

1963 (15th Amendment), clause (2A) was inserted in Article 124, laying down that a similar question as to the age of a Supreme Court Judge shall be determined in such manner as Parliament may by law provide. A high court judge's position has thus become not only unnecessarily inferior to that of a Supreme Court Judge but even to that of a subordinate judicial officer, because any administrative determination of the latter's age is open to challenge in a court of law, but in the case of a high court judge, it is made "final" by the Constitution itself.⁹ There is, apparently, no impelling reason why a provision similar to clause (2A) to Article 124 shall not be introduced in Article 217, in place of clause (3), in question.

(c) Another agency of control over high court judges is the provision in Article 222(1) for their transfer from one high court to another, which has been given a momentum in 1994 by transferring as many as 50 judges at a time.¹⁰ In order that the power of the President to order such transfer is not used as a punitive measure, the Supreme Court has laid down¹¹ that while no consent of the judge concerned would be required, the President would not be competent to exercise the power except on the recommendation of the CJI.

Except where Parliament establishes a common high court for two or more States [Article 231] or extends the jurisdiction of a high court to a Union Territory, **Territorial Jurisdiction of a High Court.** the jurisdiction of the high court of a State is co-terminous with the territorial limits of that State.¹²

As has already been stated, Parliament has extended the jurisdiction of some of the high courts to their adjoining Union Territories, by enacting the States Reorganisation Act, 1956. Thus, the jurisdiction of the Calcutta High Court extends to the Andaman and Nicobar Islands; that of the Kerala High Court extends to the Lakshadweep [see Table XVIII].

The Constitution does not make any provision relating to the general jurisdiction of the high courts but maintains their jurisdiction as it existed at the commencement of the Constitution, with this improvement that any restrictions upon their jurisdiction as to revenue matters that existed prior to the Constitution shall no longer exist [Article 225].

Ordinary Jurisdiction of High Courts.

The existing jurisdictions of the high courts are governed by the Letters Patent and Central and State Acts; in particular, their civil and criminal jurisdictions are primarily governed by the two Codes of Civil and Criminal Procedure.

(a) The high courts at the three Presidency towns of Calcutta, Bombay and Madras had an original jurisdiction, both civil and criminal, over cases arising within

(a) **Original.** the respective Presidency towns. The original *criminal* jurisdiction of the high courts has, however, been completely taken away by the Criminal Procedure Code, 1973.¹³

Though city civil courts have also been set up to try civil cases within the same area, the original civil jurisdiction of these high courts has not altogether been abolished but retained in respect of actions of higher value.

(b) The appellate jurisdiction of the high court, similarly, is both civil and criminal.

(b) **Appellate.** (I) On the civil side, an appeal to the high court is either a first appeal or a second appeal.

(i) Appeal from the decisions of District Judges and from those of Subordinate Judges in cases of a higher value (broadly speaking), lie direct to the high court, on questions of fact as well as of law.