



Court Petitions

COURT PETITIONS

A Court petition is a legal document formally requesting a court order.

Extra Constitutional Petitions

- ↳ **Review Petition:** The SC has power to review any of its judgments or orders
 - ➔ Can correct “patent error” not “minor mistakes of inconsequential import”
 - ➔ A review is by no means an appeal in disguise

Judicial Review (Article 137): Court can review any Act or Order of govt.

- ➔ If found violative of the Constitution (ultra-vires), declared as illegal, unconstitutional and invalid (null and void)

- ↳ **Public Interest Litigation (PIL):** Use of the law to advance human rights, equality or issues of broad public concern
 - ➔ Not defined in any statute or act
 - ➔ **Origin:** Mumbai Kamgar Sabha vs. Abdul Thai, 1976

➔ Some of the Matters Under PIL:

- Bonded Labour matters ■ Neglected Children
- Atrocities on women
- Environmental pollution & disturbance of ecological balance

- ↳ **Curative Petition:** Final remedy where the SC can reconsider a dismissed review petition
 - ➔ **Origin:** Rupa Ashok Hurra Vs Ashok Hurra Case, 2002
 - ➔ **Objective:**
 - To rectify **gross miscarriage of justice**
 - To minimize any abuse of the processes of law
 - ➔ Considered only in rare circumstances to prevent frivolous litigation

Constitutional Petitions

- ↳ **Original Jurisdiction (Article 131):**
 - ➔ The SC possesses Original jurisdiction to decide the disputes between States or between States and the Union
- ↳ **Writ Jurisdiction:** Enforced by the SC and HC under Articles 32 & 226
 - ➔ Habeas corpus ➔ Mandamus ➔ Quo warranto
 - ➔ Prohibition* ➔ Certiorari*
- ↳ **Appellate Jurisdiction:**
 - ➔ **Appeals in Constitutional Matters:** Article 132
 - ➔ **Appeals in Civil Matters:** Article 133
 - ➔ **Appeals in Criminal Matters:** Article 134
 - ➔ **Special Leave Petition:** Article 136 (Cannot be claimed as a right but a privilege granted by the SC)

Advisory Jurisdiction (Article 143):

Authorizes the President to seek the opinion of the SC in:

- ➔ Any question of law or fact of public importance- arisen or likely to arise
- ➔ Any dispute of any pre-constitution treaty, agreement, covenant, engagement or sanad

Note: * Implies that it is only filed by the higher courts for subordinate courts.



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