

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

(THROUGH VIRTUAL MODE)

CM/5465/2023 IN RP/43/2023

NIKHIL PADHA

...Petitioner(s)/appellant(s)

Through: Petitioner in person

Vs.

CHAIRMAN NATIONAL HUMAN RIGHTS
COMMISSION AND OTHERS

...Respondent(s)

Through:

CORAM:

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
08-10-2025

01. Vide this application, the applicant/petitioner seeks an unqualified apology in the wake of the order passed by the Supreme Court in Special Leave to **Appeal (C) No. 6548/2022, titled “Nikhil Padha Vs. Chairman National Human Rights Commission & Ors.”** and further to expunge the remarks made in paras 05, 06, 07 & 10 of the Order and Judgment dated 08-09-2021, passed in PIL bearing No. **WP(C) PIL-8/2021 titled “Nikhil Padha Vs. Chairman National Human Rights Commission & Ors.”** As the same are detrimental to the career of applicant, who is at the threshold of his carrier in legal profession.

02. A brief narration of facts that has led the applicant to the current stage shall be imperative.

The applicant, who then was a fresh law graduate, had petitioned (ibid) this Court in public interest. And had prayed that Jammu and Kashmir Human Rights Commission, Jammu and Kashmir Women Commission, Jammu and Kashmir Accountability

Commission and Jammu and Kashmir State Information Commission be reopened. And the trial of pending 765 cases be continued till the final adjudication. The Union Territory of Jammu and Kashmir to exercise its powers for the institution of an independent body spread across the region in three branches at Jammu, Kashmir and Chenab. And separate reporting agency be also instituted consisting of at least 01 judicial member to report the cases of human rights violations. However, the said petition was dismissed by the Coordinate Bench on September 8, 2021 with costs of Rs.10,000/-.

And in context of the limited issue that arises for our consideration, it would be apposite to refer to certain observations that were recorded by the Division Bench while dismissing the petition:

“5. We fail to understand how a law student or who has passed law recently can be recognized as an ardent human rights activist as proclaimed by the petitioner. The petitioner has not disclosed any of his activity which may indicate that he is actually involved in the protection of human rights of the citizens or that he is an acclaimed human rights activist despite his tender age”

6. The narration of the facts in the writ petition reveals that the petitioner is not a bonafide person but is a proxy person setup by someone to initiate this litigation in public interest. The averments made in the petition reveal that the petitioner is not really interested in the establishment of the above foras but to attack the government over the deletion of the special status granted to the J&K. He has targeted the government by alleging cases of army brutality being on the rise in the Union Territory, applicability of draconian laws, hike of unknown gunman culture in the Union Territory ever since the abrogation of Article 370, making of the Kashmir region into a conflict war zone and of significant youth unrest in the Union Territory after the scrapping of Article 370. He has also referred to the big win of Gupkar alliance in the recent DDC Elections.

7. All the above facts in the manner as stated are highly critical of Government as if the petitioner is not before a legal forum but on a political platform. The petitioner by making the above averments tends to scandalize the court so as to score a political mileage.

10. This apart, we also noticed the demeanor of the petitioner while presenting the case which clearly reflected that he has been setup politically to unnecessarily make out international issue of Human Rights Violation".

Aggrieved by the order and judgment, referred to above, the applicant preferred a Special Leave to Appeal (C) No(s).6548/2022 titled "Nikhil Padha vs. Chairman National Human Rights Commission and Ors". But limited his concerns/grievances only to the remarks/ observations that were recorded against him. Similarly, all that his counsel urged before the Supreme Court, was, that since the applicant is a young law graduate, the remarks/observations recorded by the High Court may mar his future prospects. Accordingly, the Supreme Court vide order dated September 19, 2022, disposed of the petition with liberty to the applicant to tender an unqualified apology before this Court for the manner in which petition was drafted. And the High Court was requested to take a sympathetic view if a genuine apology is placed before the Chief Justice to obviate any adverse consequences in the career prospects of the applicant:

"Counsel appearing on behalf of the petitioner submits that the only point on which the Special Leave Petition is being pressed is that the petitioner is a young law graduate and the observations which have been made by the High Court in its impugned judgment dated 8 September 2021 may mar his future prospects.

In view of the above submissions, we permit the petitioner to place an affidavit before the High Court tendering an unqualified apology for the manner in which the petition was drafted and even otherwise. The High Court is requested to take a sympathetic view if a genuine apology is place before the learned Chief Justice on affidavit so as to obviate any adverse consequences in the carrier prospects of the petitioner in future.

The petitioner has stated before this Court that the costs imposed by the High Court have been deposited.

Subject to the grant of the aforesaid liberty, the petition is disposed of. No other point on merits has been pressed."

3. Thus, this application.

4. The applicant, who is now a practicing lawyer of this Court, appears in person and submits that he graduated in the Degree of Law from Dogra Law College, University of Jammu in the year 2021. And he filed [WP(C) PIL 8 of 2021] the same year. Albeit he was enrolled as an Advocate in the year 2023. He submits that since his college days, he was active in social activities, and was running his own NGO (registered) "Organization for Human Rights & Harmony" which worked for the welfare of poor children and downtrodden people of the society. Further, in order to experience the applicability of law for the protection of rights of civil society, he also worked as an intern with various quasi-judicial bodies like J&K State Information Commission, J&K Legislative Council Secretariat Srinagar/Jammu, Jammu and Kashmir State Human Rights Commission and also worked as Volunteer from 2016 to 2021 with D. T. National Board for Workers Education and Development, Ministry of Labour and Employment, Government of India.

And it was in this background in the year 2021, he being aggrieved of the non-functioning of various Commissions, post amendment of Article 370 and enactment of J&K Re-organization Act, 2019, approached this Court in public interest. But owing to lack of skill in legal drafting and command over the English language, he was not able to draft the petition appropriately and stated facts that were read from daily newspapers, research papers etc. He submits that he was unable to present the matter appropriately being his maiden attempt before this Court. Resultantly, the petition was dismissed with some scathing remarks recorded against him. Which may mar his career as being in initial stage of legal profession. He submits that he is highly regretful for the way the petition was drafted and presented in the court. And, for which he has tendered his unconditional and unqualified apology by way of an affidavit.

5. Before we proceed any further, we consider it expedient to refer to the averments set out in paragraphs 6 and 7 of the application/affidavit filed by the applicant in terms of liberty granted by the Supreme Court.

“That, the applicant is also highly regretful for the way the writ petition was drafted and presented by him in the court, which was in-fact neither deliberate nor intentional but due to lack of legal skills with which the applicant is not trained being a fresh law graduate and the intention of the applicant was never to scandalize the Hon’ble Court by any means.

That, the applicant tenders unconditional and unqualified apology for the way in which the writ petition bearing no.WP(C) No.PIL8/2021, titled “ Nikhil Padha vs. Human Rights Commission & Ors.”, was drafted and presented, also places on record an apology affidavit along-with this application seeking benevolent consideration of His Lordships to expunge the remarks made in paras 05, 06, 07 & 10 in final order and judgment dated 08-09-2021, so that it may not mar the carrier of the applicant.”

We heard the applicant at a considerable length. And upon perusing the averments set out in the application as also his apology affidavit, we find that he is remorseful and deeply regrets the lapse. It was perhaps his over-enthusiasm, given his leanings being a social/human rights activist and being amateur in legal drafting skills, he landed himself in the current situation. And that being so, we are persuaded to take a sympathetic view, particularly, for we find that unqualified apology tendered by the applicant to be genuine and bona fide. Which, we accordingly accept. As a consequence, the observations recorded by this Court in paragraphs 05, 06, 07 & 10 against the applicant shall stand deleted and shall not be read adversely against him.

Application disposed of.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

SRINAGAR
08-10-2025
Shameem H.