

Special Leave Petition

Prelims: Current events of national and international importance

Why in News?

The Jammu & Kashmir and Ladakh High Court recently clarified that an SLP's dismissal does not lead to the merger of the challenged order with the SC's order, meaning the doctrine of merger does not apply.

- An SLP is a **constitutional and extraordinary remedy** available before the Supreme Court of India (SC).
- It allows an aggrieved party to seek special leave to appeal against any judgment, decree, determination, sentence, or order passed by any court or tribunal in India.
- A Special Leave Petition (SLP) can be filed against judgments from **High Courts and tribunals** (except those under the armed forces).
- **Applied by** - An SLP can be filed by **any aggrieved party**, including individuals, businesses, government bodies, or NGOs, against a judgment, decree, or order from any court or tribunal in India.
- A third party with a bonafide connection to a matter can also file an SLP in certain cases.
- **Time Limit** - It is generally 90 days from the date of the judgment, but if a High Court refuses a certificate of fitness for appeal, the SLP must be filed within 60 days of that refusal.
- **Article 136** - It gives the Supreme Court a very wide, discretionary jurisdiction to entertain appeals from any court/tribunal in the territory of India (with limited exceptions).
- **Key aspects of Article 136**
 - **Discretionary power** - The Supreme Court has the sole discretion to grant or deny an SLP; it is not an automatic right of appeal.
 - **Exceptional circumstances** - In civil cases, an SLP is generally granted only if there is a substantial question of law or a matter of public interest.
 - In criminal cases, it is granted only in exceptional circumstances

showing grave injustice.

- **Residual power** - It acts as a residuary power of the Supreme Court, allowing it to intervene to prevent a miscarriage of justice.
- **Exclusion** - This power does not apply to judgments, determinations, sentences, or orders made by any court or tribunal constituted under any law relating to the Armed Forces.

Reference

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