



Writs

WRITs



TYPE OF WRIT	PURPOSE	CAN BE ISSUED AGAINST	CAN'T BE ISSUED AGAINST
Habeas Corpus	Direct the release of a person detained unlawfully	A. Public authorities B. Private individuals	A. Lawful detention B. Proceeding concerns contempt of court/legislature C. Detention outside the court's jurisdiction
Mandamus	Direct a public authority to do its duty	A. Public body B. Corporation C. An inferior court D. Tribunal E. Govt	A. Pvt. individual/body B. A discretionary duty C. Contractual obligation D. President, Governor E. CJI, CJ of HC acting in Judicial capacity
Quo Warranto	Direct a person to vacate an office assumed wrongfully	Only against judicial/quasi-judicial authorities	Administrative, legislative and pvt bodies and individuals
Prohibition	Prohibit a lower court from proceeding on a case	Judicial, quasi-judicial and admin. authorities	Legislative and pvt bodies and individuals
Certiorari	A higher court removes a proceeding from lower court & bring it before itself	Only a statutory/ constitutional public office	A. Ministerial office B. Pvt office

CONSTITUTIONAL PROVISIONS	WRIT JURISDICTION		
	CHARACTERISTICS	SUPREME COURT	HIGH COURT
<p>✦ Article 32:</p> <ul style="list-style-type: none"> ■ SC can issue writs ■ Parliament can empower any other court to issue writs (however, no such provision exists till now) <p><i>Under Article 32, the SC is constituted as a defender and guarantor of the fundamental rights</i></p> <p>✦ Article 226:</p> <ul style="list-style-type: none"> ■ HCs can issue writs <p><i>Before 1950, only the HCs of Calcutta, Bombay and Madras had power to issue writs</i></p>	<p>Purpose of Issuing Writs</p> <p>Writ can be issued against a person/govt</p> <p>Right to refuse exercising writ jurisdiction</p>	<p>Only to enforce Fundamental rights</p> <p>Located anywhere throughout the territory of India</p> <p>N/A because Article 32 is an FR itself</p>	<p>To enforce legal as well as Fundamental rights</p> <p>Located only within its territorial jurisdiction or if action arises within its territorial jurisdiction</p> <p>May refuse; as a remedy under Article 226 is discretionary</p>

