as an accused in Crime No. 30 of 2023 registered at Jalanagar Police Station, Vijayapura. Thereafter, on 19.01.2024, he instituted a private complaint before the Principal District and Sessions Judge and Special Judge, Human Rights Court, Vijayapura, alleging violation of his human rights by certain police officials in connection with his custody.
 - 5.2 The said complaint came to be registered as PCR No. 1 of 2024. By order dated 20.01.2024, the Principal District and Sessions Judge and Special Judge, Human Rights

Court, Vijayapura, referred the complaint to the Superintendent of Police, Vijayapura, for investigation under Section 156(3) of the Code of Criminal Procedure, 1973³.

- 5.3 Pursuant to the aforesaid order, Crime No. 15 of 2024 came to be registered at Jalanagar Police Station, Vijayapura, against the concerned police officials.
- 5.4 The private respondents thereafter approached the High Court by filing Writ Petition No. 200873 of 2024. They challenged, inter alia, the validity of Rule 6 of the 2006 Rules and also sought quashing of Crime No. 15 of 2024 and the proceedings arising from PCR No. 1 of 2024.
- 5.5 By the impugned judgment dated 17.07.2025, the High Court allowed the writ petition and held Rule 6 of the 2006 Rules to be unconstitutional, inconsistent with the 1993 Act and ultra vires the rule-making power conferred upon the State Government under Section 41 thereof. Consequently, Crime No. 15 of 2024 was quashed and the order dated 20.01.2024 passed in PCR No. 1 of 2024 was held not to survive for consideration.
- 5.6 Aggrieved by the aforesaid judgment, the appellant and the State of Karnataka preferred the present proceedings before this Court. By order dated 27.10.2025 passed in the lead matter, this Court stayed the effect and operation of the impugned judgment.

³ hereinafter referred to as 'the CrPC'

6. We have heard the learned counsel appearing for the respective parties. The principal question that arises for consideration in the present appeals is whether Rule 6 of the 2006 Rules, insofar as it enables an aggrieved person to directly approach the Human Rights Court and prescribes the procedure to be followed on such a complaint, is inconsistent with the scheme of the 1993 Act or travels beyond the rule-making power conferred upon the State Government under Section 41 of the said Act.
7. Before examining the validity of Rule 6 of the 2006 Rules, it would be necessary to first clarify the statutory scheme within which the provision operates. The 1993 Act was enacted to provide for the constitution of the National Human Rights Commission, State Human Rights Commissions and Human Rights Courts for the better protection of human rights and for matters connected therewith or incidental thereto. Section 2(d) defines “human rights” to mean the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India. Sections 12 to 18 of the 1993 Act prescribe the functions and powers of the Human Rights Commissions and the manner in which complaints of human rights violations may be inquired into and investigated. Section 18 further empowers the Commission, during or upon completion of such inquiry, to recommend, inter alia, initiation of proceedings for prosecution or such other suitable action as it may deem fit.

8. Alongside the aforesaid institutional mechanism, Parliament has separately provided for the constitution of Human Rights Courts under Section 30 of the 1993 Act. The provision reads as follows.

“30. Human Rights Courts.—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.”

9. Section 41 of the 1993 Act confers rule-making power upon the State Government. Insofar as relevant, it provides as follows.

“41. Power of State Government to make rules.—

(1) The State Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—

(a) the salaries and allowances and other terms and conditions of service of the Chairperson and Members under Section 26;

(b) the conditions subject to which other administrative, technical and scientific staff may be appointed by the State Commission and the salaries and allowances of officers and other staff under sub-section (3) of Section 27;

(c) the form in which the annual statement of accounts is to be prepared under sub-section (1) of Section 35.”

10. In exercise of the power conferred by Section 41 of the 1993 Act, the State Government framed the 2006 Rules. Rule 6 of the 2006 Rules, which is at the heart of the controversy before us, reads as follows:

“6. Procedure and powers of Court.—(1) A victim of an offence arising out of violation of human rights, his legal representative, or a registered non-governmental Organisation or a public person may file a complaint against a public servant who has committed or abetted the commission of an offence of violation of human rights, while acting under the colour of his office as a public servant:

Provided a complaint on behalf of the victim may be filed by a Non-Governmental Organisation or a public person only with prior authorisation on affidavit by the victim.

(2) The Court on receipt of such complaint, shall either order an investigation into the offence by a police officer not below the rank of Superintendent of Police or it may proceed to conduct its own inquiry into the complaint in accordance with the procedure for dealing with private complaints in the Code:

Provided that the Superintendent of Police shall complete such investigation as far as possible within fifteen days, failing which he shall report the progress of the investigation to the Court concerned with the case diaries and seek extension of time for further investigation and complete the investigation within the stipulated time.

(3) If after the investigation, the investigating officer reports to the Court that no offence is made out, the Court shall serve the complainant with a notice for the purpose of deciding whether or not there is sufficient ground for proceeding.

(4) If on the basis of police report or the evidence collected during preliminary inquiry, the Court is of the view that there is sufficient material on record to proceed against the accused in appropriate cases, the Court shall forward a copy of the complaint along with the material evidence collected during investigation or inquiry, as the case may be, to the Competent Authority for its perusal for the purpose of grant of sanction for the prosecution of the accused.

(5) The Competent Authority shall dispose of the request for sanction within a period of thirty days from the date of receipt of communication from the Court.

(6) The trial before the Court shall be conducted in accordance with the provisions regarding sessions trial prescribed under the Code.

(7) The Court shall try the offence on day-to-day basis.”

Rule 6 of the 2006 Rules prescribes the procedure in respect of complaints before a Human Rights Court. In substance, it permits a victim of an offence arising out of violation of human rights, his legal representative or, subject to the prescribed authorization, a registered non-governmental organisation or public person to file a complaint against a public servant alleged to have committed or abetted such an offence while acting under colour of his office. Upon receipt of the complaint, the Human Rights Court may either direct investigation by a police officer not below the rank of Superintendent of Police or conduct an inquiry in accordance with the procedure

prescribed for private complaints under the Code. The Rule further provides for the course to be followed upon receipt of the investigation report, consideration of sanction for prosecution wherever required, and the conduct of trial in accordance with the procedure applicable to trials before a Court of Session.

11. A conjoint reading of the aforesaid provisions reveals that the 1993 Act contemplates two distinct institutional mechanisms for the protection and enforcement of human rights. On the one hand are the National and State Human Rights Commissions, which have been entrusted with powers of inquiry, investigation and recommendation under Sections 12 to 18 of the 1993 Act. On the other hand, Section 30 thereof expressly contemplates Human Rights Courts for the speedy trial of offences arising out of violations of human rights. The functions assigned to these two institutions are therefore not identical. The Commission primarily performs an inquisitorial and recommendatory role, whereas the Human Rights Court exercises judicial power in relation to offences arising out of violations of human rights.
12. The mere conferment of power upon the Commission to inquire into a complaint and, where appropriate, recommend initiation of prosecution cannot, in our view, be construed as making such an inquiry or recommendation an indispensable condition precedent to the initiation of criminal proceedings. Nothing in Sections 12 to 18 of the 1993 Act expressly provides that every prosecution concerning an offence arising out of a violation of human rights must originate from a

recommendation of the Commission. Equally, Section 30 thereof does not make the jurisdiction of the Human Rights Court dependent upon the completion of any prior proceeding before the Commission. In our considered opinion, to read such a limitation into the statute would amount to supplying a condition which Parliament itself has not enacted.

13. Moreover, it must be noted that Rule 6 of the 2006 Rules does not create any new offence, prescribe any new punishment or enlarge the meaning of human rights under the 1993 Act. It merely provides the procedural means by which the jurisdiction conferred upon a Human Rights Court under Section 30 of the 1993 Act may be invoked and exercised. The offences which may ultimately be tried by such Court continue to be offences punishable under the applicable penal law. The Rule only regulates the manner in which a complaint alleging such an offence may be received, investigated and thereafter proceeded with in accordance with law.
14. We are also unable to accept the view that the rule-making power of the State Government under Section 41 of the 1993 Act is confined only to the matters enumerated in sub-section (2) thereof. Section 41(1) thereof expressly empowers the State Government to make rules “to carry out the provisions of this Act”. More importantly, sub-section (2) begins with the words “in particular and without prejudice to the generality of the foregoing power”. The language employed by Parliament makes it clear that the matters specified in clauses (a) to (c) are illustrative and do not exhaust the amplitude of the general power conferred by sub-section (1).

15. It is well settled by this Court that a rule made in exercise of delegated legislative power cannot travel beyond the parent enactment or alter its substantive scheme.⁴ At the same time, where the parent enactment confers a general rule-making power for carrying its provisions into effect, the delegate may prescribe the procedural machinery necessary for giving meaningful operation to those provisions, so long as such machinery is not inconsistent with the statute. The principle was stated with particular clarity in ***St. Johns Teachers Training Institute v. Regional Director, NCTE***⁵, wherein this Court held that rules cannot supplant the provisions of the enabling Act but may supplement them by providing for ancillary matters and filling up the details necessary for effectuating the legislative scheme. Viewed in this light, Rule 6 of the 2006 Rules supplements Section 30 of the 1993 Act by prescribing the procedure through which a Human Rights Court may deal with offences arising out of violations of human rights. It does not supplant the 1993 Act.
16. The aforesaid construction also finds direct support in the decision of this Court in ***Paramvir Singh Saini v. Baljit Singh***⁶. While dealing with complaints relating to the use of force in police stations, this Court expressly recognised that such complaints may be made not only to the State Human Rights Commission, which may exercise its powers under Sections 17 and 18 of the 1993 Act, but also to the Human

⁴ See *State of Karnataka v. H. Ganesh Kamath*, (1983) 2 SCC 402; *Kunj Behari Lal Butail v. State of H.P.*, (2000) 3 SCC 40.

⁵ (2003) 3 SCC 321

⁶ (2021) 1 SCC 184

Rights Courts constituted under Section 30 thereof. Though the validity of Rule 6 of the 2006 Rules was not directly in issue in the said case, the decision clearly recognises that recourse to a Human Rights Court is not dependent upon a prior inquiry or recommendation by the Human Rights Commission. It thus reinforces the construction which follows from the statutory scheme itself, namely, that the remedies before the Commission and the Human Rights Court are distinct and complementary and that the former is not a mandatory gateway to the latter.

17. The arguments put forth by the counsel for the private respondents are also to no avail. The contention that Section 18 of the 1993 Act makes the Human Rights Commission the exclusive route for initiation of prosecution finds no support in the language of the statute, and Section 30 thereof contains no condition making the jurisdiction of the Human Rights Court dependent upon a prior inquiry or recommendation by the Commission. Equally, Rule 6 of the 2006 Rules neither creates a new offence nor confers a jurisdiction alien to the 1993 Act, but merely regulates the procedure to be followed by a Court already contemplated under Section 30 thereof. The pleas based on repugnancy and separation of powers also cannot be sustained in the absence of any inconsistency between Rule 6 of the 2006 Rules and the parent enactment. As regards the requirement of sanction for prosecution, the same is a matter to be considered in the facts of an individual case in accordance with the applicable law and cannot furnish a ground for invalidating Rule 6 of the 2006 Rules itself. Any

such defence available to the concerned accused shall necessarily remain open to be urged before the competent Court.

18. We are therefore unable to agree with the reasoning of the High Court. The High Court proceeded on the premise that the mechanism contemplated under Sections 13, 14, 17 and 18 of the 1993 Act constitutes the exclusive route through which an alleged violation of human rights must travel before prosecution can be initiated. In doing so, it read into the statute a limitation which the text does not contain and failed to give independent operation to Section 30 of the 1993 Act. The High Court also treated Rule 6 as creating a parallel substantive regime, whereas, as noted above, the Rule merely provides the procedural machinery for a Human Rights Court already contemplated by Parliament. Its further apprehension that simultaneous recourse to the Commission and the Human Rights Court may result in double jeopardy is equally misplaced, since an inquiry or recommendation by the Commission does not amount to a prior prosecution or punishment so as to attract the constitutional protection against double jeopardy.
19. In view of the foregoing discussion, we hold that Rule 6 of the 2006 Rules is not inconsistent with the 1993 Act and does not travel beyond the rule-making power conferred upon the State Government under Section 41 thereof. Rule 6 of the 2006 Rules is therefore intra vires the 1993 Act and is valid.
20. Consequently, the impugned judgment and order dated 17.07.2025 passed by the High Court of Karnataka in Writ

Petition No. 200873 of 2024 is set aside. The consequential quashing of Crime No. 15 of 2024 and the finding that the order dated 20.01.2024 passed by the Principal District and Sessions Judge and Special Judge, Human Rights Court, Vijayapura, in PCR No. 1 of 2024 did not survive for consideration, are also set aside. The proceedings arising therefrom shall continue from the stage at which they presently stand, in accordance with law.

21. We clarify that we have expressed no opinion on the merits of the allegations forming the subject matter of the aforesaid proceedings. All contentions and defences available to the parties, are left open to be considered by the competent Court on their own merits.
22. The appeals are accordingly allowed.
23. Pending application(s), if any, shall stand disposed of.

.....**J.**
[VIKRAM NATH]

.....**J.**
[SANDEEP MEHTA]

NEW DELHI;
AUGUST 25, 2026