

GOVERNMENT OF JAMMU AND KASHMIR
OFFICE OF THE DISTRICT MAGISTRATE, SRINAGAR

Ph: 0194-2457543/2457552 email: dcsgr-jk@nic.in

ORDER

No: DMS/Jud/Misc/ 2056/2020

Date: 09.11.2020

Sub : Restrictions u/s 144 CrPC

Reference: SSP Srinagar letter No CS/45/2020/1491-92 Dated 09.11.2020

Whereas, The Jammu and Kashmir High Court Bar Association, Srinagar reportedly circulated a press note convening election for various office bearers of association at Srinagar on 10th November 2020. The matter was examined in view of issues related to the subject. The Advocates Act, 1961 defines the details related to required qualification(s), admission of advocates on roll, preparation and maintenance of roll, determining issues related to misconduct, safeguarding right, privileges and interests of advocates on roll, promote and support law reforms, constitute fund for financial assistance and legal etc, and a host of other measures related to delivery of justice as well as welfare of advocates on roll.

Whereas, in this backdrop, the "Constitution" of Jammu and Kashmir High Court Bar Association (JKHCBA), Srinagar was examined, along with the status of registration of JKHCBA as association as per law and accordingly vide No. DMS/Jud/Misc/1043-50/2020 DMS/Jud/Misc/ Dated 09.11.2020 was issued to the President, JKHCBA and Election Committee JKHCBA seeking explanation on the following subject and seeking details required as below:-

1. 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 dispute; and for this purpose organize seminars, conventions, delegate it's members to various places within and outside India, to become members of other Associations, bodies or forums which share common outlook with Association,"

JKHCBA was asked to explain position on the subject, since the above is not in consonance 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 The Advocates Act 1961 which governs the subject viz a viz administrative and legal points stated in Para 1 above.

2. 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 said notice, was required to be 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.

However, no response has been received from the JKHCBA on these serious and sensitive issues, which needed to be settled before conduct of any such election.

Whereas, further, vide this office No DMS/Jud/Misc/1055/2020 Dated 09.11.2020 a report was sought from District Police, Srinagar. The Sr Superintendent of Police vide No CS/45/2020/1491-92 Dated 09.11.2020 has furnished a detailed report, wherein in backdrop of the issues already under consideration, serious concerns/ issues and apprehensions have been raised, which have a bearing on multiple aspects of situation. The report has been examined in the context of issues involved. It has also mentioned the issues having direct bearing on maintenance of public order.

Whereas, this office has also received a representation from Advocate(s) of J&K High Court seeking wherein serious allegations have been leveled and concerns raised regarding the election process and it's motive, apart from the legality and validity of election process; therein seeking intervention in the matter for required action. There appear to be apprehensions of breach of public order in view contrary stands on the subject

Whereas, after having considered the issues contained in paras above and police report, representation on the subject and in absence of response from the J&K HCBA on the serious matter related to sovereignty and integrity of country, as well as details of association required sought therein, this office vide No DMS/Jud/Misc/ 2055/2020 Date: 09.11.2020 has ordered that the conduct of elections to J&K High Court Bar Association shall not be allowed till a detailed response is received from JKHCBA on the points contained in notice already issued, case is examined thereupon and disposed as per law. Further the security report has also been taken into consideration

Therefore, in view of the facts and points above, police report on the subject including that of conduct of election, non-response from JKHCBA on critical issues; and apprehensions of breach of public order, I , District Magistrate, Srinagar, by virtue of powers vested in me u/s 144 Cr PC directed that no gathering of 4 or more persons shall be allowed in the premises of District Court Complex, Mominabad Batmaloo or any other place for the above purpose, till further orders.

Any violation of this order shall attract provisions of Section 188 IPC.


(District Magistrate)
Srinagar

Copy to:-

1. Principal Secretary to Govt., Home Department
2. Divisional Commissioner, Kashmir
3. Director, Information Department, J&K Govt for information and n/a
4. Registrar General, J&K High Court
5. Sr Superintendent of Police, Srinagar for information and n/a
6. Sub-Divisional Magistrate, West for information and n/a
7. IT Section for n/a
8. Judicial Section for n/a