

## Five Judicial Writs mentioned in the Indian Constitution

### Description

#### Five Judicial Writs mentioned in the Indian Constitution

These five judicial writs mentioned in the Indian Constitution are as follows – Habeas Corpus, Mandamus, Prohibition, Writ of Judgment and Certiorari.

These writs can also be removed by the High Court under Article 226 of the Constitution.

#### 1. Habeas Corpus

- In England it is called Habeas Corpus which literally means bring the body.
- By this writ, the court may order the production of a person detained before it.
- So that the reasons for the detention of the person can be examined.
- Thus, this writ provides significant protection against the personal liberty of the citizens.

#### 2. Mandamus

- In England, this writ is known as Mandamus, which means command or order.
- It is a high order through which a person, corporation, junior court, government or any public authority is directed to do any work specified in the writ, so that the fundamental rights can be protected.
- Normally, if the court gives a mandamus, the matter is finally closed.
- But the Supreme Court has invented a new instrument, **the Constant Mandamus**.
- The Court uses it where it appears that it is necessary to keep a matter under constant watch or sight and an order will not lead to justice.

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#### 3. Quo Warranto

- The rights and powers of public office or persons associated with it are tested through a writ of warrant.
- By this writ, the court may ask a public officer as to the authority by which he is doing the said act and if it is improper, the said act can be prevented from being done .

#### 4. Prohibition

- A writ of prohibition is issued by a senior court to a junior court or quasi-judicial tribunal so that it does not exercise any jurisdiction which is outside its jurisdiction.
- It prevents the junior court or tribunal from acting beyond its jurisdiction.

#### 5. Certiorari

- Both prohibition and curtailment are issued on similar reasons, but one of the main differences between the

two is that a writ of prohibition is issued when the judgment has not been delivered and a writ of certiorari is issued when the judgment has been given, which is a violation of the authority of the High or Supreme Court.

- Rescinnence can also be issued against an authority acting within jurisdiction but who has acted contrary to the principles of natural justice.

## **Category**

1. Polity Topic wise Notes in English

## **Tags**

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