

### Writs in Indian law

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Under the Indian legal system, jurisdiction to issue 'prerogative writs' is given to the Supreme Court, and to the High Courts of Judicature of all Indian states. Parts of the law relating to writs are set forth in the Constitution of India. The Supreme Court, the highest in the country, may issue writs under Article 32 of the Constitution for enforcement of Fundamental Rights and under Articles 139 for enforcement of rights other than Fundamental Rights, while High Courts, the superior courts of the States, may issue writs under Articles 226. The Constitution broadly provides for five kinds of "prerogative" writs: *habeas corpus*, *certiorari*, *mandamus*, *quo warranto* and prohibition.

- The *writ of prohibition* is issued by a higher court to a lower court prohibiting it from taking up a case because it falls outside the jurisdiction of the lower court. Thus, the higher court transfers the case to itself.
- The *writ of habeas corpus* is issued to a detaining authority, ordering the detainer to produce the detained person in the issuing court, along with the cause of his or her detention. If the detention is found to be illegal, the court issues an order to set the person free.
- The *writ of certiorari* is issued to a lower court directing that the record of a case be sent up for review, together with all supporting files, evidence and documents, usually with the intention of overruling the judgement of the lower court. It is one of the mechanisms by which the fundamental rights of the citizens are upheld.
- The *writ of mandamus* is issued to a subordinate court, an officer of government, or a corporation or other institution commanding the performance of certain acts or duties.
- The *writ of quo warranto* is issued against a person who claims or usurps a public office. Through this writ the court inquires 'by what authority' the person supports his or her claim.