



SC Prioritising SLPs Disposal

[Source: IE](#)

Why in News?

The [Supreme Court \(SC\)](#) has started prioritising hearing [special leave petitions \(SLPs\)](#) cases with the aim to **reduce the high burden of cases** filed each year, alongside a substantial backlog.

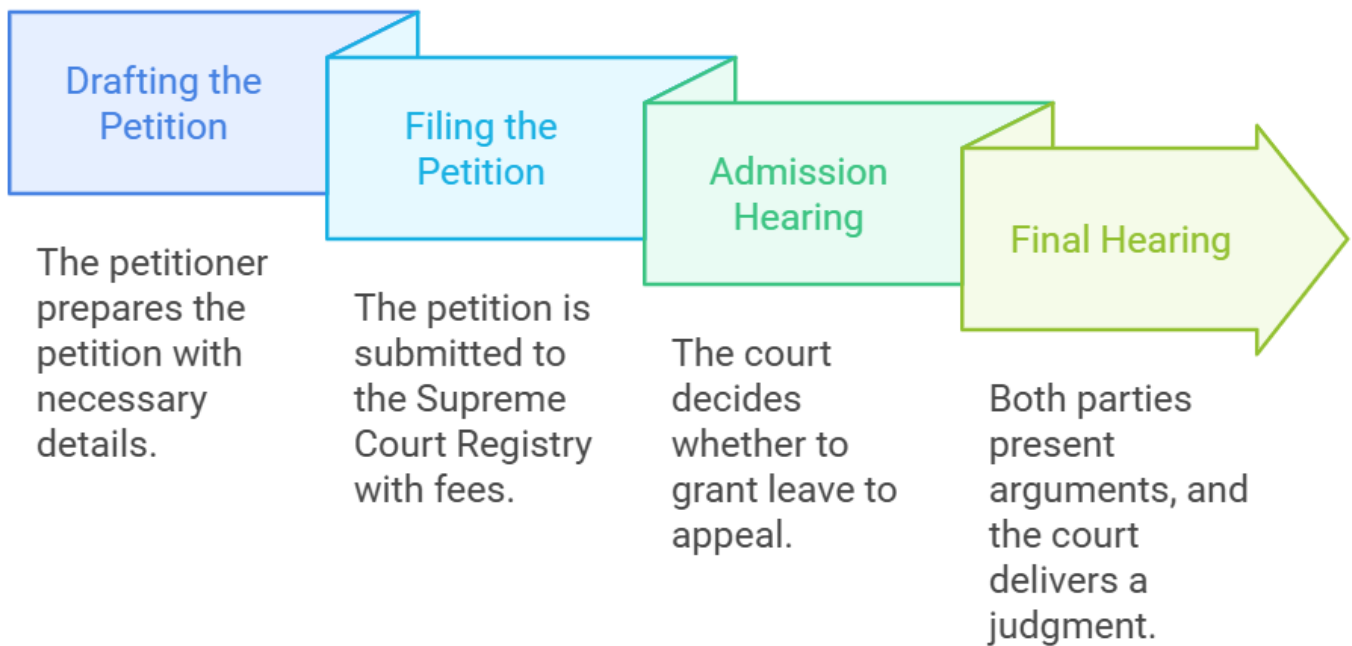
- As of December 2024, over **82,000 cases are pending in the SC**, which has prompted the [Chief Justice of India \(CJI\)](#), to implement such strategies.

What is a Special Leave Petition (SLP)?

- **About:**
 - A **SLP** is a **discretionary appeal mechanism** ([Article 136](#) of the [Constitution of India](#)) allowing the **SC** to hear **appeals against judgments**, decrees, or orders of any court or tribunal.
 - It is **not applicable** for [Armed Forces Tribunals](#).
- **Origin:**
 - The concept of "**special leave**" is derived from the [Government of India Act, 1935](#), which had recognized the **prerogative to grant special leave for appeals**.
- **Key Features:**
 - This is an **extraordinary jurisdiction** of the SC, which enables it to address cases where **no direct right of appeal exists**.
 - It is granted **solely at the discretion of the SC**, which may deny leave without providing reasons.
 - It is **applicable to both civil and criminal matters**.
 - When the SC grants an SLP, it transitions into a **formal appeal**, allowing detailed examination of the case and enabling both parties to present their arguments before a final verdict is delivered.
 - It is typically invoked in cases **involving substantial questions of law** or a [miscarriage of justice](#).
- **Eligibility:**
 - Any aggrieved party can file an SLP against a judgment or order of a [High Court](#) or tribunal, especially where:
 - A **certificate of fitness** for appeal to the SC has been denied.
 - **Substantial questions of law** or injustice are involved.
- **Time Limit to File a SLP:**
 - An SLP can be filed within **90 days** from the date of a High Court's judgment.
 - If the High Court refuses to grant a **certificate of fitness** for appeal to the SC, the SLP must be filed **within 60 days** from the date of such refusal.
- **Procedure for Filing a SLP:**

//

Procedure for Filing a Special Leave Petition



What are the Supreme Court Cases Related SLPs?

- In ***Laxmi & Co. v. Anand R. Deshpande (1972)***, the SC held that during appeals under Article 136, the **Court may consider subsequent developments** to expedite proceedings, safeguard the rights of parties, and uphold the interests of justice.
- In ***Kerala State v. Kunhayammed (2000)*** SC ruled that **declining to grant an SLP does not invoke its appellate jurisdiction**.
 - This discretion ensures that the SC intervenes only in cases warranting judicial scrutiny.
- In ***Pritam Singh v. The State (1950)***, it was emphasized that the **SC should exercise its powers under Article 136 sparingly**, interfering with **High Court** decisions only in **exceptional cases**.
 - Once an appeal is admitted, the **appellant may challenge any erroneous legal findings** by the High Court.
- In ***N. Suriyakala v. A. Mohandoss & Ors. (2007)*** SC clarified that Article 136 does not establish an ordinary appellate forum but grants broad discretionary powers to the Supreme Court to intervene for ensuring justice, rather than providing a right of appeal to litigants.
 - **Filing SLPs indiscriminately goes against the purpose of Article 136.**

UPSC Civil Services Examination Previous Year Question (PYQ)

Prelims:

Q. With reference to the Indian judiciary, consider the following statements:

1. Any retired judge of the Supreme Court of India can be called back to sit and act as a Supreme Court judge by the Chief Justice of India with the prior permission of the President of India.
2. A High Court in India has the power to review its own judgement as the Supreme Court does.

Which of the statements given above is/are correct? (2021)

- (a) 1 only
- (b) 2 only

(c) Both 1 and 2

(d) Neither 1 nor 2

Ans: (c)

PDF Reference URL: <https://www.drishtiias.com/printpdf/sc-prioritising-slps-disposal>

