

There are various grounds on the basis of which the writ of certiorari is issued:

- (1) Lack of jurisdiction
- (2) Excess of jurisdiction.
- (3) Abuse of jurisdiction.
- (4) Violation of the principles of natural justice.
- (5) Error of law apparent on the face of the record

In *Syed yakoob vs Radhakrishnan*, held that the jurisdiction of the high court to issue a writ of certiorari is a supervisory jurisdiction and the court exercise it is not entitled to act as an appellate court. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact. However, if a finding of fact is based on 'no evidence' that would be regarded as an error of law which can be corrected by certiorari.

Prohibition refers "to forbid or to stop" and is popularly known as "Stay order". The writ is issued by the Supreme Court or any High Court when a lower court or a quasi-judicial body tries to violate the powers vested in it, prohibiting the latter from continuing the proceedings in a particular case. In India, prohibition is issued to protect the individual from arbitrary administrative actions. Prohibition does not lie against an authority discharging executive functions but against an authority discharging judicial functions.

Quo warrant is a Latin term, which means "by what warrant". The writ is issued to restrain a person from holding a public office to which he is not entitled. It can be issued against offices created by the constitution such as the Advocate-General, the speaker of legislative assembly, officers under the municipal act, members of a local government board, University officials and teachers, but it will not issue against the managing committee of a private school which is not appointed under the authority of a statute.

The Basic Structure

The basic structure doctrine is an Indian judicial principle, most notably propounded by Justice Hans Raj Khanna, that the Constitution of India has certain basic features that cannot be altered or destroyed through amendments by the Parliament of India.

Supreme Court, through the decisive judgement of Justice H. R. Khanna in *Keshavananda Bharti v. State of Kerala* (1973) case, declared that the basic structure/features of the constitution is resting on the basic foundation of the constitution. The basic foundation of the constitution is the dignity and the freedom of its citizens which is of supreme importance and can not be destroyed by any legislation of the parliament. The basic features of the Constitution have not been explicitly defined by the Judiciary. At least, 20 features have been described as "basic" or "essential" by the Courts in numerous cases, and have been incorporated in the basic structure.

Some of the features of the Constitution termed as "basic" are listed below:

- ❖ Supremacy of the Constitution
- ❖ Rule of law
- ❖ The principle of Separation of Powers
- ❖ The objectives specified in the Preamble to the Constitution of India
- ❖ Judicial Review
- ❖ Articles 32 and 226
- ❖ Federalism (including financial liberty of states under Articles 282 and 293)
- ❖ Secularism
- ❖ The Sovereign, Democratic, Republican structure
- ❖ Freedom and dignity of the individual
- ❖ Unity and Integrity of the Nation
- ❖ The principle of equality, not every feature of equality, but the quintessence of equal justice;
- ❖ The "essence" of other Fundamental Rights in Part III
- ❖ The concept of social and economic justice — to build a Welfare State: Part IV in toto
- ❖ The balance between Fundamental Rights and Directive Principles
- ❖ The Parliamentary system of government
- ❖ The principle of free and fair elections
- ❖ Limitations upon the amending power conferred by Article 368
- ❖ Independence of the Judiciary
- ❖ Effective access to justice
- ❖ Powers of the Supreme Court under Articles 32, 136, 141, 142
- ❖ Legislation seeking to nullify the awards made in exercise of the judicial power of the State by Arbitration Tribunals constituted under an Act

Part III: Articles under Fundamental Rights	
Article 12	Definition of state
Article 13	Laws inconsistent to fundamental rights
Right to Equality (Article 14 - 18)	
Article 14	Equality before law
Article 15	Prohibition of discrimination on ground religion, race, caste, sex or place of birth
Article 16	Equality of opportunity in matters of public employment
Article 17	Abolition of untouchability
Article 18	Abolition of titles
Right to Freedom (Article 19 - 22)	
Article 19	Freedom of speech and expression
Article 20	Protection in respect of conviction of offences
Article 21	Protection of life and personal liberty
Article 21A	Right to elementary education

