

Government of Jammu and Kashmir
Home Department
Civil Secretariat, Jammu/Srinagar

C I R C U L A R

Dated: 16 -03-2026

Subject: Production of detention record in HCPs relating to preventive detentions under J&K PSA, 1978 or PITNDPS, 1988 - reg

The Hon'ble High Court of Jammu and Kashmir & Ladakh vide its order dated 11.02.2026 in HCP No. 237/2025 had observed that:

“ the detention record produced by Government counsel in the HCP is stated to be complete detention record from the end of the Government, but this Court upon perusal came across that the record is lacking essential documents, in particular the detention extension orders.

This deficiency reflects that from the end of the Government/ District Magistrate concerned, production of detention record is a matter of casual exercise to be undertaken for the sake of ritual least mindful of the fact that habeas corpus jurisdiction is more serious jurisdiction in a Constitutional Court, where every passing proceeding relatable to a habeas corpus petition is meant to be serious application of mind and also put the Government Counsel on caveat that in case next time if there is a repeat of such omission, then this Court would be constrained to direct the personal appearance of the Home Secretary, Government of J&K as well as the concerned District Magistrate.”

In light of the aforesaid directions, it became imperative to issue circular instructions vis-à-vis the production of detention record before the Hon'ble Court by the Government Counsels, while dealing with matters related to Preventive Detention as under:

(i) All the Government Counsels dealing with HCPs/WPs pertaining to PSA/PITNDPS matters must be proactive in dealing with detention-related matters and guide the respondents regarding the correct position in such matters, besides ensuring that due diligence is exercised by them in producing the record, including the latest detention orders.

(ii) The Government Counsels must keep track of cases listed in Hon'ble High Court for hearing and seek latest orders vis-a-vis extension of detention orders from respondents as and when required, as it has been observed that in pursuance to their communications wherein request is made in advance for

furnishing the detention record, the record is provided by the Home Department, however, because of the case being postponed for hearing for whatever reason and is listed much later, the record produced by them before the Hon'ble Court does not include latest extension orders, issued after providing of detention record, on which count detention orders are quashed by the Hon'ble Courts.

(iii) All the Government Counsels are informed that after switching over of the processing of all the detention-related matters under PSA/PITNDPS Act to the e-office platform, the relevant documents/records, including detention cases are now received/processed in the Home Department through e-mail, which are scanned and are processed thereafter in the department's e-files. As such, it is the same records, received digitally, available with the Home department, which is being provided to the concerned counsels for its production before the Hon'ble Court, as and when the same is sought by them in respect of any detention-related matters under the PSA/PITNDPS Act.

(iv) In case any direction from the Hon'ble Court regarding the production of the original record has been issued, necessary application(s) be made by the Counsel in light of para III of the circular for recalling of such orders.


(Sidharath Dhiman) JKAS

Additional Secretary to Government

No: HOME-DTT/ 447/2025 (7644899)

Dated: 16-03-2026

Copy to the:

1. Commissioner Secretary to the Government, Department of Law, Justice and Parliamentary Affairs, for information and sharing the same with Ld. Government Counsels appearing in Preventive Detention matters before the Hon'ble High Court of J&K and Ladakh.
2. Divisional Commissioner Kashmir/Jammu for information and similar n/a.
3. All District Magistrates, UT of Jammu and Kashmir, for information and similar n/a.
4. Private Secretary to the Ld. Advocate General High Court of Jammu and Kashmir & Ladakh for information of Ld. Advocate General with the request to kindly apprise all the Government Counsels appearing in HCPs/WPs pertaining to PSA/PITNDPS matters in this behalf.
5. Liaison Officers of the Department in the Hon'ble High Court of J&K and Ladakh for information.