



# Reassignment of NIA and Habeas Corpus Cases

## Why in News?

Recently, [NIA \(National Investigation Agency\)](#) and [Habeas Corpus](#) cases at the J&K High Court were reassigned to a new bench in Srinagar following a series of rulings by Justice Sreedharan.

## Key Points

- **Roster Change:** An order modified the existing roster for **NIA and Habeas Corpus cases**, shifting them from Justice Atul Sreedharan's bench to a **new Special Division** Bench of Justices Rajnesh Oswal and Mohammad Akram Chowdhary.
  - A roster is a systematic plan for **assigning tasks to members of a [High court](#)** to increase efficiency.
- **Rarity of Shift:** Midway shifting of cases from a particular bench to a completely new bench is a rare occurrence.
- **Significant Rulings of Justice Sreedharan:**
  - [Public Safety Act, 1978 \(PSA\)](#) Case: Justice Sreedharan in July 2024 imposed a fine on the District Magistrate for vague and confusing reasoning in a preventive detention case.
  - **Fundamentalism Ideology:** He challenged the labeling of a detainee as a "fundamentalist" and clarified its meaning in context in the **August, 2023 case**.
  - **Policeman Bail Case:** Granted bail to a policeman charged with murder due to a delayed trial, citing a violation of [Article 21](#).
  - **Fahad Shah Case:** Questioned the application of [UAPA \(Unlawful Activities Prevention Act\)](#) charges against journalist Fahad Shah, noting insufficient evidence of incitement to violence.

## Habeas Corpus

- It is a Latin term which literally means **'to have the body of'**. Under this the court issues an order to a person who has detained another person, to produce the body of the latter before it. The court then examines the cause and legality of detention.
- This [writ](#) is a bulwark of individual liberty against arbitrary detention.
- The writ of habeas corpus can be issued **against both public authorities as well as private individuals**.
- The writ, on the other hand, is not issued where the:
  - detention is lawful,
  - the proceeding is for contempt of a legislature or a court,
  - detention is by a competent court, and
  - detention is outside the jurisdiction of the court.

