

High Court

The highest judicial court in a state is the High Court. It is termed as the second-highest in the country after the Supreme Court of India. Currently, India has 25 High Courts established in different states of the country. As a vital part of the Indian Judiciary.

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

It was in 1858 when on the recommendation of the Law Commission; the Parliament passed the Indian High Courts Act 1861 which suggested the establishment of High Courts in place of Supreme Court in three Presidencies: Calcutta, Madras, and Bombay. The Charter of High Court of Calcutta was ordered in May 1862 and that of Madras and Bombay were order in June 1862. Thereby, making the Calcutta High Court the first High Court of the country.

The reason for the implementation of this act was the need for a separate judiciary body for different states. The British Government, therefore, decided to abolish the then-existing Supreme Court and SadarAdalat and replaced it with High Court.

Certain rules and eligibility criteria were set for the appointment of a Judge in any High Court and later after independence as per Article 214 of the Indian Constitution, it was declared that every Indian state must have their own High Court.

The British-created laws were different from the ones that were stated in the Indian Penal code and the entire legal system of the country changed after the independence of the country.

- High courts of India operates below the Supreme Court but above the subordinate courts.
- 1st high courts were set up in Calcutta, Bombay and Madras in 1862.
- . In 1866, a 4th high court was established at Allahabad.
- Constitution of India provides for a high court for each state.
- 7th Amendment Act of 1956 authorized Parliament to establish a common high court for two or more states or union territory.

- . At present, there are 25 high courts in the country (Andhra Pradesh 2019).
- 3 new High courts are Meghalaya, Manipur and Tripura.
- . There are 4 common high courts.
- Delhi is the only union territory that has a high court since 1966.

Article 214 to 231

As per the Constitution of India, Articles 214-231 deals with the provisions of the High Courts in India. Article 217 deals with the appointment of judges. However, there is also a procedure for removal of Judges of the High Court. It provides for separate high courts for separate states but according to 7th constitutional amendment act the same high court can be the court for more than one state. At present, we have 21 high courts in the country, which includes 3 common high courts.

- **Article 214** says that there shall be a High Court in every state.
- **Article 215** says that each High Court shall be a court of record.
- **Article 216** says that every High Court shall have a Chief Justice and other judges who shall be **appointed by the President**.

As per Article 217-220

- If a Judge of High Court is appointed on a permanent basis, he holds the office until he completes the age of 62 years. (In Supreme Court it is 65 years).
- The Minimum Qualification prescribed is Indian Citizenship and minimum 10 years of experience either as an advocate of the High Court of India or as a judicial officer with a minimum 10 years of experience.
- If, an advocate later becomes a Judicial Officer, then, in computing 10 years, the experience as an advocate can be combined with that of a Judicial Officer.
- The power to issue writs or orders for the enforcement of Fundamental Rights and some other purposes. (Article 226)
- Power of superintendence over all other state courts. The High Court exercises the supervision of all the other courts and tribunals in the state.
- The power to transfer the cases from other subordinate courts in the state to itself. (A-227).

- Power to appoint the officers and servants of the High Courts (A-228).
- Article 226 makes the High Court's protectors of the Fundamental rights, within their own jurisdictions, in the same way, Article 32 makes the Supreme Court ultimate protector of the Supreme Court.

Jurisdiction and Seat of High Court

Name	Year	Territorial Jurisdiction	Seat
Kolkata	1862	West Bengal, Andman & Nicobar Islands	Kolkata (Bench of port Blair)
Bombay	1862	Maharashtra, Dadar, & Nagar Haveli. Goa, Daman Diu	Mumbai (Bench at Panaji, Aurangabad and Nagpur)
Chennai	1862	Tamil Nadu & Pondicherry	Chennai (Bench at Madurai)
Allahabad	1866	Uttar Pradesh	Allahabad (Bench at Lucknow)
Karnataka	1884	Karnataka	Bengaluru (Bench at Dharwad and Gulbarga)
Patna	1916	Bihar	Patna
Jammu & Kashmir	1928	Jammu & Kashmir	Sri Nagar & Jammu
Punjab & Haryana	1947	Punjab, Haryana , Chandigarh	Chandigarh
Guwahati	1948	Assam, Nagaland, Mizoram and Arunachal Pradesh	Guwahati (Bench at Kohima, Aizawl and Itanagar)
Orissa	1948	Orissa	Cuttack
Rajasthan	1949	Rajasthan	Jodhpur (Bench – Jaipur)

Madhya Pradesh	1956	Madhya Pradesh	Jabalpur (Bench –Indore , Gwalior)
Kerala	1958	Kerala & Lakshadweep	Ernakulam
Gujarat	1960	Gujarat	Ahmedabad
Delhi	1966	Delhi	Delhi
Himachal Pradesh	1966	Himachal Pradesh	Shimla
Sikkim	1975	Sikkim	Gangtok
Chhattisgarh	2000	Chhattisgarh	Bilaspur
Uttarakhand	2000	Uttarakhand	Nainital
Jharkhand	2000	Jharkhand	Ranchi
Tripura	2013	Tripura	Agartala
Manipur	2013	Manipur	Imphal
Meghalaya	2013	Meghalaya	Shillong
Andhra Pradesh	2019	Andhra Pradesh	Amravati
Telangana	2019	Telangana	Hyderabad

The High Courts have been given full power to make rules and regulate their Jurisdiction. Apart from the normal original and appellate jurisdiction, the constitution vests 4 additional powers to the High Courts. These are:

- The power to issue writs or orders for the enforcement of Fundamental Rights and some other purposes. (Article 226)
- Power of superintendence over all other state courts. The High Court exercises the supervision of all the other courts and tribunals in the state.
- The power to transfer the cases from other subordinate courts in the state to itself. (A-227).
- Power to appoint the officers and servants of the High Courts (A-228).

- Article 226 makes the High Court's protectors of the Fundamental rights, within their own jurisdictions, in the same way, Article 32 makes the Supreme Court ultimate protector of the Supreme Court.

Provision of the High Court/Appointment of Judges (Article 217)/Qualification of Judges (Article 217)

- 217. Appointment and conditions of the office of a Judge of a High Court
- (1) Every Judge of a High Court shall be appointed by the President by warrant under his hand and seal after consultation with the Chief Justice of India, the Governor of the State, and, in the case of appointment of a Judge other than the chief Justice, the chief Justice of the High court, and shall hold office, in the case of an additional or acting Judge, as provided in Article 224, and in any other case, until he attains the age of sixty two years Provided that
 - (a) a Judge may, by writing under his hand addressed to the President, resign his office;
 - (b) a Judge may be removed from his office by the President in the manner provided in clause (4) of Article 124 for the removal of a Judge of the Supreme Court;
 - (c) the office of a Judge shall be vacated by his being appointed by the President to be a Judge of the Supreme Court or by his being transferred by the President to any other High Court within the territory of India
- (2) A person shall not be qualified for appointment as a Judge of a High Court unless he is a citizen of India and
 - (a) has for at least ten years held a judicial office in the territory of India; or
 - (b) has for at least ten years been an advocate of a High Court or of two or more such Courts in succession; Explanation For the purposes of this clause
 - (a) in computing the period during which a person has held judicial office in the territory of India, there shall be included any period, after he has held any judicial office, during which the person has been an Advocate of a High Court or has held the office of a member of a tribunal or any post, under the Union or a State, requiring special knowledge of law;
 - (aa) in computing the period during which a person has been an advocate of a High Court, there shall be included any period during which the person has held judicial office or the office of a member of a tribunal or any post, under the Union or a State, requiring special knowledge of law after he became an advocate;
 - (b) in computing the period during which a person has held judicial office in the territory of India or been an advocate of High Court, there shall be included any period before the commencement of this Constitution during which he has held judicial office in any area which was comprised before the fifteenth day of

August, 1947 , within India as defined by the Government of India Act, 1935 , or has been an advocate of any High Court in any such area, as the case may be

- (3) If any question arises as to the age of a Judge of a High Court, the question shall be decided by the President after consultation with the Chief Justice of India and the decision of the President shall be final.

Article 219

Oath or affirmation by Judges of High Courts Every person appointed to be a Judge of a High Court shall, before he enters upon his office, make and subscribe before the Governor of the State, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule.