

Powers and Functions of High Court

The Constitution of India does not explicitly lay down the powers and functions of the High court. However, it has provisions for the powers and functions of High Court judges.

High Courts are considered to be the highest appellate authority of the State that consists of different types of jurisdiction, and each of them enjoys several powers and functions. The powers of the high courts are divided into five different parts, which are explained below.

Powers of High Court

The High Court is the administrative body of the State that superintends all the other courts in the State, acts as a court of Record, can perform a judicial review, have the power of certification, and have administrative powers. The powers of the High Court are as follows-

Court of Record:

Like the Supreme Court of India, the High court acts as the court of Record. This means that the judges of the subordinate courts can use the records of judgment made by the High court judges to make decisions for the deciding cases. Also, the high court has the right to punish the guilty person or an institution in all matters of contempt.

Administrative Powers:

Not only does High court have the power to superintend and control the subordinate courts, but it also has the right to ask them for the details of the proceedings to enquire into the documents or the records. Moreover, the high court can issue specific rules concerning the subordinate court's work. It has the right to appoint the staff for administration and decide their salaries, services, and allowances.

Power of Judicial Review:

The high court has the power to examine and judge the executive orders of the State and the central government along with the constitutionality of the legislative enactments. Article 226 and 227 of the Indian Constitution has the provision to confer the power of High court of judicial review accurately.

Power of Certification:

The high court can certify the cases for appeal before the Supreme Court.

Power of Superintendence- Control over Subordinate Courts:

The high court autonomy is described below-.

- High Court is responsible for administrating the justice of the entire State.
- The power of superintendence of the High Court over all the other subordinate courts of the State doesn't face any restrictions from the Constitution. However, the Supreme Court doesn't enjoy such powers.
- It is administrative as well as judicial in nature.

- High Court helps the governor appoint, transfer, or promote the district courts' judges and other state judicial officers.

Functions of High Court

Article 214 to Article 231 of the Constitution of India have provisions to specify the functions of the high court, powers, organization, and jurisdiction.

Jurisdiction of High Court

The Indian Constitution doesn't hold a specific provision for the functions of high court. However, it is mentioned that the High court has jurisdiction over revenue matters. The jurisdiction of the high court is as follows:

Original Jurisdiction:

According to the Indian Constitution, the high court judges hold power to hear any case as the first sample of an original court. The high courts of Madras, Mumbai, and Calcutta have the provision of original jurisdiction in criminal and civil cases, as there is a significant increase in such cases in the said states. The high court hears civil cases involving property worth more than Rs. 20000.

For cases regarding fundamental rights, the high court has the right to issue writs for enforcing such rights. It is also applicable in matters related to admiralty, contempt of court, divorce, or will. Also, the function of high courts is to hear cases for election petitions.

Appellate Jurisdiction:

According to the appellate jurisdiction, if an individual has fought a case in the district court or other sub-ordinate courts and is unsatisfied with the decision of the judges, they can file an appeal in the high court if required.

- **In Criminal Cases-** If a criminal case is repealed in the high court, the said case gets extended according to the decision sessions and the additional sessions for judges. It opens possibilities if the session judges have been awarded capital punishment or imprisonment for 7 years or more.
- **In Civil Cases-** If a civil case dispute involves Rs. 5000/- or more on a question of fact or law.
- **In Constitutional Cases-** If the case is recognized to involve the substantial question of law by the high court.

Writ Jurisdiction:

According to Article 226 of the Indian Constitution, the high court has the power to issue writs to enforce the Fundamental rights in India. It also states that the high court can issue the writs where an ordinary legal right has been infringed. The writ jurisdictions of the high courts are Certiorari, Mandamus Prohibition, and Habeas Corpus.

Supervisory Jurisdiction:

Except for courts dealing with the functioning of the armed forces in the State, the Supreme court enjoys the power of superintending the functioning of all the courts and tribunals.