

High Courts of India

How many High Courts are there in India?

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 Sadar Adalat 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.

Which is the Newest High Court of India?

Andhra Pradesh is the recent state to have the High Court. High Court was established in Andhra Pradesh on 1st January 2019.

Constitution of High Court – Under British rule, each High Court has a Chief Justice and maximum 15 other puisne judges. But later certain changes were brought about in the composition of the High Court in India:

- Every High Court shall have a Chief Justice appointed by the President
- Unlike before, there was no fixed number of Judges who could be appointed for each High Court
- Additional Judges can also be appointed for the clearance of cases pending in the court. But their tenure cannot exceed more than two years

One thing that must be noted is that no one above the age of 62 years can be appointed as a High Court Judge. There is no uniformity among the High Courts regarding the number of Judges they will have. A smaller state shall have less number of judges in comparison to a larger state.

High Court Jurisdiction

The High Court is the highest court of appeal in the state vested with the power to interpret the Constitution. It is the protector of the Fundamental Rights of the citizens. Besides, it has supervisory and consultative roles. However, the Constitution does not contain detailed provisions with regard to the jurisdiction and powers of a high court.

At present, the following jurisdictions are enjoyed by a High Court-

- Original jurisdiction
- Writ jurisdiction
- Appellate jurisdiction
- Supervisory jurisdiction
- Control over subordinate courts
- A court of record
- Power of judicial review

The Jurisdiction of Highcourt are as mentioned below –

- **Original Jurisdiction** – In such kind of cases the applicant can directly go to the High Court and does not require to raise an appeal. It is mostly applicable for cases related to the State Legislative Assembly, marriages, enforcement of fundamental rights and transfer cases from other courts.
- **Power of Superintendence** – It a special power enjoyed only by High Court and no other subordinate court has this power of superintendence. Under this, the High Court holds the right to order its subordinate offices and courts the way of maintaining records, prescribe rules for holding proceedings in the court and also settle the fees paid to sheriff clerks, officers and legal practitioners.
- **Court of Record** – It involves recording the judgments, proceedings and acts of high courts for perpetual memory. These records cannot be further questioned in any court. It has the power to punish for contempt of itself.
- **Control over Subordinate Courts** – This is an extension of the supervisory and appellate jurisdiction. It states that the High Court can withdraw a case pending before any subordinate court if it involves the substantial question of law. The case can be disposed of itself or solve the question of law and return back to the same court.
- **Appellate Jurisdiction** – This is for cases where people have risen a complaint about a review of the judgement given by the district level or subordinate court of that territory. This power is further divided into two categories:
 1. Civil Jurisdiction – this includes orders and judgements of the district court, civil district court and subordinate court
 2. Criminal Jurisdiction – this includes judgements and orders of the sessions court and additional sessions court.
- **Power of Judicial Review** – This power of High Court includes the power to examine the constitutionality of legislative and executive orders of both central and state government. It is to be noted that the word judicial review is nowhere mentioned in our constitution but the Article 13 and 226 explicitly provide High Court with this power.
- **Writ Jurisdiction of High Court** – Article 226 of the Constitution empowers a high court to issue writs including habeas corpus, mandamus, certiorari, prohibition, and quo warrento for the enforcement of the fundamental rights of the citizens and for any other purpose. Read in detail about the following –

- [Habeas Corpus](#)
- [Writ of Mandamus](#)
- The phrase 'for any other purpose' refers to the enforcement of an ordinary legal right. The high court can issue writs to any person, authority and government not only within its territorial jurisdiction but also outside its territorial jurisdiction if the cause of action arises within its territorial jurisdiction (15th Constitutional Amendment Act of 1963).
 - 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.
 - In Shah Faesal's Case, his case is justified because the cause of action happened in Delhi and then he was taken to outside the territory of Delhi.

High Court in India is one of the most important topics in terms of the UPSC exam and other government exams in India. Candidates can know the [powers and function of a High Court](#), at the linked article.

How is a High Court Judge Appointed?

A High Court Judge is appointed by the President of India. He is solely responsible for the appointment of any judge in a High Court. However, he may consult the Governor of the State, the acting Chief Justice of India and Chief Justice of that particular state's High Court.

A High Court judge is also liable to get transferred to other High Courts. This decision is entirely dependent on the Chief Justice of India. Transfer of judges is done with an aim to ensure proper and just trial for every case fought in the court of law.

Eligibility Criteria for High Court Judge

There are certain eligibility criteria that need to be fulfilled to be appointed as a judge in any High court in India. Given below are the set of eligibility criteria mandatory for the appointment of High Court judges:

- Any of the given qualifications must be fulfilled:
 1. The person should have been a Barrister for more than five years
 2. Has been a civil servant for over 10 years along with serving the Zila court for at least 3 years
 3. A person who has been a pleader for over 10 years in any High Court.
- No judge should be of more than 62 years of age

The law states that every state must have a separate High Court, however, there still are certain states that do not have an individual High Court. For example – both Punjab and Haryana come under the jurisdiction of Punjab High Court sitting at Chandigarh. Besides, there is a common High Court for seven states – Assam, Nagaland, Manipur, Tripura, Meghalaya, Arunachal Pradesh and Mizoram.

Salary and Perks of High Court Judges

There has been a massive increase in the salary paid to a High Court judge. The table below gives the salary description of a judge in the High Court:

