

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

OWP No. 1004/2012

c/w

OWP Nos.117,987,991, 993, 996,
997, 999, 1000-1003, 1005, 1006,
1008-1011, 1015-1018 of **2012**

State

....Petitioner(s)/Appellant(s)

Through :- Ms. Monika Kohli, Sr. AAG.

V/s

National Human Rights Commission and
another

....Respondent(s)

Through :- None.

**Coram: HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE
HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE**

ORDER

15.05.2023

1. Issue involved in these petitions is that on different complaints received from different complainants, the National Human Rights Commission prior to coming into force of the Jammu and Kashmir Reorganization Act, 2019 has issued notices against the writ petitioner herein. The prayer of the learned Sr. AAG, Ms. Monika Kohli, is that the said notices are issued by the NHRC without having jurisdiction and deserve to be quashed out rightly.

2. It is the submission of Ms. Monika Kohli, learned Sr. AAG that Protection of Human Rights Act, 1993 has no application to the State of J&K prior to the J&K Reorganization Act, 2019. Thus, National Human Rights Commission has no jurisdiction in respect of the cases which are expressly excluded by the provision 1(2) of the Protection of Human Rights Act, 1993, though, after reorganization, the National Human Rights Commission has jurisdiction to take cognizance. But since in the cases in hand, impugned notices have been issued prior to coming into force of the J&K Reorganization Act,

2019, thus, in terms of Section 1(2) of the Protection of Human Rights Act, 1993, the Human Rights Commission was not having jurisdiction to take cognizance and to issue notices against the State on different complaints received from different complainants. Further, it is submitted by Ms. Monika Kohli, learned Sr. AAG that the impugned notices be quashed as having been issued without jurisdiction as the complaints are not maintainable.

3. Ms. Monika Kohli, Sr. AAG appearing for the State petitioners in order to further substantiate her case stated at the bar that issue similar to the one in hand has already been decided by this court in OWP no. 9900011/2012 titled State of Jammu and Kashmir v. National Human Rights Commission and another decided on 16.11.2020; as well as in OWP No. 1014/2012 titled State through Home Department v. National Human Rights Commission and another decided on 19.10.2022, wherein this court has quashed the impugned notices issued by the National Human Rights Commission as the same were passed without having jurisdiction.

4. Having heard learned Sr. AAG for the petitioner and since the issue involved in these petitions is no more *res integra* and has been put to rest by this court in the above mentioned writ petitions filed by the petitioner-State, we therefore of the view that bunch of these writ petitions deserve to be allowed and as such is allowed by holding that notices impugned in the writ petitions are issued by the National Human Rights Commission without jurisdiction at the relevant point of time are hereby quashed.

5. These writ petitions are disposed of as above.

(Puneet Gupta)
Judge

(Tashi Rabstan)
Judge

Jammu:
15.05.2023
Raj Kumar