



# CURRENT AFFAIRS



Argasia Education PVT. Ltd. (GST NO.-09AAPCAI478E1ZH)  
Address: Basement C59 Noida, opposite to Priyagold Building gate, Sector 02,  
Pocket I, Noida, Uttar Pradesh, 201301, CONTACT NO:-8448440231

Date -12 October 2023

## CURATIVE PETITION

*This article covers "Daily Current Affairs" and the Topic details "Curative Petition". This Topic has relevance in the Polity and Governance section of the UPSC CSE exam.*

### **For Prelims:**

*What is a Curative Petition?*

*Conditions for Filing a Curative Petition?*

### **For Mains:**

*GS 2: Polity and Governance*

*Factors Considered by the Court?*

*Examples?*

### **Why in the news?**

Vodafone Idea has submitted a curative petition to the Supreme Court concerning a previous judgment that rejected telecom companies' requests for rectifying errors in their liability for Adjusted Gross Revenue (AGR) dues.

### **What is a Curative Petition?**

- A curative petition is a legal remedy used to rectify a final judgment of the Supreme Court that has been upheld, even after a review petition. It is designed to correct grave errors and prevent miscarriages of justice, but it is typically entertained only in exceptional circumstances.

### **Conditions for Filing a Curative Petition:**

- **Filing Timeframe:** The curative petition must be filed within 30 days of the dismissal of the review petition.
- **Senior Advocate Requirement:** The petition must be signed by a senior advocate of the Supreme Court, signifying the seriousness and expertise involved in the process.
- **Specific Grounds for Review:** The petition must clearly state specific grounds for review, including instances of gross miscarriage of justice, violations of natural justice principles, the discovery of new and crucial evidence, or cases of fraud/suppression of material facts during the trial.
- **Good Faith Confirmation:** The petition must be accompanied by a certificate from the senior advocate, confirming that the petition has been filed in good faith and that there are reasonable grounds for review.

## Review Process for Curative Petitions

### Constitution of Review Bench:

- A curative petition is assessed by a bench of five judges, including three of the most senior judges of the Supreme Court.

### Hearing and Consideration:

- If the bench decides to hear the curative petition, it evaluates arguments presented by both the petitioner and the respondent.
- The court may appoint an impartial adviser, known as an “amicus curiae,” to provide expert opinions and recommendations.

### Judgment Delivery:

- Following the hearing, the bench delivers its judgment.
- In exceptional cases, if the curative petition is granted, the original judgment may be set aside, and a fresh hearing of the case may be ordered. This is a rare occurrence.

### Grounds for Filing a Curative Petition

- **Gross Miscarriage of Justice:** This ground involves significant errors in the judgment leading to a miscarriage of justice.
- **Violation of Natural Justice:** This pertains to the court’s failure to adhere to fundamental fair trial principles, including the right to be heard and the right to know the case against oneself.
- **Discovery of New Evidence:** New evidence that could substantially impact the case’s outcome.
- **Fraud or Suppression of Material Facts:** Instances where fraud or the suppression of critical information occurred during the trial.

### Factors Considered by the Court

- **Seriousness of Allegations:** The gravity of the claims made in the curative petition is a significant factor.
- **Nature of Error:** The type and extent of the error alleged in the court’s prior judgment.
- **Potential Impact:** The likelihood that the error could have substantially affected the case’s outcome.
- **Impact on the Justice System:** Considering how entertaining the curative petition might influence the broader administration of justice.

## Examples of Curative Petition Cases



### Rupa Ashok Hurra v/s Ashok Hurra

- **Case Overview:** A woman who had initially won custody of her child in lower courts was denied the same by the Supreme Court on technical grounds.
- **Curative Petition Outcome:** Her filed curative petition was allowed by the court, ultimately leading to her regaining custody of her child.



### Union of India v/s Union Carbide Corporation

- **Case Overview:** The Indian government sought a curative petition to secure additional compensation for the victims of the Bhopal gas tragedy, one of the worst industrial disasters in history.
- **Curative Petition Outcome:** The court dismissed the petition but issued directives for the proper distribution of the compensation previously awarded through an earlier settlement.



### Nirbhaya v/s State of NCT of Delhi

- **Case Overview:** Convicts involved in the brutal gang rape and murder of a young woman in Delhi filed a curative petition to challenge their death sentences.
- **Curative Petition Outcome:** The court rejected the petition but established guidelines for the execution of death sentences in India.

## Conclusion

Curative petitions in India serve as a rare and extraordinary legal recourse, primarily designed to rectify severe errors and miscarriages of justice. This legal process is rigorous, demanding the substantiation of the grounds for filing and the competence of legal representation. As a last resort, curative petitions hold a pivotal role in ensuring fairness and justice within the legal system but are entertained solely in the most exceptional circumstances, highlighting their paramount importance in the Indian legal landscape.

**SOURCE:**

<http://aninews.in/news/national/general-news/vodafone-idea-files-curative-plea-against-sc-verdict-which-dismissed-telcos-plea-for-recalculation-of-agr-dues20231009232402/>

**Q.1 With reference to the Curative Petition, consider the following statements:**

1. A curative petition can only be filed to challenge the constitutionality of a law.
2. It can be filed within 60 days of the law's enactment.

**Which of the statements given above is/are correct?**

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

**ANSWER: D**

**Q.2 With reference to the Curative Petition, consider the following statements:**

1. The curative petition must be filed within 30 days of the dismissal of the review petition.
2. The petition must be signed by a senior advocate of the Supreme Court to be admitted.

**Which of the statements given above is/are correct?**

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

**ANSWER: C**

**Q.3 Examine the significance and limitations of curative petitions in the Indian legal system. Discuss with examples.**

**Rishabh**

## NATIONAL FRAMEWORK FOR CLIMATE SERVICES (NFCS)

*This article covers "Daily Current Affairs" and the topic details "National Framework for Climate Services (NFCS)". This topic has relevance in the "Environment and Ecology" section of the UPSC CSE exam.*

**For Prelims:**

*What is the National Framework for Climate Services (NFCS)?*

**For Mains:**

### WHY IN THE NEWS?

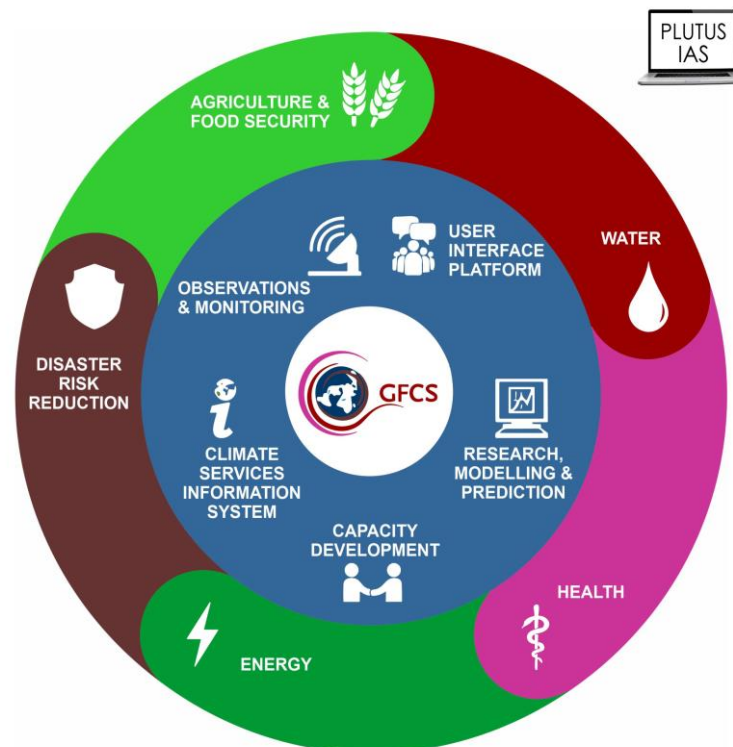
India is making a significant effort to establish its inaugural nationwide framework to deliver climate services and information.

### NATIONAL FRAMEWORK FOR CLIMATE SERVICES (NFCS)

- The National Framework for Climate Services (NFCS), spearheaded by the **India Meteorological Department (IMD)**, is a strategic initiative to **establish a comprehensive and integrated system for delivering climate services and information**.
- Climate services refer to tailored weather and climate information to inform decision-making across various sectors.
- It is designed to provide valuable climate-related data and insights to various user groups and sectors, including agriculture, energy, disaster management, health, and water resource management.

### GLOBAL FRAMEWORK FOR CLIMATE SERVICES (GFCS)

- The Global Framework for Climate Services (GFCS) is a global partnership involving governments and organisations.
- **Established in 2011, it aims to reduce society's vulnerability to climate-related hazards**, including drought, by enhancing climate services.
- The GFCS promotes collaboration between researchers, information producers, and users to improve the quality and quantity of climate services worldwide.
- Its primary focus is on strengthening climate services in developing countries.
- The GFCS is a global mechanism for coordinated actions to enhance climate services' quality, quantity, and application.
- Priority areas for GFCS include agriculture and food security, disaster risk reduction, energy, health, and water.





## WHY IS THE NFCS NEEDED?

- **Addressing Functional Gaps:** The NFCS will be crucial in addressing coordination gaps among agencies relying on climate services, such as hydrology, power, renewable energy, transportation, dams, irrigation, and health. It aims to enhance integration and data sharing among these sectors.
- **Expanding Sectoral Focus:** Initially targeting key sectors like agriculture, energy, health, water, and disaster risk reduction, India can include other relevant sectors like transportation and tourism.
- **Strengthening Data Collection:** The NFCS will bolster India's observational network on land and sea, improving data collection capabilities. This data will be instrumental in running more accurate weather and climate models for precise climate predictions.
- **Customised Climate Information:** Climate data and information products will be tailored to meet user requirements. This customisation will aid in identifying trends in agriculture, health, population distribution, infrastructure planning, energy generation, and more.
- **Enhancing Climate Resilience:** NFCS will actively support efforts to prepare for and adapt to changing climate conditions, mitigating the impacts on various sectors, including water supplies, health risks, extreme events, farm productivity, and infrastructure development.

## IMPLEMENTATION OF THE NFCS

- **Global Adoption of NFCS:** Since the declaration of frameworks for climate services in 2009, several countries, including Switzerland, China, Germany, and the United Kingdom, have launched their National Frameworks for Climate Services (NFCS).
- **Advanced Implementation in Various Nations:** Several countries are in advanced stages of implementing NFCS, including Benin, Burkina Faso, Cameroon, Cote d'Ivoire, Gambia, Guinea, Madagascar, Moldova, Niger, Senegal, Chad, Togo, Tanzania, Vanuatu, and South Africa.
- **Expanding Global Reach:** India has recently organised its first NFCS workshop in Pune, joining countries such as Cuba, Ghana, Liberia, Malawi, Nigeria, Rwanda, Sierra Leone, the Democratic Republic of Congo, Congo Brazzaville, and Ethiopia. National consultation workshops related to NFCS are being planned in these countries.
- **Upcoming NFCS Statement for India:** India is finalising and releasing its NFCS statement following consensus from key partnering stakeholders.

Early and accelerated implementation of NFCS in India is crucial, and it requires a mission-mode approach driven by the highest decision-making office in the country.

Sources:

[Why India is launching a national framework for climate services | Explained News – The Indian Express](#)

**Q1. With reference National Framework for Climate Services (NFCS), consider the following statements:**

1. The National Framework for Climate Services (NFCS) is spearheaded by the India Meteorological Department (IMD).
2. It is an initiative to establish a comprehensive and integrated system for delivering climate services and information.
3. A climate service is any positive benefit that wildlife or ecosystems provide to people.

**Which of the statements given above is/are correct?**

- (a) 1 and 2 only  
(b) 2 and 3 only

- (c) 3 only
- (d) None

**Answer: (a)**

**Q2. Consider the following statements about the Global Framework for Climate Services (GFCS):**

1. The Global Framework for Climate Services (GFCS) is a global partnership involving governments and organisations under the World Meteorological Organization.
2. The goal is to reduce society's vulnerability to climate-related hazards by improving climate services.
3. Its primary focus is on strengthening climate services in developed countries.

**How many of the abovementioned statements are correct ?**

- (a) Only one
- (b) Only two
- (c) All three
- (d) None

**Answer: (b)**

**Q3. Highlight the key objectives of the NFCS and its potential impact on various sectors, including agriculture, energy, health, water resource management, and disaster risk reduction.**

**Gaurav**

PLUTUS  
IAS