Writs

W R I T S

Drishti IAS

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

- **Article 32:**
  - SC can issue writs
  - Parliament can empower any other court to issue writs (however, no such provision exists till now)
    - *Under Article 32, the SC is constituted as a defender and guarantor of the fundamental rights*
- **Article 226:**
  - HCs can issue writs
    - *Before 1950, only the HCs of Calcutta, Bombay and Madras had power to issue writs*

WRIT JURISDICTION

CHARACTERISTICS	SUPREME COURT	HIGH COURT
Purpose of Issuing Writs	Only to enforce Fundamental rights	To enforce legal as well as Fundamental rights
Writ can be issued against a person/govt	Located anywhere throughout the territory of India	Located only within its territorial jurisdiction or if action arises within its territorial jurisdiction
Right to refuse exercising writ jurisdiction	N/A because Article 32 is an FR itself	May refuse; as a remedy under Article 226 is discretionary