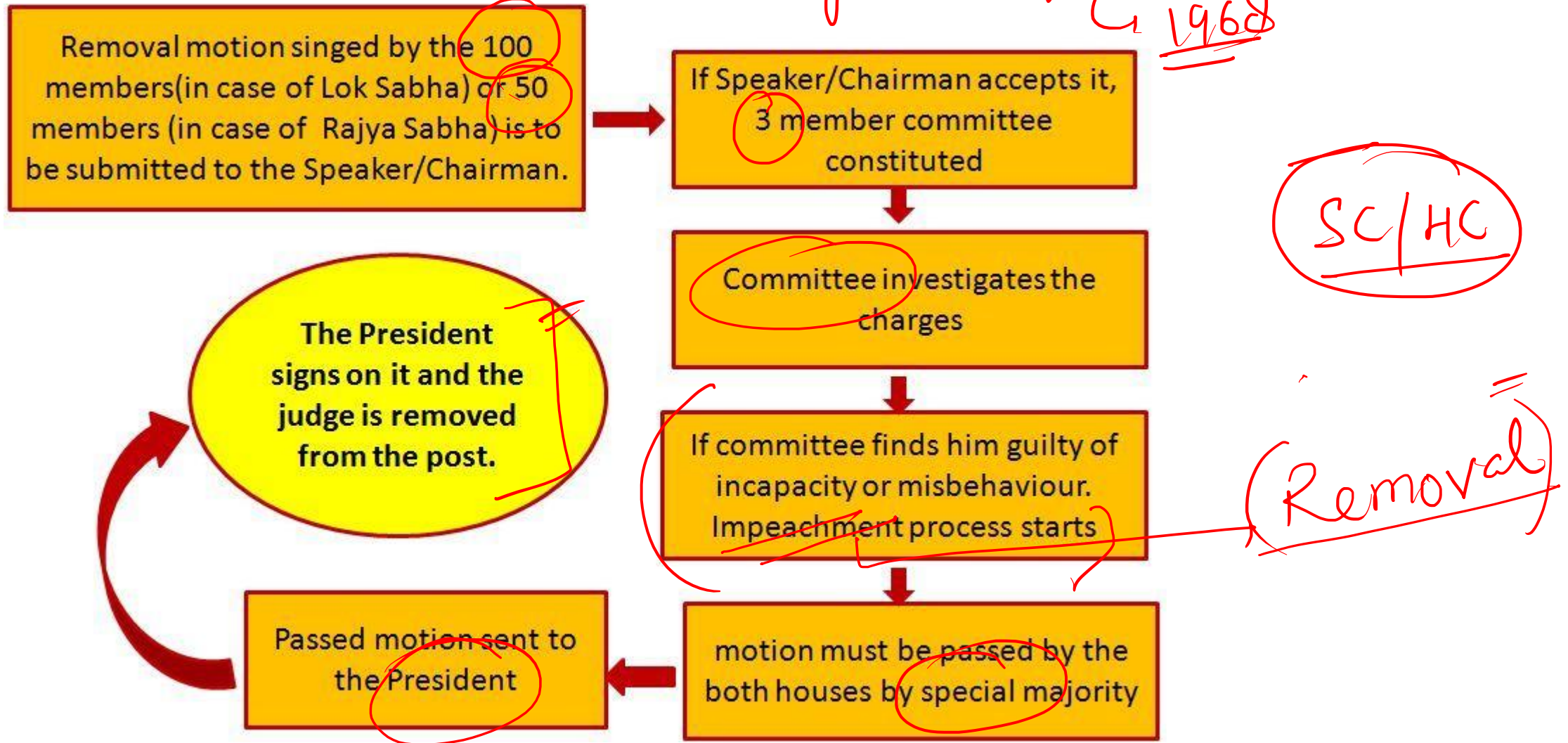


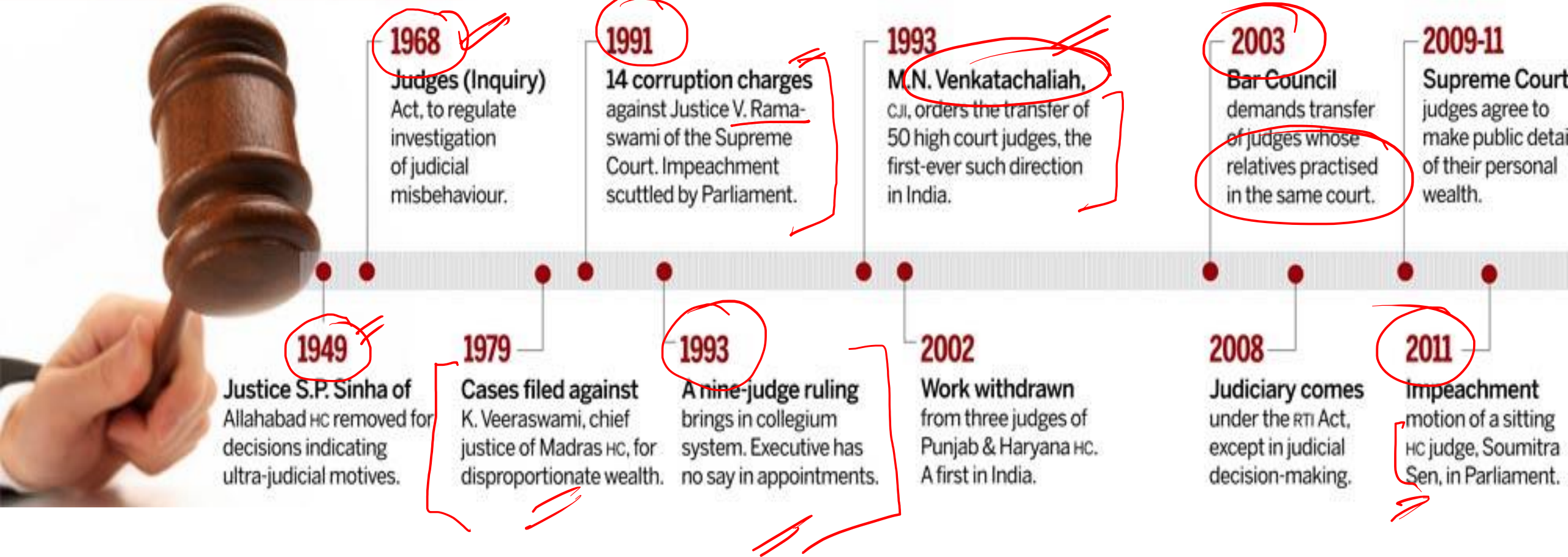


Judges Enq Act  
C 1968



## CHECKS AND BALANCES

Over the decades, action has been taken to regulate, monitor and safeguard judges



# Jurisdiction and Powers of Supreme Court

1. Original Jurisdiction.
2. Writ Jurisdiction. Art 32
3. Appellate Jurisdiction. Art 43
4. Advisory Jurisdiction.

Art - 32

Art 43

- 5. A Court of Record.**
- 6. Power of Judicial Review.**
- 7. Other Powers.**

## 1. Original Jurisdiction

As a federal court, the Supreme Court decides the disputes between different units of the Indian Federation. More elaborately, any dispute between:

(a) the Centre and one or more states; or



**(b) the Centre and any state or states on one side and one or more states on the other; or**

**(c) between two or more states.**





**In 1961, the first suit, under the original jurisdiction of the Supreme Court, was brought by West Bengal against the Centre.**

**The State Government challenged the Constitutional validity of the Coal Bearing Areas (Acquisition and Development) Act, 1957, passed by the Parliament.**

**However, the Supreme Court dismissed the suit by upholding the validity of the Act.**



## 2. Writ Jurisdiction

**The Constitution has constituted the Supreme Court as the guarantor and defender of the fundamental rights of the citizens.**

**However, the writ jurisdiction of the Supreme Court is not exclusive.**

**The high courts are also empowered to issue writs for the enforcement of the Fundamental Rights.**

**It means, when the Fundamental Rights of a citizen are violated, the aggrieved party has the option of moving either the high court or the Supreme Court directly.**

**There is also a difference between the writ jurisdiction of the Supreme Court and that of the high court.**

**The Supreme Court can issue writs only for the enforcement of the Fundamental Rights and not for other purposes.**

**The high court, on the other hand, can issue writs not only for the enforcement of the fundamental rights but also for other purposes. It means that the writ jurisdiction of the high court is wider than that of the Supreme Court.**

### 3. Appellate Jurisdiction

As mentioned earlier, the Supreme Court has not only succeeded the Federal Court of India but also replaced the British Privy Council as the highest court of appeal.

The Supreme Court is primarily a court of appeal and hears appeals against the judgements of the lower courts.

It enjoys a wide appellate jurisdiction which can be classified under four heads:

(a) Appeals in constitutional matters.

(b) Appeals in civil matters.

(c) Appeals in criminal matters.

(d) Appeals by special leave.

Art 136

## Appeal by Special Leave (Article 136)

The Supreme Court is authorised to grant in its discretion special leave to appeal from any judgement in any matter passed by any court or tribunal in the country (except military tribunal and court martial).



## 4. Advisory Jurisdiction

The Constitution (Article 143) authorises the president to seek the opinion of the Supreme Court in the two categories of matters:

- (a) On any question of law or fact of public importance which has arisen or which is likely to arise.
- (b) On any dispute arising out of any pre-constitution treaty, agreement, covenant, engagement, sanad or other similar instruments

**In the first case, the Supreme Court may tender or may refuse to tender its opinion to the president. But, in the second case, the Supreme Court ‘must’ tender its opinion to the president.**

**In both the cases, the opinion expressed by the Supreme Court is only advisory and not a judicial pronouncement.**

**Hence, it is not binding on the president; he may follow or may not follow the opinion.**

Locus Standi ⇒



→ Origin → USA

In India, the PIL is a product of the judicial activism role of the Supreme Court.

It was introduced in the early 1980s. Justice V.R. Krishna Iyer and Justice P.N.

Bhagwati.] ~~RR~~

## Meaning of PIL

The introduction of PIL in India was facilitated by the relaxation of the traditional rule of 'locus standi'.

According to this rule, only that person whose rights are infringed alone can move the court for the remedies, whereas, the PIL is an exception to this traditional rule.



**Justice Fathima Beevi became  
the first female judge who was  
appointed to the Supreme  
Court of India in 1989.**

**Justice Indu Malhotra, who took oath as a judge of the Supreme Court on April 27, has been in the news for being the first woman advocate to be directly elevated to the Supreme Court from the Bar.**



She is the seventh woman judge of the Supreme Court, after Justice M. Fathima Beevi, Justice Sujata V. Manohar, Justice Ruma Pal, Justice Gyan Sudha Misra, Justice Ranjana Prakash Desai and Justice R. Banumati.

Indu Malhotra

25 HC

# High Courts in India



6  
Articles 214 to 231 in Part VI of the Constitution deal with the organisation, independence, jurisdiction, powers, procedures and so on of the high courts.

The institution of high court originated in India in 1862 when the high courts were set up at Calcutta, Bombay and Madras.

(By Indian Council Act-  
1861)

In 1866, a fourth high court was established at Allahabad.

There are 25 High Courts in India. Candidates can find the list of High Courts in India at the linked article.

## List of High Courts in India

Year	Name	Territorial Jurisdiction	Seat & Bench
1862	<u>Bombay</u>	Maharashtra Dadra & Nagar Haveli Goa Daman Diu	Seat: <u>Mumbai</u> Bench: Panaji, Aurangabad, and Nagpur
1862	Kolkata	West Bengal ✓ Andaman & Nicobar islands	Seat: Kolkata Bench: Port Blair
1862	<u>Madras</u>	Tamil Nadu Pondicherry	Seat: Chennai Bench: Madurai

1866	(Allahabad)	Uttar Pradesh	Seat: Allahabad Bench: Lucknow
1884	Karnataka	Karnataka	Seat: Bengaluru Bench: Dharwad and Gulbarga
1916	Patna	Bihar	Patna
1928	Jammu & Kashmir)	Jammu & Kashmir / Laddakh	Srinagar and Jammu

UT

1948	Guwahati	Assam Nagaland Mizoram Arunachal Pradesh	Seat: Guwahati Bench: Kohima, Aizawl, and Itanagar
1949	Odisha	Odisha	Cuttack
1949	Rajasthan	Rajasthan	Seat: Jodhpur Bench: Jaipur
1956	Madhya Pradesh	Madhya Pradesh	Seat: Jabalpur Bench: Gwalior and Indore
1958	Kerala	Kerala & Lakshadweep	Ernakulam
1960	Gujarat	Gujarat	Ahmedabad
1966	Delhi	Delhi	Delhi




1971	Himachal Pradesh	Himachal Pradesh	Shimla
1975	Punjab & Haryana	Punjab, Haryana & Chandigarh	Chandigarh
1975	Sikkim	Sikkim	Gangtok
2000	Chattisgarh	Chattisgarh	Bilaspur
2000	Uttarakhand	Uttarakhand	Nainital
2000	Jharkhand	Jharkhand	Ranchi

2013	Tripura	Tripura	Agartala
2013	Manipur	Manipur	Imphal
2013	Meghalaya	Meghalaya	Shillong
2019	Telangana	Telangana	Hyderabad
2019	Andhra Pradesh	Andhra Pradesh	Amravati

(old <sup>2)</sup> AP HC)

The Constitution of India provides for a high court for each state, but the Seventh Amendment Act of 1956 authorised the Parliament to establish a common high court for two or more states or for two or more states and a union territory.



<i><b>Article No.</b></i>	<i><b>Subject Matter</b></i> ✓✓
214.	High Courts for states
215.	High Courts to be courts of record
216.	Constitution of High Courts

217. Appointment and conditions of the office of a Judge of a High Court

218. Application of certain provisions relating to Supreme Court to High Courts

219. Oath or affirmation by judges of High Courts

220. Restriction on practice after being a permanent judge

221. Salaries etc., of judges

222. Transfer of a judge from one High Court to another

223. Appointment of acting Chief Justice

224. Appointment of additional and acting judges

224A. Appointment of retired judges at sittings of High Courts

225. Jurisdiction of existing High Courts

226. Power of High Courts to issue certain writs

226A. Constitutional validity of Central laws not to be considered in proceedings under Article 226 (Repealed)

227. Power of superintendence over all courts by the High Court

228. Transfer of certain cases to High Court

228A. Special provisions as to disposal of questions relating to constitutional validity of state laws (Repealed)

229. Officers and servants and the expenses of High Courts

230. Extension of jurisdiction of High Courts to union territories



# Jurisdiction and Powers of High Court

At present, a high court enjoys the following jurisdiction and powers:

1. Original jurisdiction.

2. Writ jurisdiction.

↳ Art-226

- 3. Appellate jurisdiction.
- 4. Supervisory jurisdiction.
- 5. Control over subordinate courts.
- 6. A court of record.]
- 7. Power of judicial review.

Consti. (X)

Art 13 & A. 226

## 1. Original Jurisdiction

It means the power of a high court to hear disputes in the first instance, not by way of appeal. It extends to the following:

(a) Matters of admiralty, will, marriage, divorce, company laws and contempt of court

 (b) Disputes relating to the election of members of Parliament and state legislatures. 

(c) Regarding revenue matter or an act ordered or done in revenue collection.

(d) Enforcement of fundamental rights of citizens. 

## NOTE:

In the Chandra Kumar case (1997), the Supreme Court ruled that the writ jurisdiction of both the high court and the Supreme Court constitute a part of the **basic structure** of the Constitution.

Hence, it cannot be ousted or excluded even by way of an amendment to the Constitution.

Prez + CJI + Governor  
obstacle

**Appointment of Judges** The judges of a high court are appointed by the President. The chief justice is appointed by the President after consultation with the chief justice of India and the governor of the state concerned.

CJ of HC

Judge

**For appointment of other judges, the chief justice of the concerned high court is also consulted. In case of a common high court for two or more states, the governors of all the states concerned are consulted by the president.**

## Qualifications of Judges

A person to be appointed as a judge of a high court, should have the following qualifications:

1. He should be a citizen of India.
2. (a) He should have held a judicial office in the territory of India for ten years; or  
(b) He should have been an advocate of a high court (or high courts in succession) for ten years.



# Justice Anna Chandy: The First Female High Court Judge Of India

केरल - HC



It is also contested that she is most likely the second woman in the world to become a high court judge after USA's Florence Allen who was appointed as a judge in 1922.

**Leila Seth**



1<sup>st</sup> female  
chief

Justice of  
any HC.

- HP



**Leila Seth (20 October 1930 – 5 May 2017) was the first woman judge on the Delhi High Court and she became the first woman to become Chief Justice of a state High Court on 5 August 1991.**