

**Government of Jammu and Kashmir**  
**OFFICE OF THE DISTRICT MAGISTRATE SRINAGAR**  
**Amar Niwas Complex, Tankipora, Srinagar**

**Subject: Conduct of J&K High Court Bar Association Srinagar elections  
Restrictions u/s 144 CrPC thereof.**



**ORDER**

Whereas, it has come to the knowledge of undersigned that J&K High Court Bar Association (JKHCBA) Srinagar has circulated a notice under reference No. JKGCBAN/23 dated 10<sup>th</sup> of July, 2023 regarding the conduct of Elections of J&K High Court Bar Association, Srinagar. The notice does not reveal the names of the signatories;

Whereas, Senior Superintendent of Police, Srinagar vide letter No. Lgl/144-crpc/23/19064, dated 13-7-2023 has reported that during the meeting held on 13-07-2023 by Kashmir Advocates Association (KAA) at Court Complex, Mominabad Srinagar, members of another association under the nomenclature of J&K High Court Bar Association (JKHCBA) Srinagar entered into the Bar room and started abusing / shouting upon the members of KAA which led to scuffle between the two groups;

Whereas, Senior Superintendent of Police, Srinagar has highlighted that there is every possibility of internal rivalries between the two factions of the lawyers resulting into clashes between them. He has also cited in his report that the J&K High Court Bar Association (JKHCBA), Srinagar is having past history of intimidation and provocation of other groups of the advocates which may lead to breach of peace in the instant matter;

Whereas, Senior Superintendent of Police, Srinagar has further stated that there are reports regarding activities of JKHCBA for forceful conduct of elections and the same may result into clashes between the above named groups;

Whereas, inputs sought from Intelligence Agencies reveal that the JKHCBA propounds a secessionist ideology and over the past three decades the activities of JKHCBA as chronicled include organizing hartals and bandhs, intimidating members of legal fraternity who do not subscribe to its ideology, coerce advocates to provide free legal services to the anti-national elements and use physical force against those who challenge its authority by questioning or organizing competing associations. The inputs received also indicate that not long ago, head of a nascent Lawyers' body by the name of "Young Lawyers Club" had to face violent death in such circumstances and the matter is under probe. The intelligence Reports strongly point out that the threat of use of violence and breach of peace and order in the instant matter is very high;

Whereas, this office vide No. DMS/Jud/Misc/1043-1050/2020 dated 09-11-2020 has already issued notice to the President, J&K High Court Bar Association and Election Committee JKHCBA seeking explanation on the following points: -

- i. The JKHCBA Srinagar constitution states the following as its first objective: "To find ways and means, take steps, for resolving the issues concerning public at large including larger issue of peaceful settlement of Kashmir issue; and for this purpose, organize seminars, conventions, delegate its members to various places within and outside India, to become members of other Associations, bodies or forums which share common outlook with Association"

The JKHCBA Srinagar was asked to explain its position on the subject, since the above stand is not in congruence with the Constitution of India, whereby J&K is an integral part of the country and not a dispute; and also it is in conflict with Advocates Act, 1961 which governs the subject vis-a-vis administrative and legal points cited in Para (i) above.

- ii This office sought the certificate issued by the Competent Authority wherein the Jammu and Kashmir High Court Bar Association ought to be registered as an association, which is the basic legal requirement for any such association. The JKHCBA, vide above said notice, was required to produce the relevant documents indicating the date of issuance of such registration certificate, articles of association, registered office, executive body, and validity of registration among other details;

Whereas, till date no response has been received from the J&K High Court Bar Association, Srinagar vis-à-vis the above points, particularly on the matter of JKHCBA Constitution being anti-thetical to sovereignty and integrity of the Country;

Whereas, this office also took up the matter with the Registrar of Societies, Kashmir seeking registration details of JKHCBA and KAA respectively. In his response, vide No. Diac/Esit/743 Dated 15.07.2023 the registrar of societies Kashmir has clarified that Jammu and Kashmir High Court Bar Association (JKHCBA) is not a body registered with his office whereas, the Kashmir Advocates Association (KAA) is a registered association under Societies Registration Act, 1860 bearing registration No. 7404-S of 2021 dated 16.10.2021.

Whereas, I have perused the material facts of the matter placed before me and I am satisfied that there is an emergent situation which can lead to breach of peace and disruption of public order, if JKHCBA proceeds forward with the scheduled elections. Therefore, I, District Magistrate, Srinagar, by virtue of the powers vested in me u/s 144 CrPC direct that no gathering of 4 or more persons shall be allowed in the premises of District Court Complex, Mominabad, Batamaloo or any other place for the purpose of conduct of HCBA elections till further orders.

Since the emergence of the situation is sudden and its consequences are sufficiently grave, therefore, the order is hereby passed, ex-parte.

Senior Superintendent of Police, Srinagar shall ensure implementation of this order.

Any violation of this Order shall invite punitive action under Section 188 of Indian Penal Code, 1860.

  
District Magistrate,

Srinagar

District Magistrate  
Srinagar Dated: 15-7-2023

No: DMS/Jud/144crpc/539-542/2023

Copy to the:-

1. Financial Commissioner (ACS) Home Department, J&K Srinagar for favour of information.
2. Divisional Commissioner, Kashmir.
3. Senior Superintendent of Police, Srinagar for information and necessary action.
4. Executive Magistrate concerned for necessary action.