

Quo Warranto means 'By what authority or Warrant' — This writ is issued to inquire whether a public office has been occupied in contravention of law and Constitution.

Certiorari means 'Inform us or please certify' — If a tribunal acts without jurisdiction this writ is issued. While prohibition is available at an earlier stage, certiorari is issued at a later stage on similar grounds.

- **Original Suits** – Article 131 of the Constitution grants exclusive jurisdiction to the Supreme Court in any dispute
 - (a) between Government of India and one or more States;
 - (b) between Government of India and any State or States on one side and one or more States on the other side;
 - (c) between two or more States, insofar as such disputes involve any question on which the existence or extent of a legal right depends.

• **Transfer of Cases**

Article 139A(1) of the Constitution, provides that where cases involving the same or substantially the same question of law are pending before the Supreme Court and one or more High Courts or before two or more High Courts and Supreme Court is satisfied, on its own motion, or on an application made by the Attorney General for India or by a party to any such case, that such question is substantial question of general importance, the Supreme Court may withdraw, the case or cases pending before the High Court or the High Courts and dispose of all cases himself.

Article 139A(2) of the Constitution provides that the Supreme Court may, if it deems it expedient so to do for the ends of Justice, transfer any case, appeal or other proceedings pending before any High Court.

Section 25 of the Code of Civil Procedure provides

that Supreme Court may transfer any suit, appeal or other proceedings from a High Court or other civil court in one State to a High Court or other civil court in any other State.

Section 446 of the Code of Criminal Procedure provides that Supreme Court may transfer any particular case or appeal from one High Court to another High Court or from a criminal court subordinate to one High Court to another criminal court of equal or superior jurisdiction, subordinate to other High Court.

- **Election disputes of President and Vice-President of India** – Article 71 of the Constitution provides that all doubts and disputes relating to election of a President or Vice-President are required to be enquired into and decided by the Supreme Court.

Advisory Jurisdiction

- **Presidential reference / Advise** — Article 143(1) of the Constitution, provides that if at any time it appears to the President that a question of Law or fact has arisen, or is likely to arise, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court upon it, he may refer the question to that Court for consideration and the Court may, after such hearing as it thinks fit, report to the President, its opinion thereon.
- **Presidential reference / Advise for enquiry against Public Service Commission Members** — Article 317 of the Constitution provides that the Chairman or any other member of a Public Service Commission can be removed from his office by order of the President, on grounds of misbehaviour, after the Supreme Court on reference being made by the President, has on enquiry reported that he ought, on such ground, to be removed from his office.

References

- **Section 275 of the Income Tax Act**, provides that the Income Tax Appellate Tribunal can, through its President, refer to the Supreme Court, any question of Law on which there is difference of opinion between different High Courts and the question requires to be resolved by the Supreme Court.

Review of Judgment

- **Constitutional Review** - Article 137 of the Constitution provides that subject to provisions of any Law and rules made under Article 145, the Supreme Court has the power to review any judgment pronounced or order made by it. Under Supreme Court Rules, 1966 such petition is to be filed within thirty days of the date of judgment or order and as far as practicable, it is to be circulated, without oral arguments, to the same Bench of Judges who delivered the judgment or order sought to be reviewed.
- In the case of *Rupa Ashok Hurrah v. Ashok Hurrah*, 2002 (4) SCC 388 Supreme Court laid down that even after dismissal of a review petition under Article 137 of the Constitution, Supreme Court may entertain a curative petition and reconsider its judgment/order, in exercise of its inherent powers in order to prevent abuse of its process, to cure gross miscarriage of justice and such a petition can be filed only if a Senior Advocate certifies that it meets the requirements of this case. Such a petition is to be first circulated, in chambers, before a Bench comprising of three senior most judges and such serving judges who were members of the Bench which passed the judgment/order, subject matter of petition.

* Sh. Raj Singh Niranjana is an author & Law officer. He can be reached at raj.singh.niranjana@gmail.com.