

News

Kashmir and Jammu Following Supreme Court intervention, the High Court expunges negative remarks made about a young lawyer.



A recent law graduate filed a Public Interest Litigation (PIL) in 2021 to revive J&K's long-defunct rights commissions. But the High Court rejected it, assessed fees, and questioned his intentions.

Following the Supreme Court of India's request for a sympathetic stance and an unconditional apology from the young lawyer, the High Court of Jammu and Kashmir and Ladakh in Jammu recently expunged negative remarks it had made against him in a 2021 ruling [Nikhil Padha v. Chairman National Human Rights Commission].

A bench consisting of Justice Rajnesh Oswal and Chief Justice Arun Palli noted that the attorney's apologies was sincere and legitimate.

As a result, it mandated that the harsh criticisms previously noted in paragraphs 5, 6, 7, and 10 of the High Court's September 8, 2021, ruling be removed and not interpreted negatively against the attorney.

Advocate Nikhil Padha, a recent law graduate from the University of Jammu's Dogra Law College, launched a public interest lawsuit in 2021 to bring back the long-defunct Women's Commission, Accountability Commission, Information Commission, and Jammu and Kashmir Human Rights Commission.

He had demanded the creation of autonomous human rights organizations throughout Jammu and Kashmir as well as the continuation of ongoing cases before these fora.

A Division Bench of the Court, however, denied the petition and assessed ₹10,000 in costs. Additionally, it cast doubt on the petitioner's sincerity and documented comments that implied the petition was politically motivated.

Padha later argued that these remarks hurt his nascent law career.

Feeling resentful, Padha petitioned the Supreme Court for remedy, limiting his complaint to the negative comments the High Court had made about him.

On September 19, 2022, the Supreme Court allowed him to apologize unconditionally to the High Court. In order to ensure that the lawyer's career prospects are unaffected by the negative comments made by the High Court previously, the top court also asked the Chief Justice to adopt a lenient stance.

Padha, who is currently enrolled as an advocate, exercised that freedom by submitting an affidavit to the High Court expressing her sincere sorrow. He clarified that the previous petition was his first attempt at legal drafting and that some of the assertions were taken verbatim from research papers and press articles. He insisted that his goal was to raise human rights issues in a sincere manner rather than to embarrass the court.

The Bench noted that Padha's prior actions were more indicative of inexperience and overzeal than of a conscious attempt to abuse the legal system. It then accepted his

apologies and removed the previous negative comments he had posted.

The October 8 order said, "**We are persuaded to take a sympathetic view, particularly for we find that the applicant's unqualified apology is genuine and bona fide.**"

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