

Exercises

Multiple Choice Questions

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|---------|---------|---------|---------|---------|
| 1. (b) | 2. (d) | 3. (d) | 4. (a) | 5. (b) |
| 6. (d) | 7. (c) | 8. (b) | 9. (b) | 10. (b) |
| 11. (c) | 12. (b) | 13. (c) | 14. (c) | 15. (c) |
| 16. (c) | 17. (b) | 18. (c) | 19. (b) | 20. (c) |

Short-Answer Questions

1. Who is the Chief Justice of the High Court of your State?

Ans. The students will answer themselves.

2. Who appoints the Chief Justice of a High Court?

Ans. The President of India.

3. Mention two qualifications necessary for a person to be appointed as a judge of a High Court.

Ans. The Chief Justice as well as other Judges of the High Court must possess the following qualifications :

- (i) He must be a citizen of India.
- (ii) He must have worked as a judge in any court in India for not less than ten years.

Or

He must have worked as an advocate in the High Court or High Courts in India continuously for ten years.

4. What are the qualifications required to become the Judge of a High Court?

Ans. The Chief Justice as well as other Judges of the High Court must possess the following qualifications :

- (i) He must be a citizen of India.
- (ii) He must have worked as a judge in any court in India for not less than ten years.

Or

He must have worked as an advocate in the High Court or High Courts in India continuously for ten years.

5. How can a Judge of the High Court be removed from his post?

Ans. The Judges of High Court can be removed by the President only upon a joint address by both the Houses of the Parliament. But such an address must be passed by a majority of the total membership of both the Houses and also by two-thirds of the members present and voting.

6. Name one Union Territory which has its own High Court.

Ans. Delhi

7. Name the States which are served by the Guwahati High Court.

Ans. Assam, Nagaland, Mizoram, Arunachal Pradesh.

8. Where is the seat of the Rajasthan High Court?

Ans. Jodhpur

9. Mention two types of cases in which the High Courts have original jurisdiction.

Ans. Original Jurisdiction : A High Court has original jurisdiction in certain matters :

(i) It has original jurisdiction over matters relating to State revenue and its collection.

(ii) Cases relating to Fundamental Rights, divorce, wills and laws relating to marriage can be brought directly to a High Court.

10. What do you understand by the “Appellate Jurisdiction” of the High Court?

Ans. Appellate Jurisdiction : All the decisions made by the Subordinate Courts in all types of civil as well as criminal matters can be brought to the High Courts by an appeal. Only those civil cases which are decided by the petty courts under the jurisdiction of the High Court concerned, can be brought to the High Court by an appeal.

11. How does the High Court control the power of the Legislature and the Executive?

Ans. The High Court controls the power of legislature through Judicial Review. Judicial Review means the power of

High Court to examine the constitutionality of any state law. If the court arrives at the conclusion that the law is inconsistent with the provisions of the Constitution, such a law is declared as unconstitutional and inapplicable.

Similarly if any executive order or an ordinance is inconsistent with the provisions of the Constitution the High Court can declare them null and void.

The power of the Executive is also controlled by High Court through issuing writs. Through such writs the High Court can give orders to the executive to act or not to act in a particular way.

12. What are the administrative functions of the High Court?

Ans. A High Court is responsible for the administration of its own affairs as well as for the affairs of its subordinate courts. It regulates the appointments of subordinate services other than legal services in the subordinate courts and also possesses the power to issue orders to its subordinate courts in the interest of better judicial service to the people. It exercises supervision over all courts and tribunals throughout the territories falling under its jurisdiction. However, the High Courts have no power of superintendence over any court or tribunal constituted under any military law.

13. State whether the High Court has jurisdiction to declare any Central law to be constitutionally invalid.

Ans. No. The High Court cannot consider the constitutional validity of a central legislation.

14. In which two ways the Constitution has ensured the independence of the High Courts?

Ans. (i) **Security of Service** : A judge can be removed only by the President on an Address of each House of Parliament, through the Impeachment process.
(ii) **Security of Pay and Allowances** : Their salaries are charged on the Consolidated Fund of the State. These can't be changed to their disadvantage during tenure.

Structured Essay-Type Questions

1. With reference to the Judges of a High Court, answer the following :

- (a) What are the qualifications of the Judges of a High Court?
- (b) How are they appointed?
- (c) How can they be removed?

Ans. (a) The Chief Justice as well as other Judges of the High Court must possess the following qualifications :

- (i) He must be a citizen of India.
- (ii) He must have worked as a judge in any court in India for not less than ten years.

Or

He must have worked as an advocate in the High Court or High Courts in India continuously for ten years.

(b) **Appointment of the Judges :**

The Chief Justice of a High Court in India is appointed by the President in consultation with the Chief Justice of the Supreme Court and the Governor of the State concerned. Other Judges of the High Court are appointed by the President after duly consulting the Chief Justice of India, Chief Justice of the High Court and Governor of the State.

(c) The Judges of High Court can be removed by the President only upon a joint address by both the Houses of the Parliament. But such an address must be passed by a majority of the total membership of both the Houses and also by two-thirds of the members present and voting.

2. With reference to the powers and functions of the High Courts, explain the following :

- (a) Cases in which a High Court has Original Jurisdiction.
- (b) What is meant by 'Appellate Jurisdiction'?

- (c) Mention two types of cases which come under the Appellate Jurisdiction of a High Court.

Ans. (a) Original Jurisdiction : A High Court has original jurisdiction in certain matters :

- (i) It has original jurisdiction over matters relating to State revenue and its collection.
- (ii) Cases relating to Fundamental Rights, divorce, wills and laws relating to marriage can be brought directly to a High Court.

(b) **Appellate Jurisdiction :** All the decisions made by the Subordinate Courts in all types of civil as well as criminal matters can be brought to the High Courts by an appeal. Only those civil cases which are decided by the petty courts under the jurisdiction of the High Court concerned, can be brought to the High Court or any other court by an appeal.

(c) All Civil cases and criminal cases.

3. In connection with the powers of the High Court, explain the following :

- (a) Administrative powers of the High Court.
- (b) How does the High Court act as the custodian of the Constitution?
- (c) Its power of superintendence.

Ans. (a) Administrative Functions : A High Court is responsible for the administration of its own affairs as well as for the affairs of its subordinate courts. It regulates the appointments of subordinate services other than law services in the subordinate courts and also possesses the power to issue orders to its subordinate courts in the interest of better judicial service to the people. It exercises supervision over all courts and tribunals throughout the territories falling under its jurisdiction. However, the High Courts have no power to superintendence over any court or tribunal constituted under any military law.

- (b) Like the Supreme Court, a High Court also performs the duty of upholding the constitution. It has the power of Judicial Review which means that the High Court can review a state law to establish its constitutionality. If it finds any law, executive order or any ordinance to be inconsistent with the provisions of the Constitution, it can declare it null and void.
 - (c) The High Court exercises supervision over all courts and tribunals throughout the territories falling under its jurisdiction, except those constituted under any military law.
4. The Constitution of India provides that there shall be a High Court in each State. With reference to the jurisdiction of High Courts, write short notes on the following :
- (a) Power to issue writs
 - (b) Power of superintendence
 - (c) Court of record

- Ans.**
- (a) In the case of violation of Fundamental Rights of people High Courts can issue different writs to the offending party/parties.
 - (b) The High Courts exercises supervision over all courts and tribunals throughout the territories falling under its jurisdiction, except those constituted under any military law.
 - (c) **Court of Record** : All the decisions and decrees issued by the High Courts are printed and are kept as a record for future references by the courts as well as by the lawyers, if such a need arises. Thus, a High Court also acts as a Court of Record.
5. The High Court is the highest judicial tribunal of the State and there are provisions ensuring independence and impartiality of the High Courts. In this context, answer the following questions :
- (a) What is the original jurisdiction of the High Courts?

(b) What are the constitutional provisions to ensure the independence of the High Court?

Ans. (a) Original Jurisdiction : A High Court has original jurisdiction in certain matters :

- (i) It has original jurisdiction over matters relating to State revenue and its collection.
- (ii) Cases relating to Fundamental Rights, divorce, wills and laws relating to marriage can be brought directly to a High Court.
- (b) (i) Security of Service.
- (ii) Security of Pay and Allowances.
- (iii) No Discussion in the State Legislature on the Conduct of the High Court judges.
- (iv) Full Control over its Procedure of Work and Establishment.
- (v) No Practice after Retirement: Judges of High Court may practise as an advocate in the Supreme Court but not in a High Court in which he has held office.
- (vi) Free Decisions and Decrees by the High Court judges.
- (vii) A High Court has the power to punish for contempt of itself.