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- 
- 
- Home
- UPSC
 - Current Affairs IAS
 -    
 - Quiz IAS
 -     
 - UPSC News Editorial (/Eng)
 - Answer Writing ( /Eng)
 - UPSC Essay (/Eng)
 - UPSC GS (/Eng)
 - UPSC GS 1 ( /Eng)
 - UPSC GS-2 ( /Eng)
 - UPSC GS-3 ( /Eng)
 - UPSC GS-4 ( /Eng)
 - Kurukshetra ( /Eng)
 - Yojana ( /Eng)
 - IAS Strategy for Prelims
 - General Studies
 - CSAT
 - IAS Strategy for Mains
 - IAS GS 1
 - IAS GS 2
 - IAS GS 3
 - IAS GS 4
 - IAS Test Series
- Himachal HPAS
 - Himachal Daily Current Affairs
 -   
 - Daily Himachal GK Quiz

- Himachal News Editorial (Hindi/Eng)
- Answer Writing (Hindi /Eng)
- Himachal Essay (Hindi/Eng)
- Giriraj
 - Magazine
 - Giriraj Quiz
- Himachal
 - Himachal
 - Himachal Himachal
- HP Government Schemes
- Himachal Himachal Himachal Himachal
- Syllabus Prelims Himachal HPAS
 - GENERAL STUDIES
 - CSAT
 - English
 - Hindi
- Syllabus Mains Himachal HPAS
 - English,Hindi,Essay & One Optional
 - HPAS GS 3
 - HPAS GS 2
 - HPAS GS 1
- Himachal HPAS Test Series
- All You need to Know about Himachal HPAS
- HARYANA HCS
 - Haryana Current Affairs
 - Himachal Himachal Himachal
 - HCS Quiz
 - Himachal Himachal Himachal
 - Haryana News Editorial (Hindi/Eng)
 - Answer Writing (Hindi /Eng)
 - Haryana Essay (Hindi/Eng)
 - HR Government Schemes
 - Himachal Himachal Himachal Himachal
 - Syllabus Mains Haryana HCS
 - Syllabus Prelims Haryana HCS
 - HCS Prelims Test Series

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- [Punjab Essay \(Eng\)](#)
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 - [General Studies](#)
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- [Syllabus Mains Punjab PCS](#)
 - [PCS GS 1](#)
 - [PCS GS 2](#)
 - [PCS GS 3](#)
 - [PCS GS 4](#)
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 - [Geography \(Hindi / Eng\)](#)
 - [Environment \(Hindi / Eng\)](#)
 - [History \(Hindi / Eng\)](#)
 - [Economics \(Hindi / Eng\)](#)
 - [Science and Technology \(Hindi / Eng\)](#)
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 - [Maps \(Hindi / Eng\)](#)
 - [Art and Culture \(Hindi / Eng\)](#)
 - [International Affairs \(Hindi / Eng\)](#)
 - [Punjab PCS Concepts](#)
 - [Himachal HPAS Concepts \(Hindi / Eng\)](#)
 - [Haryana HCS Concepts \(Hindi / Eng\)](#)
 - [Rajasthan RAS Concepts \(Hindi / Eng\)](#)
- [Concept Quiz](#)
 - [Polity Quiz \(Hindi/Eng\)](#)

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- Environment Quiz (हिंदी/Eng)
- History Quiz (हिंदी/Eng)
- Economics Quiz (हिंदी/Eng)
- Science and Technology Quiz (हिंदी/Eng)
- CSAT Concepts Quiz (हिंदी/Eng)
- Maps Quiz (हिंदी/Eng)
- Art and Culture Quiz (हिंदी/Eng)
- Punjab PCS Concepts Quiz
- Himachal HPAS Concepts Quiz (हिंदी/Eng)
- Haryana HCS Concepts Quiz (हिंदी/Eng)
- Rajasthan RAS Concepts Quiz (हिंदी/Eng)
- Mains
 - UPSC Answer Writing (हिंदी/Eng)
 - HPPSC Answer Writing (हिंदी/Eng)
 - Haryana HCS Answer Writing (हिंदी/Eng)
 - Punjab PCS Answer Writing
- Exam Blogs
 - UPSC Exam Blogs
 - Himachal Exam Blogs
 - Punjab exam Blogs
 - Haryana Exam Blogs
 - Rajasthan Exam Blogs
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 - E-Magazine for HPAS
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 - E-Magazine for Punjab PCS
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 - Himachal Pradesh Exams
 - Punjab Exams
 - Test Series Planner
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▪ youtube 

MENU

Click on Drop Down for Current Affairs

Topics Covered



- Summary:
 - What is the news?
 - What is a Curative Petition?
- History and Development:
- Constitutional Basis (Although Indirect):
 - Article 137: Power of Review
 - Curative Petitions: A Specific Form of Review
 - Curative Petitions: Beyond Article 137
- When is a Curative Petition Considered?
 - Here's a breakdown of what a curative petition is and how it works:
 - Purpose and Process:
 - Example:
- Significance of the Recent Case 2024:
- Conclusion:
 - QuizTime:
 - Are you Ready!
- Read the Below Instructions Carefully:
 - Please Rate!
- Mains Questions:
 - Question 1:
 - Model Answer:
 - Question 2:
 - Model Answer:
 - Relevance to the UPSC Prelims and Mains

syllabus under the following topics:

- Prelims:
- Mains:

Summary:

- Curative Petition: The final legal recourse to challenge a Supreme Court judgment, correcting “grave miscarriages of justice.”
- Historical Development: Evolved from the 1970s, significant cases like Mohinder Singh Gill and Rupa Ashok Hurra shaped its recognition.
- Constitutional Implications: Not directly in the Indian Constitution, but Articles 141 and 137 indirectly support curative petitions.
- Recent Case Significance: Delhi Metro case highlights the Supreme Court’s commitment to rectifying flawed judgments.

What is the news?

Supreme Court’s Curative Petition: A Rare Tool for Correcting Injustice

- The recent Supreme Court decision to revive the 2019 Delhi High Court judgment on the Delhi Metro arbitration award through a curative petition highlights a critical, rarely used judicial power. This editorial will delve into the concept of

curative petitions, their significance, and the implications of this recent case.

What is a Curative Petition?

- A curative petition is the final legal recourse available to an aggrieved party seeking to challenge a Supreme Court judgment. It's a sparingly used judicial innovation meant to address "grave miscarriage of justice." Here's a breakdown of its key aspects:
 - **Final Resort:** It comes after a review petition, the usual route for challenging a Supreme Court verdict, is dismissed.
 - **Objective:** To ensure justice is served and prevent abuse of legal processes.

History and Development:

- The concept of curative petitions emerged in the 1970s through a series of Supreme Court judgements. There was a growing concern that the Court, lacking a formal mechanism for review, might make errors that could go unaddressed.
- **Initial Precedents:** In cases like *Mohinder Singh Gill vs. Chief Election Commissioner* (1978) and *Rupa Hathiya vs. Bombay Municipal Corporation* (1980)*, the Court hinted at the possibility of reconsidering its own decisions in exceptional

circumstances.

- **Landmark Judgement:** The foundation for curative petitions was laid in the landmark case of Hussainara Khatoon vs. State of Bihar (1979). Here, the Court acknowledged the inherent possibility of judicial error and the need for a corrective mechanism. It didn't explicitly define curative petitions, but opened the door for them.
- The concept of curative petitions indeed gained significant recognition and formalization in the 2002 case of Rupa Ashok Hurra vs Ashok Hurra. This landmark judgement explicitly acknowledged the need for a final resort mechanism to address potential miscarriages of justice, even after dismissal of a review petition.
- While there were earlier judicial pronouncements hinting at the possibility of review in exceptional circumstances (as I mentioned previously), the Rupa Ashok Hurra case established a more concrete foundation for curative petitions and the specific process involved.

Here's a corrected timeline:

- 1970s: Early hints at the possibility of review under specific circumstances appear in Supreme Court judgements.
- 1979: Hussainara Khatoon vs. State of Bihar judgement acknowledges the need for a corrective mechanism for judicial errors, paving the way for curative petitions.
- 2002: Rupa Ashok Hurra vs. Ashok Hurra case formally recognizes curative petitions as a final remedy and outlines their purpose and process.

Constitutional Basis (Although Indirect):

There's no specific mention of curative petitions in the Indian Constitution. However, their existence can be argued to be implied by certain articles:

- **Article 141:** This article empowers the Supreme Court to make rules for regulating its practice and procedure. This gives the Court the authority to establish curative petitions as a practice within the judicial system.
- **Article 32 (Right to Constitutional Remedies):** This fundamental right guarantees access to justice, which can be interpreted to include the ability to seek a review of a final judgement in exceptional circumstances.
- **Also Article 137** of the Indian Constitution does play a role in the concept of curative petitions, although it doesn't directly address them. Here's how they connect:

Article 137: Power of Review

- This article states that the Supreme Court has the authority to review its own judgements and orders, subject to any laws enacted by Parliament or rules made under Article 145.

- While Article 137 grants the Supreme Court the general power of review, it doesn't specify the procedures or limitations for such reviews. This is where curative petitions come in.

Curative Petitions: A Specific Form of Review

- Curative petitions are a specific type of review petition envisioned by the Court itself under Article 141. They represent a well-defined procedure with strict limitations for reviewing past judgements in exceptional circumstances.
 - Article 141: Power to Make Rules
 - Article 141 empowers the Supreme Court to make rules for regulating its practice and procedure. This includes establishing guidelines for curative petitions, outlining the grounds for filing them, and setting the vetting process.

Interplay Between Articles:

- Article 137 provides the broad framework for the Supreme Court's power of review.
- Article 141 allows the Court to establish the specific rules and limitations for such reviews, including the concept of curative petitions.

Curative Petitions: Beyond Article 137

It's important to note that curative petitions go beyond the simple power of review mentioned in Article 137. They introduce additional elements like:

- **Exceptional Circumstances:** Curative petitions are meant for very specific situations, not just any review.
- **Strict Grounds:** They require raising substantial legal issues, not minor technicalities.
- **Rigorous Vetting:** Only a small number of petitions even get a hearing.

In essence, curative petitions are a specific and limited exercise of the Supreme Court's review power under Article 137, with additional safeguards to ensure they are used judiciously.

When is a Curative Petition Considered?

Curative petitions are considered under exceptional circumstances, such as:

- **Violation of Natural Justice:** If the petitioner can demonstrate they weren't heard before the order was passed.

- **Undisclosed Bias:** If a judge failed to disclose facts raising concerns of bias.
- These petitions are first circulated to a bench comprising the three senior-most judges and the judges who passed the original judgment (if available). Only upon a majority vote for a hearing is the petition listed, usually before the same bench and often decided in chambers.

Here's a breakdown of what a curative petition is and how it works:

Purpose and Process:

Curative petitions are not meant to be a routine method of relitigating cases. They serve a specific purpose:

- **Preventing Miscarriage of Justice:** To provide a safety valve in rare cases where a grave error or violation of fundamental rights may have occurred in the original judgement.
- **Addressing New Evidence:** If crucial evidence that could significantly alter the outcome of the case comes to light after the review petition stage.

Strict Process and Limited Scope:

Curative petitions are an extraordinary remedy with a rigorous

process:

- **Following Dismissal of Review Petition:** They can only be filed after a review petition against the original judgement has already been dismissed by the Supreme Court.
- **Stringent Grounds:** The petition must raise substantial issues, not mere technicalities. It might involve arguments like violation of fundamental rights, the discovery of new and incontrovertible evidence, or a blatant error in the initial judgement.
- **Vetting by Senior Judges:** A bench of senior judges meticulously scrutinizes the petition. Only if a majority agrees is it admitted for a hearing, making the chance of a curative petition being heard very low.

Example:

- As an illustration, consider the 2023 case where the Supreme Court rejected a curative petition filed by the Indian government in the Bhopal Gas Tragedy case. The Court reasoned that the petition didn't meet the exceptional criteria required for curative petitions.

Significance of the Recent Case

2024:

- The Supreme Court's decision to use a curative petition in the Delhi Metro case signifies the court's commitment to correcting potentially flawed judgments. It demonstrates that even the highest court can revisit its decisions in exceptional circumstances. This upholds the ideal of justice being a continuous process, striving to rectify errors.
- However, it's important to remember that curative petitions are extraordinary measures. Their rarity ensures that final judgments are not easily overturned, maintaining the stability of the legal system.

Conclusion:

- The concept of curative petitions serves as a crucial safeguard against potential miscarriages of justice in the highest court. While their use is rare, the recent Supreme Court decision highlights their significance in ensuring justice prevails. As India's legal system evolves, the judicious use of this tool can contribute to a more robust and just legal framework.



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General Studies

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- After Attempting Last Question.
 - Enter Name & Email
 - Click on - Check Result
 - Scroll down - Check out Solutions too.
- Thank you.

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1 / 5

Category: General Studies

Which of the following Articles of the Indian Constitution provides a basis for curative petitions?

- Article 14
- Article 32
- Article 137
- Article 226

Prev

Finish

Next

2 / 5

Category: General Studies

The use of curative petitions in the Indian judicial system can be seen as:

- A threat to the finality of Supreme Court judgments.
- A necessary safeguard against potential miscarriages of justice.
- A routine procedure for revisiting all high-value cases.
- A method for judges to overturn their own decisions.

Prev

Finish

Next

3 / 5

Category: General Studies

Consider the following statements about Curative Petitions in India:

- (a) They are the first stage of challenging a Supreme Court judgment.
- (b) They can be filed only if the review petition is dismissed.
- (c) They are meant to address violations of natural justice principles.
- (d) They are routinely heard by the Supreme Court.

Which of the above statements are correct?

- (a) & (d)
- (b) & (c)
- (c) & (d)
- (b) Only

Prev

Finish

Next

4 / 5

Category: General Studies

The concept of curative petitions in India originated from the landmark case of:

- Rupa Ashok Hurra Vs. Ashok Hurra
- Kesavananda Bharati Vs. State of Kerala
- Minerva Mills Vs. Union of India
- Mohd. Ismail Khan Vs. Union Territory of Chandigarh

Prev

Finish

Next

5 / 5

Category: General Studies

Curative petitions are MOST LIKELY to be entertained when a petitioner can demonstrate:

- Disagreement with the Supreme Court's interpretation of the law.
- Failure to receive a fair hearing before the judgment.
- Dissatisfaction with the awarded compensation in a case.
- Lack of access to legal representation during the initial trial.

Prev

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Check the Result

Your score is

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Mains Questions:

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Write in Comment Section



Question 1:

Explain the concept of curative petitions in India. Discuss the circumstances under which they are entertained and their significance in the Indian judicial system. Critically examine whether the use of curative petitions undermines the finality of Supreme Court judgments. (250 Words)

Model Answer:

A curative petition is the final legal recourse available to challenge a Supreme Court judgment. It's a rarely used mechanism meant to address "grave miscarriage of justice."

Circumstances for Curative Petitions:

- **Violation of Natural Justice:** If the petitioner can demonstrate they weren't heard before the order was passed.
- **Undisclosed Bias:** If a judge failed to disclose

facts raising concerns of bias.

Significance:

- **Corrects Miscarriages of Justice:** It provides a final safety net against potentially flawed judgments.
- **Maintains Public Trust:** The ability to revisit decisions upholds the ideal of justice as a continuous process.

Finality versus Curative Petitions:

- **Rarest of Exceptions:** Curative petitions are sparingly used, ensuring finality of most judgments.
- **Maintains Stability:** Their rarity prevents frivolous challenges and upholds the legal system's stability.
- **While curative petitions can appear to undermine finality, their exceptional nature ensures final judgments remain largely unchallenged.**

Question 2:

The recent Supreme Court decision to revive the Delhi Metro arbitration award through a curative petition has generated debate. Discuss the pros and cons of using curative petitions in such cases. (250 Words)

Model Answer:

Pros:

- **Corrects Errors:** Curative petitions can rectify potentially flawed judgments with significant financial implications.
- **Justice Prevails:** They ensure even high-value cases receive a final chance for a fair outcome.

Cons:

- **Legal Uncertainty:** Curative petitions can create uncertainty regarding the finality of high-value judgments.
- **Frivolous Petitions:** The possibility of curative petitions might encourage more frivolous appeals.
- **The recent case highlights the complexities of balancing the need for correcting errors with maintaining the finality of judgments.**

Remember: These are just sample answers. It's important to further research and refine your responses based on your own understanding and perspective. Read entire UPSC Current Affairs.

Relevance to the UPSC Prelims and Mains syllabus under the following topics:



Prelims:

- **GS Paper I: Polity:** General Awareness: Current affairs related to landmark Supreme Court judgments where curative petitions were used might be tested. Understanding the concept would be helpful in comprehending such news.

Mains:

- **GS Paper II (Governance, Constitution, Polity and Social Justice):** Questions related to the functioning of the Supreme Court, principles of natural justice, or safeguards against miscarriage of justice could touch upon curative petitions.
- **GS Paper III (Indian Economy and Internal Security):** In a rare scenario, a question on the impact of judicial pronouncements on high-value economic disputes (where curative petitions might be used) could be linked to the topic.

*Click here to read in
Hindi.*

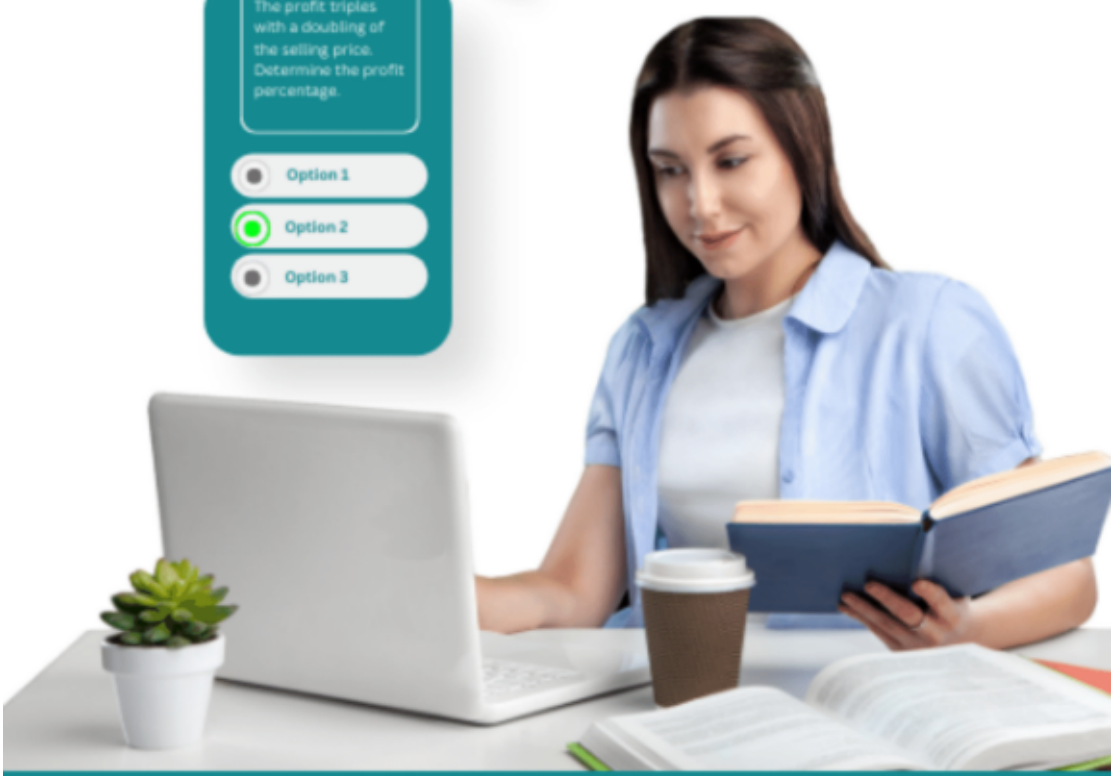
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The profit triples with a doubling of the selling price. Determine the profit percentage.

- Option 1
- Option 2
- Option 3



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- Punjab Mindmaps
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- Punjab E-Magazine
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- HCS Quiz
- HCS Editorials
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