

INTRODUCTION

Jurisdiction refers to the authority or power of a court or other legal entity to hear and decide a particular case or matter.[1] It defines the geographical area or subject matter over which a court or legal body has the right to exercise its authority. In the context of law, jurisdiction determines which court or legal system has the competence to handle and render a valid judgment on a given legal dispute.

In India, there are several types of jurisdictions that define the authority and scope of various courts to hear and decide different types of cases. Here are the main types of jurisdictions in India:

1. **Territorial Jurisdiction:** This refers to the geographical area within which a court has the authority to hear cases. Each court is assigned specific territorial limits within which it can exercise its jurisdiction. For example, a district court's territorial jurisdiction covers a particular district, while a High Court's territorial jurisdiction extends over an entire state or union territory.[2]

2. **Subject Matter Jurisdiction:** This pertains to the authority of a court to hear cases of a specific type or involving certain subject matters. Different courts in India have jurisdiction over specific types of cases, such as civil, criminal, family, tax, labor, and so on.[3]

3. **Original Jurisdiction:** A court with original jurisdiction has the authority to hear and decide cases in the first instance, without the case being appealed from a lower court. In India, both the Supreme Court and some High Courts have original jurisdiction in certain matters, including disputes between the central government and state governments or disputes between states themselves.[4]

4. **Appellate Jurisdiction:** This is the authority of a court to hear appeals from lower courts. Appellate courts in India, such as the High Courts and the Supreme Court, review and decide on cases that have already been adjudicated in subordinate courts. [5]

5. **Exclusive Jurisdiction:** In some cases, certain courts have exclusive jurisdiction over specific matters. For example, the National Green Tribunal has exclusive jurisdiction to hear cases related to environmental issues.

6. **Constitutional Jurisdiction:** This refers to the authority of a court to interpret and apply the provisions of the Indian Constitution. Both the High Courts and the Supreme Court have constitutional jurisdiction and can decide cases involving constitutional questions.

7. **Advisory Jurisdiction:** The President of India can seek the advisory opinion of the Supreme Court on important legal or constitutional matters under its advisory

jurisdiction. However, this power is rarely exercised.

8. Writ Jurisdiction: High Courts and the Supreme Court have the power to issue writs, such as habeas corpus, mandamus, certiorari, prohibition, and quo warranto, for the enforcement of fundamental rights guaranteed under the Indian Constitution.

These different types of jurisdictions ensure that cases are heard and decided by the appropriate courts, allowing for an organized and efficient administration of justice in India.

SUPREME COURT JURISDICTION

The Supreme Court of India has jurisdiction over the entire territory of India. It is the highest judicial authority in the country and has extensive powers and functions. Here's an overview of the Supreme Court's jurisdiction in India[6]:

- 1. Appellate Jurisdiction:** The Supreme Court of India primarily exercises appellate jurisdiction. It hears appeals from judgments and orders of High Courts and certain other tribunals in the country. Individuals or parties who are dissatisfied with the decisions of lower courts or tribunals can appeal to the Supreme Court to seek a review of the judgment on points of law or constitutional interpretation.[7]
- 2. Original Jurisdiction:** The Supreme Court has original jurisdiction in certain cases, particularly those of significant public importance and those involving disputes between the Government of India and one or more states or disputes between states themselves. In such cases, the disputes can be brought directly to the Supreme Court without them being first tried in lower courts.
- 3. Constitutional Jurisdiction:** One of the most critical aspects of the Supreme Court's jurisdiction is its role as the guardian of the Constitution of India. It has the authority to interpret the Constitution and to adjudicate on matters involving the constitutionality of laws, governmental actions, or executive orders.
- 4. Advisory Jurisdiction:** The President of India can seek the Supreme Court's opinion on matters of public importance or questions of law under its advisory jurisdiction. However, this is not a commonly used power.[8]
- 5. Writ Jurisdiction:** The Supreme Court has the power to issue writs for the enforcement of fundamental rights guaranteed under the Indian Constitution. Common types of writs include habeas corpus, mandamus, certiorari, prohibition, and quo warranto.
- 6. Public Interest Litigation (PIL):** The Supreme Court has played an essential role in developing the concept of Public Interest Litigation, allowing individuals or organizations to approach the court directly to seek redress for violations of fundamental rights or to address issues of public importance.[9]

7. Appellate Jurisdiction from Tribunals: The Supreme Court has the power to hear appeals from various specialized tribunals, such as the National Green Tribunal, Armed Forces Tribunal, etc.[10]

It's important to note that the jurisdiction and powers of the Supreme Court are subject to the provisions of the Indian Constitution and the laws of the country. The Court's decisions on legal and constitutional matters are binding on all lower courts and authorities within India, making it the final interpreter of the law in the country.

HIGHCOURT JURISDICTION

The High Courts in India are the highest judicial bodies at the state or union territory level. Each state in India has its own High Court, while some union territories share a common High Court. Here's an overview of the High Court jurisdiction in India[11]:

1. Appellate Jurisdiction: The primary function of High Courts is to serve as courts of appeal for cases coming from subordinate courts within their respective states or union territories. They hear appeals against judgments and orders passed by district courts and other lower courts situated within their territorial boundaries.[12]

2. Original Jurisdiction: High Courts have original jurisdiction in specific types of cases, which may include constitutional matters, public interest litigation, or disputes between individuals and the state government or between the state governments themselves.[13]

3. Writ Jurisdiction: Similar to the Supreme Court, High Courts in India have the power to issue writs for the enforcement of fundamental rights guaranteed under the Indian Constitution. These writs include habeas corpus, mandamus, certiorari, prohibition, and quo warranto.

4. Civil and Criminal Jurisdiction: High Courts have the authority to hear and decide civil and criminal cases within their territorial jurisdiction. This includes cases involving disputes between individuals, organizations, or the government (civil cases), as well as cases involving offenses against the state or society (criminal cases). [14]

5. Administrative Jurisdiction: High Courts can exercise administrative jurisdiction, which allows them to review administrative decisions made by government authorities or agencies within their state or union territory.

6. Territorial Jurisdiction: Each High Court has jurisdiction over a specific state or union territory. However, some High Courts may have additional or concurrent territorial jurisdiction over more than one state or union territory.

7. Appeals from Tribunals: High Courts also hear appeals from various specialized tribunals operating within their territorial boundaries.

It's important to note that the jurisdiction and powers of High Courts are subject to the provisions of the Indian Constitution and the laws of the country. The decisions of High Courts are binding on subordinate courts and authorities within their respective territories. However, the decisions of different High Courts may vary, and only the Supreme Court has the authority to provide the final interpretation of the law and resolve conflicts between High Court decisions.[15]

DIFFERENCE BETWEEN SUPREME COURT AND HIGH COURT JURISDICTION

The main difference between the jurisdiction of a High Court and a Supreme Court lies in their respective roles, hierarchy, and scope of authority within the judicial system of a country. Here's a breakdown of their differences in terms of jurisdiction[16]:

1. Hierarchy and Position:

High Court: A High Court is an intermediate court positioned between lower courts (such as district courts) and the Supreme Court. It is the highest court within a state or a specific region and has appellate jurisdiction over cases from lower courts within its territory.

– **Supreme Court:** The Supreme Court, on the other hand, is the highest court in the country. It stands at the apex of the judicial system and has ultimate appellate jurisdiction over both federal and state-level courts. It is the court of last resort, and its decisions generally cannot be further appealed within the country's legal system.[17]

2. Appellate Jurisdiction:

– **High Court:** Its primary function is to serve as a court of appeal for cases coming from lower courts within its territorial jurisdiction. It reviews and decides appeals on points of law or errors in lower court judgments.

– **Supreme Court:** The Supreme Court's primary function is also appellate jurisdiction, but it deals with appeals from High Courts and other lower courts, as well as cases involving significant constitutional issues or questions of national importance.

3. Original Jurisdiction:

– **High Court:** Some High Courts have original jurisdiction, meaning they can hear certain types of cases directly without them being first tried in lower courts. This typically includes cases of constitutional importance or disputes between states or state and federal entities.

– Supreme Court: The Supreme Court usually has original jurisdiction in limited matters, such as disputes between states or disputes involving the federal government and states.

4. Constitutional Jurisdiction:

– High Court: While High Courts interpret and apply the constitution in their judgments, they do not generally have the final say on constitutional matters.

– Supreme Court: The Supreme Court is often the ultimate authority for interpreting the constitution, and its decisions on constitutional issues are binding on all lower courts.[18]

5. Subject Matter Jurisdiction:

– High Court: Its jurisdiction typically covers a wide range of civil and criminal matters within its territorial boundaries.[19]

– Supreme Court: The Supreme Court's jurisdiction is broader, encompassing both federal and state-level matters, and often deals with cases of national significance, complex legal issues, and constitutional interpretations.

Overall, the High Court's jurisdiction is limited to a specific state or region, while the Supreme Court's jurisdiction extends nationwide. The Supreme Court has the final say on many legal and constitutional matters, making it the most authoritative court in the country.

CONCLUSION

In conclusion, the jurisdiction of the High Court and the Supreme Court of India varies in terms of their hierarchical position, territorial scope, and the types of cases they handle:

High Court Jurisdiction in India:

– High Courts are the highest judicial authorities at the state or union territory level, with jurisdiction limited to their respective regions.

– They primarily serve as appellate courts, hearing appeals from judgments and orders of subordinate courts within their state or territory.

– Some High Courts have original jurisdiction in specific cases of public importance or disputes between the central government and one or more states or between states themselves.

– High Courts can interpret and apply the constitution but lack the final say on constitutional matters. Their decisions on constitutional issues can be appealed to the Supreme Court.

– They also have the power to issue writs for the enforcement of fundamental rights guaranteed under the Indian Constitution.

Supreme Court Jurisdiction in India:

– The Supreme Court of India is the highest judicial authority in the country, standing at the apex of the Indian judicial system.

– It has nationwide jurisdiction, and its decisions apply uniformly across the entire country.

– The Supreme Court primarily functions as an appellate court, hearing appeals from judgments and orders of High Courts and certain other tribunals in the country.

– It has original jurisdiction in specific matters, including disputes between the Government of India and one or more states, disputes between states themselves, and matters of federal importance.

– The Supreme Court is the ultimate authority for interpreting the constitution, and its decisions on constitutional issues are binding on all lower courts, including High Courts.

– It also has the power to issue writs for the enforcement of fundamental rights, similar to High Courts.

Overall, the High Court and the Supreme Court play crucial roles in India's judicial system. High Courts ensure that justice is served at the state or union territory level, while the Supreme Court acts as the final interpreter of the law and provides uniformity in legal decisions across the entire nation. The distinction in their jurisdiction is essential for upholding the rule of law and protecting citizens' rights throughout the country.