

**SUGGESTIVE COURSE OUTLINE FOR 2<sup>ND</sup> CLS CERTIFICATE COURSE (2021)**

**Course Title: The Supreme Court Practice and Procedure: Writs, PIL, Appeals and Special Leave Petitions**

**Course Instructor: Ms. Shriya Maini**

**Course Duration: 12 Hours**

**Module 1: Introduction and Statement of Concepts (2 hours)**

- ❖ Interplay between Practice and Procedure – Moulding of reliefs.
- ❖ Types of Jurisdiction - Concepts of Appeal, Practice and Procedure.
- ❖ Composition of Benches and category of matters to be heard by any such composition of bench – Division Bench, Constitution Bench, Single Judge, Vacation Bench etc. – Reference to a larger bench (death sentence cases).
- ❖ Advocate and Advocate-on-Record (AOR): *Orders 1 Rule 2 and 4 of the Supreme Court Rules of Practice & Procedure, 2013*; Senior Advocate.

**Module 2: Original Jurisdiction (Article 131 of the Constitution of India) (3 hours)**

- ❖ Origin, nature, scope, maintainability and ambit of disputes covered.
- ❖ Parties to an original suit and limitations of Plaint filing (*Inter State River Water Disputes Act, 1956*).
- ❖ Mandatory pre-conditions for availing the remedy.
- ❖ Over-riding powers of Article 143 (*Binding Nature of Opinion*).
- ❖ Applicability of Civil Procedure Code, 1908 and Nature of Decree - Execution of decree of SC and duty of all authorities to act in furtherance of it (*Articles 141 and 144 of the Indian Constitution*).
- ❖ Procedure for filing plaints before the Supreme Court - Limitation, Court fees etc.

**Module 3: Writ Jurisdiction (Article 32 of the Constitution of India) and Public Interest Litigations (2 hours)**

- ❖ Relaxation of rule of *Locus Standi* and filing procedure in PILs.
- ❖ Mandatory pre-conditions before filing PILs - PIL is not adversarial litigation.
- ❖ Appointment of *amicus curiae* r/w *Supreme Court Rules, 2013*.

- ❖ Implementation of Orders of Court in PIL - Instances of fact-finding Commissions appointed by Court.

**Module 4: Appellate Jurisdiction (Articles 132, 133 & 134 of the Constitution of India) (3 Hours)**

- ❖ Civil and Criminal Appeals with Certificate of Fitness (procedure and practice of filing – grant of leave to appeal by the High Court).
- ❖ Criminal Appeals without Certificate of Fitness r/w *Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970*.
- ❖ *Substantial Questions of law*: Article 133(1) (of general importance), 134A, 139A
- ❖ *Substantial Questions of law as to interpretation of Constitution*: Articles 132, 133(2), 134A, 145(3), 147; Instances not involving substantial questions of law.
- ❖ Concurrence of Remedies (Article 136, 142 and Civil and Criminal Appeals)
- ❖ Statutory Appeals (*Armed Forces Tribunal Act, 2007; National Green Tribunal Act, 2010 ; National Consumer Disputes Redressal Commission, 1988; Central Excise Act, 1944; Customs Act, 1962; Income-tax Act, 1961*).

**Module 5: Special Leave to Appeal (Article 136 of the Constitution of India) (2 hours)**

- ❖ *Locus Standi* and *Suo-motu* exercise of power under Article 136.
- ❖ Limitation and grounds for filing SLPs in civil and criminal proceedings.
- ❖ Grounds for dismissal of SLPs - Does dismissal of SLP by coordinate bench amount *to res judicata* or binding precedent {*Stare decisis*}?
- ❖ *Doctrine of Merger* {SLP dismissed *in limine*} - Can the High Court review its judgment while SLP is pending or afterwards?