



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

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

