



## 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.



Drishti IAS

**Read More:** [Curative Petition](#), [Review Petition](#), [Public Interest Litigation](#), [Supreme Court](#)

