

B.A. LL.B VI SEMESTER

MOOD COURT

Unit-2 Judicial System In India

Topic:- Jurisdiction and Power of the high court

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Introduction:-

- Like Supreme Court, high court has **original jurisdiction** in matters of enforcement of fundamental rights. Further, it has **original jurisdiction** in matters related to admiralty, will, marriage, divorce, company laws and contempt of court. It also has similar jurisdiction in matters related to election of MPs and MLAs.

Original Jurisdiction:-

- In several matters high court has power to hear the dispute in first instance, not by way of appeal. This is called original jurisdiction. Like Supreme Court, high court has original jurisdiction in matters of enforcement of fundamental rights. Further, it has original jurisdiction in matters related to admiralty, will, marriage, divorce, company laws and contempt of court. It also has similar jurisdiction in matters related to election of MPs and MLAs.

Writ Jurisdiction:-

- Article 226 empowers the High Court with writ jurisdiction for the enforcement of fundamental rights as well as any other matter within the territory of its jurisdiction. The difference between Supreme Court (article 32) and High Court (article 226) is that while Supreme Court can issue writs only for enforcement of fundamental rights, high court can issue writs for other matters also.

Appellate Jurisdiction:-

- The High Court hears the appeals against the subordinate courts in both civil and criminal matters.

Supervisory Jurisdiction:-

- High court has the power of superintendence over all courts and tribunals within its territorial jurisdiction except military courts or tribunals. It also has power to transfer the cases from other subordinate courts in the state to itself.