



## Special Leave Petition

Vedanta Ltd. has moved the Supreme Court (SC) with a Special Leave Petition (SLP) seeking interim access to undertake maintenance activities at its Sterlite Copper plant in Tuticorin, Tamil Nadu.

- The plant was ordered shut after protests in May 2018.

### Article 136 in the Constitution Of India

- Special leave to appeal by the Supreme Court:
  - (1) Notwithstanding anything in this Chapter, the Supreme Court may, in its discretion, grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India.
  - (2) Nothing in clause ( 1 ) shall apply to any judgment, determination, sentence or order passed or made by any court or tribunal constituted by or under any law relating to the Armed Forces.
- In the case of any SLP , the SC has first to decide in its discretion whether it should grant or deny the requested Special Leave.
- When discussing the SLP, it is important to understand its position with respect to the judgements of Inter-State Water Dispute (ISWD) Tribunal as well.
- The Inter-State Water Disputes Act of 1956, coupled with Article 262 (2) of the Constitution, excludes the SC from hearing or deciding any appeals against the Inter-State Water Dispute (ISWD) Tribunal's decision.
  - However, the reference to "any Court or tribunal in the territory of India," in Article 136 seems to bring the ISWD Tribunals within the purview of the Article.
- The SC had also argued that the remedy under Article 136 (Special Leave Petition) is a constitutional right. Thus, the bar can be overcome through the possible routes under Articles 32, 131, and 136 of the Constitution.
  - Article 32 provides for constitutional remedies to get the rights protected through writs namely Habeas Corpus, Mandamus, Prohibition, Certiorari and Quo warranto.
  - Article 131 ( Original jurisdiction of the Supreme Court ) is about Centre-State or inter-State disputes in general.