



Government of Jammu and Kashmir

OFFICE OF THE DISTRICT MAGISTRATE SRINAGAR

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Subject: Restrictions for conducting elections of J&K High Court Bar Association Srinagar under section 144 CRPC.

Order No: 08 DMS of 2024

Dated: 25-06-2024

Whereas, it has been reported to me that J&K High Court Bar Association Srinagar has scheduled their elections by issuing their notification dated: 11-06-2024.

Whereas, this office has also received a communication from Kashmir Advocates Association bearing No: KAA/prez/2024/034 Dated: 15-06-2024, wherein they have raised various concerns with respect to legality and authenticity of the Jammu & Kashmir High Court Bar Association Srinagar citing various reason as propagating secessionist ideology and being an unregistered association/body demanded a ban on conducting the elections of J&K High Court Bar Association Srinagar. The Kashmir Advocates Association has also expressed that conducting of J&K High Court Bar Association Srinagar election will threaten public order and lead to scuffle among various sections of lawyers during the elections resulting in breach of peace and disturbance of law and order.

Whereas, in response to Kashmir Advocates Association communication undersigned has sought a detailed ground report from Sr. Superintendent of Police Srinagar vide this office No: DMS/PS/2024/563-65 Dated: 20-06-2024, and with respect to the registration status of J&K High Court Bar Association Srinagar details were also sought from Registrar of Societies Kashmir vide this office communication No: DMS/PS/2024/564-65 Dated: 20-06-2024.

Whereas, Registrar of Societies Kashmir reported vide their office No: Dik /Est/society/435 Dated: 24-6-2024 that Jammu & Kashmir High Court Bar Association Srinagar is not registered as a body with their office.

Whereas, senior superintendent of police, Srinagar in his report bearing No: CS/83-24/37160-62 Dated: 24-06-2024 reveals that Jammu & Kashmir High Court Bar Association Srinagar is advocating for "peaceful settlement of Kashmir issue" and has secessionist ideology and had record of intimidating members of legal fraternity and others who are adhere to the ideology of its members, and are providing free legal aid to anti-national elements.

Senior Superintendent of Police Srinagar further reveals that there is every apprehension of breach of peace and law and order situation between members of Kashmir Advocates Association and Jammu & Kashmir High Court Bar Association Srinagar, if the aforesaid elections are allowed to conducted.

Whereas, in year 2023 this office has issued notice to J&K High Court Bar Association Srinagar for clarification of following points:

1. That the J&K High Court Bar Association 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, organizing 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 J&K High Court Bar Association 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-à-vis administrative and legal points cited in para(i) above

2. This office sought the certificates of registration issued by the Competent Authority wherein the J&K High Court Bar Association Srinagar ought to be registered as an association which is basic legal requirement for any such association.

Whereas, J&K High Court Bar Association Srinagar till date has failed to provide any response with respect to above points and JKHCBA Constitution being anti-thetical to sovereignty and integrity of the country.

Whereas, I have perused all the facts/reports and inputs 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 J&K High Court Bar Association Srinagar proceeds forward with the scheduled elections.

Therefore, I, District magistrate Srinagar, by virtue of powers vested in me u/s 144 CrPC order that no gathering of 4 or any more persons shall be allowed in the premises of District Court Complex, Moominabad, Batmaloo or at any place for the purpose of J&K High Court Bar Association Srinagar 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 in letter and spirit.

Any violation of this order shall invite punitive action under section 188 of Indian Penal Code.




25.06.24
DISTRICT MAGISTRATE,
SRINAGAR.

No: DMS/PS/2024/ 566-82

Dated 25-06-2024

Copy to the:

1. Worthy Chief Secretary Jammu & Kashmir for favour of information.
2. Principal Secretary Home Department J&K Government for favour of Information.
3. Divisional Commissioner Kashmir for favour of information.
4. Inspector General of Police Kashmir for favour of information.
5. Sr. Superintendent of Police Srinagar for information and necessary action.
6. Additional Deputy Commissioner(ADM) K & M Srinagar for information and necessary action
7. Assistant Commissioner Revenue(ADM) Srinagar for information and necessary action.
8. Sub Divisional Magistrate East & West Srinagar for favour of information and necessary action
9. Tehsildar all for information and necessary action