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CURATIVE PETITION: JUSTICE BEYOND FINALITY

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ABSTRACT

The introduction of the curative petition by the Supreme Court of India in Rupa Ashok Hurra v. Ashok Hurra (2002) marks a critical shift in procedural law. This remedy attempts to strike a difficult balance between two conflicting legal needs: the finality of litigation and the absolute necessity to prevent a gross miscarriage of justice. By reviewing significant judgments in criminal, commercial, and administrative spheres—such as State of M.P. v. Sugar Singh, DMRC v. DAMEL, and the forensic debates in Surendra Koli v. State of Uttar Pradesh (2025)—this paper evaluates how the curative jurisdiction operates in practice. The study analyzes whether this extraordinary remedy serves as a genuine safeguard for civil liberties or if it acts as a procedural loophole that unintentionally weakens the finality of the Indian judicial process.

Keywords: Curative Petition; Supreme Court of India; Article 142; Judicial Review; Natural Justice

Introduction

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> *The ultimate paradox of the apex court: while the state demands finality to preserve the certainty of law, justice demands an open door to correct its own fallibility. In this friction lies* the *Curative Petition—a weapon of last resort where procedural finality bows to the absolute prevention of a gross miscarriage of justice."*

To address the growing friction between judicial finality and the search for absolute equity, the legal framework must move beyond ad-hoc applications. The open-ended nature of Article 142, while vital for constitutional flexibility, presents significant institutional risks when left completely unguided by statutory architecture. In the context of contemporary legal systems, an unlegislated remedy creates a form of judicial exceptionalism that threatens the core tenets of predictability and the rule of law. A comprehensive analysis of this jurisdiction reveals that the institutional strain is exacerbated by the absence of legislative harmonization, particularly following the implementation of the *Bharatiya Nagarik Suraksha Sanhita, 2023*. By leaving the curative petition outside the formal boundary of statutory criminal procedure, the legislature has allowed a parallel procedural stream to persist, which fundamentally complicates the execution of final state decrees.

To restore institutional equilibrium without eliminating this critical safety valve, several structured transformations are required. First, the Supreme Court must enforce a stricter compliance threshold for the initial screening stage.

The requirement for a senior advocate's certificate, which has occasionally degraded into a formalistic administrative ritual, must be subjected to rigorous objective scrutiny. Benches conducting the preliminary review should penalize demonstrably frivolous filings to deter litigants from treating the curative platform as an ordinary secondary appeal. Second, a definitive temporal limitation must be introduced. Allowing curative petitions to be brought decades after the exhaustion of the review jurisdiction introduces severe temporal distortions into the evidentiary record, as demonstrated in the *Surendra Koli* paradigm where reevaluating long-standing forensic records undermined the structural finality of the prosecution. Introducing a strict, non-extendable statutory limitation period—such as ninety days from the dismissal of the review petition—would preserve the eleventh-hour utility of the shield while preventing indefinite delays.

Ultimately, the long-term legitimacy of the curative jurisdiction depends on its legislative integration. The Parliament should introduce targeted amendments to the relevant procedural codes, explicitly defining the boundaries, grounds, and exceptional circumstances under which a final judgment may be reopened. By anchoring a judge-made remedy within a statutory

framework, the state can bridge the gap between analytical positivism and legal realism. This integration ensures that the curative petition remains an extraordinary instrument reserved exclusively for manifest miscarriages of justice, thereby protecting the rights of the accused while reaffirming the institutional finality and certainty that form the foundation of a stable constitutional democrcy.

1. The Jurisprudential Root: Analytical Positivism vs. Legal Realism

To understand why the curative petition exists, it is necessary to look at how different schools of jurisprudence view the role of a judge. Analytical positivists, following John Austin's line of thought, traditionally argue that judges do not create law; they merely discover and apply what already exists. In contrast, the Realist School views judicial lawmaking as a practical necessity to fill statutory gaps. The Indian Supreme Court has often leaned towards legal realism, moving away from a passive declarative role to an active creative one whenever strict adherence to the letter of the law threatens to cause absolute injustice.[2] The curative petition is a direct product of this realistic approach. It reflects the idea that the highest court has an inherent, residual power to devise new procedural paths to correct its own institutional mistakes.

This judicial shift is not merely academic; it reshapes the interactive landscape between citizens and the state. When the highest court admits that its own decisions can be flawed, it changes the concept of legal finality from an absolute rule into a flexible standard based on fairness. Critics argue that this realistic interpretation causes procedural instability, while supporters believe it is the only way a modern legal system can prevent institutional injustice. By prioritizing substantial justice over technical perfection, the Court established a precedent where procedural codes cannot restrict its constitutional duty to protect human rights.

Therefore, the creation of this remedy highlights a deeper structural struggle within Indian public law. It shows a move away from the colonial traditions of absolute procedural finality toward a dynamic constitutionalism. This transition reflects a growing awareness that a judicial system which values procedural finality over absolute truth risks losing its moral authority. The curative petition operates as a safety valve, ensuring that when the formal mechanics of law fail to produce an equitable outcome, the inherent power of justice can intervene to correct the record.

2. Legislative Power or Judicial Overreach ?

From the perspective of administrative law, introducing a new stage of litigation after the review process challenges the traditional doctrine of separation of powers. Article 145 of *The Constitution of India, 1950* clearly states that the Supreme Court's power to make procedural rules is subject to any law passed by Parliament. By creating a remedy that is completely unlegislated, the judiciary can be seen as stepping into the legislative domain. However, this action finds its constitutional

[2] 'Precedent as a Source of Law', in Dr. N.V. Paranjape, *Studies in Jurisprudence and Legal Theory* (Central Law Agency, Allahabad, 6th ed., 2012), p. 182.

justification in Article 142, which equips the Supreme Court with the plenary power to issue any order necessary to ensure "complete justice." Consequently, the curative petition exists as a structural paradox—a unique procedural mechanism created entirely by judicial precedent to serve as a final check on the court's own fallibility.

This administrative friction raises serious questions about the limits of judicial review and procedural innovation. When the Supreme Court uses Article 142 to build a new layer of litigation, it challenges the classical separation of powers by acting as both the creator and the final judge of a procedural remedy. Legal

scholars note that while doing "complete justice" requires flexibility, creating a permanent mechanism without legislative discussion might set an unpredictable precedent. The tension between statutory limitations and judicial creativity remains an ongoing debate in Indian administrative design.

Furthermore, this administrative choice has deep systemic consequences for lower courts and practicing advocates. It introduces an element of institutional uncertainty, as final decrees from the apex court can now be reopened under an exceptional rule. This friction between the administrative requirement for finality and the constitutional mandate for absolute equity is not just a theoretical problem; it has real effects on how high-stakes public, criminal.

DECONSTRUCTING THE CATALYST – RUPA ASHOK HURRA V. ASHOK HURRA (2002)

1. Facts and Trajectory of the Dispute

Interestingly, the curative petition did not originate from a public law matter, but from a private matrimonial dispute. The case began with a divorce petition filed by mutual consent under Section 13B of *The Hindu Marriage Act, 1955 (Act 25 of 1955)*. Before the mandatory six-month waiting period ended, the wife withdrew her consent, asserting that it had been given under duress. The Family Court proceeded to grant the divorce, holding that consent could not be revoked unilaterally once given. This decision was upheld by the High Court of Gujarat. When the matter

escalated to the Supreme Court, the Special Leave Petition (SLP) was dismissed, and a subsequent review Petition under Article 137 was also rejected.[3]

The prolonged legal battle exposed a gap in the existing framework of judicial remedies. Once a review petition was dismissed, the standard rules of procedure offered no further options for an aggrieved party, even if they alleged a fundamental failure in the process. The intense disagreement between the parties forced the Supreme Court to consider whether the formal closing of a case could be used to protect an unfair outcome, leading to a deep review of its own institutional responsibilities.

2. The Emergence of a New Remedy

After exhausting every textually prescribed constitutional option, the petitioner took an unusual step and filed a writ petition to challenge the dismissal of her own review petition. A five-judge Constitution Bench heard the matter and recognized that while ending litigation (***interest reipublicae ut sit finis litium***) is vital

for legal certainty, preventing a clear miscarriage of justice is a higher duty. The Bench held that the court's primary obligation to protect fundamental rights allows it to look past procedural finality in extraordinary situations.

This move was highly controversial, as it challenged the long-held rule that a writ cannot be issued against a final order of the Supreme Court itself. The Bench had to carefully explain its reasoning, making a clear distinction between an ordinary appeal and a residual, inherent power designed strictly to protect the integrity of the judicial process. This marked the official arrival of the curative doctrine in Indian jurisprudence, changing the limits of post-review options.

3. The Ratio of this case and the Twin Pillars

The central ruling of *Rupa Ashok Hurra* established that the Supreme Court can use its inherent jurisdiction under Article 142 to reconsider its final, non-appealable judgments even after the review stage, provided it is necessary to prevent an abuse of its process.[4] To prevent an influx of frivolous petitions, the Court set up two very strict, mandatory criteria that a petitioner must satisfy:

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[3] *Rupa Ashok Hurra v. Ashok Hurra* (2002) 4 SCC 388; see also Indian Kanoon, available at: https://indiankanoon.org/doc/1844907/ (last visited July 20, 2026).

[4] *3 Id.* Para 42.

i. **Violation of Audi Alteram Partem:** The petitioner was a necessary party to the case but was either not served notice or was denied a fair opportunity to be heard.

ii. **Violation of Nemo Judex in Causa Sua:** A presiding judge had a direct personal or financial interest in the case which they failed to disclose, making the entire proceeding biased.

Additionally, the Court introduced strict procedural checks to stop people from misusing this rule. A curative petition must be backed by a senior advocate's certificate confirming it meets the required standards. It is first sent to the three most senior judges, along with the judges who passed the original order, for private examination. Only if a majority agrees that there is a serious issue does the petition move to an open court hearing, ensuring that this ultimate remedy remains highly selective.

CATEGORICAL CATEGORIZATION OF CURATIVE INTERVENTIONS

Since the *Rupa Ashok Hurra* judgment, the Supreme Court has applied this curative framework across different areas of law. Official judicial records reveal how these interventions developed over time.

CATEGORY A: CRIMINAL JURISPRUDENCE AND RIGHTS OF THE ACCUSED

1. State of M.P. v. Sugar Singh & Others (2010)[5]

This case involved an appeal against a High Court order that had acquitted several accused persons. In the initial proceedings before the Supreme Court, this acquittal was overturned due to factual oversight in reading the evidentiary records, resulting in the reinstatement of their conviction.

The accused filed a curative petition, arguing that vital exculpatory evidence and witness testimonies had been entirely missed by the bench, which violated their right to a fair hearing. Recognizing the mistake, the Supreme Court accepted the curative petition, recalled its earlier conviction order, and restored the original acquittal.

[5] *State of M.P. v. Sugar Singh & Others (2010) 15 SCC 396.*

A curative petition is maintainable in criminal cases if the Supreme Court's previous order led to an incorrect conviction by overlooking material evidence, causing a direct violation of the principles of natural justice.

2. National Commission for Women v. Bhaskar Lal Sharma & Others (2013)[6]

This dispute began under Section 498A (Cruelty by Husband/Relatives) and dowry harassment provisions of *The Indian Penal Code, 1860 (Act 45 of 1860)*. The High Court had quashed the criminal proceedings against some relatives living abroad because there were no specific or immediate allegations against them. The National Commission for Women (NCW) appealed this, and the Supreme Court initially reversed the High Court's quashing order.

The affected relatives filed a curative petition, alleging judicial bias and arguing that a third-party body like the NCW did not have the *locus standi* to revive a personal matrimonial prosecution. The Supreme Court refined its position, clarifying that the curative jurisdiction should not be treated as an ordinary appellate route for third parties.

Curative petitions involving matrimonial offenses under Section 498A must fit strictly within the narrow criteria laid down in *Rupa Hurra*. Third-party statutory bodies cannot use this mechanism to challenge final criminal quashing orders unless they can prove a clear breach of natural justice against the main parties involved.

CATEGORY B :HIGH-STAKE COMMERCIAL & ADMINISTRATIVE DISPUTES

3. Delhi Metro Rail Corporation (DMRC) v. Delhi Airport Metro Express Private Limited (2024)[7]

This major commercial dispute arose from a concession agreement for the Delhi Airport Metro Express line. An arbitral tribunal issued a massive financial award against DMRC. DMRC challenged this award under Section 34 of *The Arbitration and Conciliation Act, 1996 (Act 26 of 1996)*. The challenge was rejected by a two-judge bench of the Supreme Court, and DMRC's subsequent review petition was also dismissed.

[6] *National Commission for Women v. Bhaskar Lal Sharma & Others (2014) 4 SCC 252.*
[7] *Delhi Metro Rail Corporation v. Delhi Airport Metro Express Pvt. Ltd. 2024 SCC OnLine SC 522.*

DMRC filed a curative petition, contending that the arbitral award was patently illegal, ignored fundamental principles of infrastructure law, and created an unfair financial burden on the public exchequer. In a landmark decision, a three-judge bench allowed the petition and set aside the arbitral award.

Although finality in commercial disputes is highly important, a curative petition can be used to overturn a patently illegal arbitral award if the court's earlier endorsement of that award clearly shocks the judicial conscience and causes a severe miscarriage of justice involving public funds.

4. Union of India v. District Registrar, Meerut (2008)[8]

This administrative matter centered on the calculation of stamp duties on properties owned by the Central Government that were leased out for commercial activities. The local authorities imposed heavy stamp duties, which the Union challenged. The Supreme Court initially dismissed the Union's appeals.

The Union of India moved a curative petition, pointing out that constitutional exemptions under Article 285 (which exempts Central Government property from State taxation) were completely missed during the main hearings. The Supreme Court acknowledged the systemic error and modified its earlier directives accordingly.

An administrative oversight by the court that completely overlooks an explicit constitutional exemption constitutes a grave systemic error. In such cases, a curative petition is maintainable to prevent administrative conflicts between government departments.

5. Associated Builders v. Delhi Development Authority (2015)[9] *& Jaipur Development Authority v. Radhey Shyam (2012)*[9]

Both disputes involved intricate matters of land acquisition, compensation, and public property distribution. In the *Jaipur Development Authority* case, land allotments had been made in direct violation of statutory urban planning schemes, an issue that went unnoticed during the main rounds of litigation.

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[8] *Union of India v. District Registrar, Meerut (2008) 7 SCC 682.*

[9] *Associated Builders v. Delhi Development Authority (2015) 3 SCC 49.* [9] *Jaipur Development Authority v. Radhey Shyam (2012) 11 SCC 121.*

The development authorities filed curative petitions, showing that the Supreme Court's earlier judgments would force the state to validate illegal land acquisitions. The Court used the curative space to clarify the limits of its intervention in public law matters.

In cases concerning public land acquisition and property allotment, a curative petition is valid if the final decree requires a state authority to carry out an act that is expressly prohibited by public policy or town-planning laws.

JUSTICE DELAYED OR DENIED IN CRIMINAL CASES ?

1. The Defence : The Ultimate Eleventh-Hour Shield

For a criminal defense lawyer, the curative petition represents the final available shield to protect a client's rights. In cases involving capital punishment, procedural deadlines must sometimes yield to the reality of human error. If new evidence reveals deep investigative flaws, crucial scientific facts, or hidden judicial bias long after a review petition has been dismissed, the curative framework allows the defense to plead the "benefit of doubt" one last time before execution.

This ultimate opportunity is crucial in death penalty cases, where an execution cannot be undone. Legal defense teams note that institutional pressures can sometimes lead to rushed judgments in earlier rounds of litigation. The curative space allows a deliberate, detached evaluation of the trial record, away from immediate public pressure. It ensures that the state does not carry out an irreversible punishment based on a compromised process.

2. The Case Critique: The Surendra Koli Paradigm

The practical application of this doctrine can be seen in the case of Surendra Koli (associated with the Nithari cases). Koli had been sentenced to death based largely on extra-judicial confessions and the recovery of human remains. However, significant contradictions within the forensic evidence came to light later. Specifically, the presence of a mobile medical clinic in the immediate vicinity raised alternative theories of an organized organ trade, where anatomical traces could have entered the same municipal drainage system.

When serious procedural gaps or late-stage investigations create a genuine benefit of doubt, the curative platform becomes an intense legal battleground. As a tool for the defense, it succeeded in halting the execution process. Yet, this scenario highlights the broader social dilemma of the remedy: when an individual who initially confessed to severe crimes receives a commuted sentence or acquittal due to late stage technical doubts, it creates an institutional tension regarding the sense of closure and justice owed to the families of the victims.

THE CONSTITUTIONAL FRAMEWORK AND PROCEDURAL VACUUM

1. Constitutional Provisions for Supreme Court's Plenary Powers

To evaluate the legitimacy of the curative petition, one must first look at the constitutional pillars that support the Supreme Court's expansive powers. The primary text invoked by the judiciary to justify this extraordinary remedy is Article 142(1) of *The Constitution of India, 1950*, which states:

"The Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it, and any decree so passed or order so made shall be enforceable throughout the territory of India in such manner as may be prescribed by or under any law made by Parliament and, until provision in that behalf is so made, in such manner as the President may by order prescribe."

Further, Article 137 provides the explicit textual power of review:

"Subject to the provisions of any law made by Parliament or any rules made under article 145, the Supreme
Court shall have power to review any judgment pronounced or order made by it."

While the intent of the Supreme Court to ensure that no individual suffers from a gross miscarriage of justice under Article 142 is understandable, the practical implementation of the curative petition reveals a severe procedural for over two decades, this remedy has existed purely as a judge-made creation without any formal statutory definition or legislative boundaries.

A critical question arises when looking at the recent overhaul of Indian criminal jurisprudence. In 2023, the Parliament enacted *The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023)*, which replaced the old Code of Criminal Procedure. Although the BNSS was designed to

modernize the criminal justice system and came into enforcement recently, the legislature chose not to include or define the 'Curative Petition' within the statutory steps of regular appeals or reviews.

If a curative petition was intended to be a permanent, structured layer of procedural protection, it should have been explicitly codified following the review petition stage in the BNSS. Because it remains unlegislated, the legal system faces a dangerous unpredictability—if the court can create a curative petition beyond a review petition today, there is technically no logical end to litigation. The principle that litigation must achieve finality (***interest reipublicae ut sit finis litium***) is weakened because future benches could theoretically invent yet another layer of residual remedy, arguing that the protection of justice outweighs the formal boundaries of law.

2. The Legislative Domain and the Doctrine of Separation of Powers

The second part of this constitutional framework rests on the fundamental principle that lawmaking belongs exclusively to the legislature. Article 245(1) of the Constitution outlines the territorial extent of laws made by the Parliament:

Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State."

This division of power is reinforced by the strict distribution of functions among the three pillars of democracy, where procedural rulemaking remains subject to parliamentary oversight under Article 145:

Subject to the provisions of any law made by Parliament, the Supreme Court may from time to time, with the approval of the President, make rules for regulating generally the practice and procedure of the Court."

The exclusive authority to create substantive or binding procedural stages of litigation belongs to Parliament. The strict doctrine of separation of powers means that no single organ of the state should interfere with or take over the functions of another. While the text of Article 142 gives the Supreme Court the flexibility to achieve equity, it cannot be used to establish a permanent, parallel procedural mechanism that bypasses the legislative process.

The primary danger is institutional overreach. When the judiciary creates a completely new, unlegislated procedural path, it steps directly into the shoes of the legislature. While the court's effort to correct its own errors is valid, it must operate strictly within the boundaries of existing law. The legislature alone has the democratic authority to structure the finality of litigation. If the judiciary continues to expand its inherent powers to write new procedural steps, it risks upsetting the institutional balance necessary for a constitutional democracy.

THE OPERATIONAL IMPACT AND FORENSIC FAILURE - THE SURENDRA KOLI CASE STUDY

1. Facts and Forensic Realities

The true operational impact and long-term consequences of creating the curative petition became clear in the landmark case of *Surendra Koli v. State of Uttar Pradesh* (2025).[10] The case originated from the Nithari killings, where the accused, Surendra Koli, was sentenced to death following confessions and the discovery of human skeletal remains near a residential property.

However, during the post-conviction and post-review stages, significant forensic and circumstantial contradictions began to emerge. The defense brought forward new evidence showing the consistent operation of a mobile medical clinic in the immediate area. This raised alternative forensic theories pointing towards an organized, illegal organ trade network. The defense argued that anatomical traces and biological matter could have entered the municipal drainage system through professional surgical disposal rather than the actions of a single individual.

2. The Late-Stage 'Benefit of the Doubt'

When the curative petition was moved before the Supreme Court, the bench accepted these forensic gaps, granted the "benefit of doubt" to the accused, and ultimately ordered an acquittal in November 2025. While the curative petition was designed to serve as a shield against the miscarriage of justice, its application in the *Koli* paradigm demonstrates a troubling reversal of judicial certainty.

[10] *Surendra Koli v. State of Uttar Pradesh* 2025 INSC 1308.

From a critical research perspective, this case highlights a deep systemic flaw. Decades after the initial collection of evidence, it is practically impossible for the legal system to go back in time and re-verify forensic data with absolute certainty. By utilizing the curative space to grant a late-stage benefit of the doubt, the court creates a highly problematic legal precedent.

If the forensic doubts regarding the mobile medical clinic were strong enough to justify an acquittal for Koli, then by that same logic, the suspected medical professionals involved in the organ trade theory would also escape liability due to the lack of direct, contemporaneous evidence today. Instead of correcting a clear judicial error (such as a total lack of notice or direct bias as required by *Rupa Hurra*), the curative jurisdiction was used as an ordinary appellate tool to re-weigh old evidence. This case study shows that the curative petition, when disconnected from statutory limits, can inadvertently undermine public safety and deny closure to the families of victims, frustrating the very justice it was created to protect.

WHAT ARE THE MERITS AND DEMERITS ?

To fully analyze the curative petition, we can view it through the structural framework of an international legal memorial. By separating the arguments into two opposing perspectives—the Defence (seeking equity) and the Prosecution (seeking statutory finality)—we can understand the institutional conflict built into this extraordinary remedy.

1. Merits and Safeguards

From the position of the defense, the curative petition is a necessary constitutional safeguard that prevents formal procedures from overriding human rights. Its key advantages include:

i. **Preventing Irreversible Injustice:** In criminal matters involving the death penalty, the execution of an individual based on a mistaken judgment is an absolute breakdown of the rule of law. The curative petition ensures that if a major error is discovered at the eleventh hour, the state has a way to halt the process and protect human life.

ii. **Correcting Institutional Errors:** The highest court is made of human judges who can make mistakes. Whether due to an administrative failure to serve notice or a hidden conflict of interest, the curative jurisdiction gives the Court a formal way to correct its own oversights without requiring legislative intervention.

iii. **Supporting Substantive Equity over Form:** A legal system that values strict deadlines over actual innocence loses its moral legitimacy. The curative petition allows Article 142 to function as an ultimate tool of equity, ensuring that technical procedural barriers do not force the continuation of a clear injustice.

2. Demerits and Systemic Weaknesses

Conversely, from the position of the prosecution and state administrative design, the curative petition introduces serious structural issues that challenge the consistency of the judicial branch:

i. **Undermining the Finality of Law:** Legal certainty requires that litigation must have a definitive end. By introducing an unlegislated stage beyond the review petition, the curative framework keeps cases open indefinitely, causing prolonged emotional distress for victims' families and wasting public resources.

ii. **Encouraging Frivolous and Late-Stage Litigations:** Despite the strict rules laid down in *Rupa Hurra*, wealthy litigants often use the curative petition as an unwritten secondary appeal. This practice adds to the backlog of the Supreme Court and delays the execution of valid judicial decrees. iii. **Creating a Lack of Statutory Definition:** Because the remedy is entirely judge-made and absent from procedural codes like the BNSS, it lacks clear boundaries. This leaves the system open to unpredictable expansions, where different benches might interpret the limits of "complete justice" in inconsistent ways, weakening predictable legal standards.

CONCLUSION

The introduction and development of the curative petition in India shows a continuous struggle between two vital legal values: the stability provided by procedural finality and the moral necessity to ensure complete justice. As our analysis shows, while the remedy serves as an essential safety valve for the defense in extreme cases, its lack of statutory definition creates a procedural gap that can disrupt the balance of powers and weaken the finality of judicial decisions.

The recent acquittal in the 2025 *Surendra Koli* case illustrates this dilemma. It shows how a mechanism meant to correct clear procedural errors can become a late-stage appellate tool that reviews decades-old evidence, leaving the public interest unprotected and victims' families without closure. By granting a benefit of doubt so late in the process, the legal system risks undermining its own authority and creating a situation where neither the state nor the individual receives a clear resolution.

To resolve this tension, the Indian legal system must move away from an unlegislated, open-ended model. The Parliament should formally codify and limit the curative petition within procedural frameworks like the BNSS. This codification should strictly restrict the remedy to its original twin pillars—clear violations of natural justice or proven judicial bias—while preventing it from being used as a late-stage review of evidence. Only by establishing clear legislative boundaries can the curative petition serve as a dependable safeguard for civil liberties without destabilizing the foundation of finality upon which the rule of law rests.