

# High Courts

The **High Courts** in India are the topmost judicial body in every state. High Courts serve as lower courts in India's judicial hierarchy than the Supreme Court. A High Court and a system of lower courts make up the state's judicial system. According to the Indian Constitution, each state has a High Court, but the Parliament has the power to establish a common high court for two or more states. A high court's territorial jurisdiction is co-terminus with a state's territory.

High Courts in India are one of the fundamental topics of Indian Polity, making it an absolute requirement from the IAS perspective. This topic is significant for all UPSC Exam aspirants. This article shall cover all necessary details, a list of High Courts in India, their functions, their jurisdiction, their constitutional conception, etc.

## High Court

The highest appellate court in Indian States and Union Territories is the High Court. A state's top court is known as the High Court. It is recognised as the nation's second-highest court and is positioned behind the Supreme Court of India. The High Court is composed of the Chief Justice and any additional justices that the President may deem appropriate from time to time, as stated in Article 216 of the Indian Constitution. In this way, unlike the Supreme Court, the number of judges on a High Court can vary and be decided by the President on a case-by-case basis while taking the volume of work before a High Court into consideration.

Every state in India is required to have a High Court, as stipulated in Article 214. A joint High Court, however, may exist for two or more States or two or more States and a union territory, as per Article 231.

In India, there are 25 High Courts, six of which have jurisdiction over several States or UTs. Among the Union Territories, Delhi has its own High Court.

## High Court: Historical Background

A High Court and a system of subordinate courts make up the State Judiciary. An integral cog in the country's judicial system, let's trace its inception.

- On the recommendation of the Law Commission, the Indian High Courts Act 1861, which proposed the formation of High Courts in the three Presidency cities of Calcutta, Madras, and Bombay in place of the Supreme Court, was adopted in 1858. Over time, further High Courts were created.
- The High Court of Calcutta approved a charter in May 1862, and the High Courts of Bombay and Madras followed suit in June 1862. As an outcome, the Calcutta High Court was established as the first High Court in the nation.
- The Constitution establishes the High Courts' organisational framework and legal foundation.
- There are 25 High Courts currently for 28 States and 8 Union Territories. The Andhra Pradesh High Court is a recent addition to the region. It becomes operational on January 1st, 2019.

## >> High Court UPSC [PDF]

### Appointment of the High Court Judges

A procedure is followed for the Appointment of High Court judges. It has been briefed in the pointers below:

- The President appoints the Judges of a High Court.
- However, before assigning judges to High Courts other than the Chief Justice, the President must contact the Chief Justice of India, the State Governor, and the High Court Chief Justice.
- According to Article 222, the President may transfer High Court judges after consulting with the Chief Justice of India.

### High Court Judges: Tenure, Removal and Salary

The details briefly explaining the tenure, the process of removal and the salary of a High Court judge have been listed below;

#### Tenure

- A High Court judge appointed permanently holds office until age 62.
- The President decides on any disagreements regarding the age of judges after consulting with the Chief Justice of India; the President's judgement is final.
- A judge is not in the office while the President is in office.

#### Removal

- On the suggestion of the Parliament, the President may order the removal of a judge from his position.
- Only misbehaviour and incapacity are grounds for removal.
- The order is approved after each House of Parliament gives a speech that is supported by a majority of the entire House and a majority of two-thirds of the total number of members from each House present at the time and voting.

#### Salary and Emoluments

- According to Article 221, a High Court judge is eligible for pension and leave-of-absence benefits that Parliament may periodically decide upon.
- However, this cannot be altered to the Judge's detriment once appointed.

### Jurisdiction of High Courts

The High Court is the superior judicial body in a state. A High Court, however, only exercises its original criminal and civil jurisdiction if the lower courts are not permitted by statute to hear such cases due to a lack of pecuniary or territorial jurisdiction. High Courts may also have original jurisdiction over a specific case if the constitution, state legislation, or federal law expressly grants them that authority.

Most High Courts' activity comprised primarily of writ petitions filed following Articles 226 and 227 of the Indian constitution and appeals from subordinate courts. A High Court's original jurisdiction includes writ jurisdiction as well.

## Territorial Jurisdiction

- The territorial limits of a state coincide with the jurisdiction of a High Court.
- The High Court's authority does, however, extend to those areas if the Parliament creates a High Court for two or more States or expands its jurisdiction to Union Areas.
- The Constitution does not provide a full definition of the High Court's authority, jurisdiction, or other administrative functions.

## Original Jurisdiction

- The other High Courts primarily have appellate authority. However, the High Courts of the Presidency Towns have original and appellate jurisdiction.
- Only cases involving admiralty, probate, matrimonial law, and contempt of court fall under the original jurisdiction of the other High Court. The Presidency High Courts used to have initial jurisdiction over civil and criminal cases.
- All High Courts lost their initial criminal jurisdiction due to the Criminal Procedure Code of 1973. Only civil cases with a value above a certain threshold fall under the original jurisdiction.

## Appellate Jurisdiction of High Court

- All High Courts considers appeals in civil and criminal cases from their subordinate tribunals and their original side as they function as appellate courts.
- Several High Courts permit intra-court appeals. From a single judge's ruling, an appeal may be made to a division bench of the same High Court.
- On the other hand, tribunals established in accordance with the law governing the nation's military services are outside the purview of the High Courts.

## Writ Jurisdiction of High Court

According to Article 226 of the Constitution, the High Courts have the authority to issue directives, orders, or writs to enforce and protect Fundamental Rights and any other reason.

## Functions of the High Court

Being one of the most important judicial bodies of the country, the High Court have numerous functions that account for the smoother administration of justice to the masses. These have been explained below:

### Administrative and Supervisory Functions

- Every High Court is guaranteed to have complete control over the employees under Article 229 of the Constitution.
- In accordance with this Article, the Chief Justice of a High Court has the power to designate Court employees.

- Additionally, he has the power to control employee working conditions and dismiss any employee employed by the Court.
- The highest court in a state's legal system is the High Court. According to Article 227, a High Court can supervise and direct the lower courts in all legal and administrative affairs.

### Court of Record for Subordinate Courts

- The lower courts must abide by the High Court's decision.
- All upcoming cases will be related to their methods and judgments.
- It has the power to punish anyone who disobeys it or one of its lower courts.
- It can also search the files of its inferior courts.

### Superintendence

- Every High Court has the authority to oversee all courts and tribunals functioning within its territorial jurisdiction, except for those dealing with the Armed Forces.
- The High Court establishes guidelines and standards for how these courts must do their business and oversee and manage their operations.

### The High Court's power

- Demand the restoration of the judgments from lower courts;
- Enact and publish general rules controlling the conduct of such courts' proceedings and defining forms;
- cases are transferred from one court to another and prescribe the formats in which the officers of any such courts need to maintain their records and accounts.
- Under Article 235, the High Court may also establish guidelines for the appointment, promotion, and absence of lower court personnel.
- Judicial Review Authority: The High Court has the authority to examine the constitutionality of legislative and executive orders issued by the federal and state governments. Our constitution does not include the term "judicial review," but Articles 13 and 226 explicitly provide the High Court with this authority.

### List of High Courts in India

The number of High Courts in India is 25. The list is given below:

Year	Name of the High Court	Territorial Jurisdiction	Seat & Bench
1862	Bombay	Maharashtra Dadra & Nagar Haveli and Daman Diu Goa	Seat: Mumbai Bench: Panaji, Aurangabad, and Nagpur
1862	Kolkata	West Bengal	Seat: Kolkata

		Andaman & Nicobar islands	Bench: Port Blair
1862	Madras	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
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
2019	Jammu & Kashmir and Ladakh (Note: Jammu & Kashmir High Court was established in 1928. After the bifurcation of J&K into two union territories; there is now a common High Court.)	Jammu and Kashmir Ladakh	–

## Difference between Writ Jurisdiction of the Supreme Court and High Courts

The writ jurisdiction is a common ground between the Supreme Court of India and the High Courts. Below is a table that concisely differentiates between the two:

Supreme Court	High Court
Only in cases when a basic right has been breached the Supreme Court can issue writs.	High Courts have the authority to issue writs for the enforcement of both basic rights and common citizens' rights. As a result, the High Court has wider jurisdiction than the Supreme Court.
The Supreme Court is mandated to issue writs under Article 32.	The High Courts have the discretion to provide relief to the harmed party using their writ jurisdiction.
The entire nation is within the purview of the Supreme Court's territorial jurisdiction.	The High Courts only have a little amount of territorial authority.