

High Courts – Traps (Trap ✗ / Reality ✓)

A comprehensive guide to common misconceptions about **High Courts** in India and the **constitutional** reality behind them.



Basics & Constitutional Status

1. **✗ High Courts** are creations of Parliament only.

✓ High Courts are constitutional courts established under the Constitution for each state/region.

3. **✗ High Courts** can be located anywhere by their own choice.

✓ Seat(s) are fixed by law/notification; they normally sit at the state capital or statutory seat(s).

5. **✗ High Courts** were created only after independence.

✓ Pre-independence courts (Presidency & Provincial High Courts) were adapted into the present High Court system.

7. **✗ High Courts** can be abolished by an ordinary Act of Parliament.

✓ Abolition or fundamental alteration requires constitutional/statutory procedure and is uncommon.

9. **✗ High Courts** have uniform structures across India.

✓ Structure (benches, divisions, strength) varies by state & statute.

2. **✗ There is exactly one High Court per state.**

✓ Some High Courts have jurisdiction over multiple states/UTs (e.g., Punjab & Haryana; common historical arrangements exist).

4. **✗ High Courts** are subordinate to the Supreme Court only in appeal.

✓ High Courts are independent constitutional courts with original and supervisory powers, but the SC is the final court of appeal.

6. **✗ High Courts** cease to exist if a state merges/splits.

✓ Reorganisation requires specific legislative/constitutional action — courts continue until replaced by law.

8. **✗ High Courts** are mere administrative bodies.

✓ They are full judicial tribunals exercising judicial power under the Constitution.

10. **✗ High Courts** only hear appeals.

✓ Many High Courts have original civil jurisdiction in some matters and wide writ jurisdiction.

Constitutional Status & Powers

11. ~~✗ High Courts~~ powers cannot be altered by law.

Their powers are defined by the Constitution and Parliament/state laws subject to constitutional limits.

13. ~~✗ Only the Supreme Court~~ can issue writs.

High Courts can issue writs (habeas corpus, mandamus, prohibition, quo warranto, certiorari) — a potent constitutional tool.

15. ~~✗ Writ jurisdiction of HCs~~ is narrower than Article 32.

HC writ jurisdiction is broader in practice (state action + other public law matters).

17. ~~✗ High Courts~~ cannot entertain commercial disputes.

They can hear commercial matters as per statute and appeal routes; commercial benches exist in many HCs.

19. ~~✗ High Courts~~ have no power to review subordinate court judgments.

They exercise superintendence and revisional powers over subordinate courts.

12. ~~✗ High Courts~~ are exempt from judicial oversight.

They are subject to Supreme Court jurisdiction and constitutional constraints.

14. ~~✗ High Courts~~ can issue writs only for enforcement of Fundamental Rights.

They can issue writs for enforcement of FRs and for other purposes as well.

16. ~~✗ High Courts~~ have no original civil jurisdiction.

Several HCs (Bombay, Calcutta, Madras, Delhi etc.) possess original civil jurisdiction in specified matters.

18. ~~✗ High Courts~~ cannot hear service matters.

Service/disciplinary disputes often come to HCs via statutory appeals or writs.

20. ~~✗ High Courts~~ can restrain the executive only in limited ways.

High Courts can issue mandamus, injunctions, and stay orders against executive action.

Jurisdiction & Writs



21. ✗ **High Courts' writs** are binding only within their state.

✓ **Writs** bind parties within the HC's **jurisdiction** — **jurisdictional** limits apply.



22. ✗ **High Courts** cannot grant interim reliefs.

✓ They frequently grant **interim injunctions** and **stay orders** in **public and private suits**.



23. ✗ **High Courts** cannot decide **constitutional questions**.

✓ They can and do decide important **constitutional issues**, subject to **Supreme Court review**.



24. ✗ **High Courts** cannot quash **administrative acts**.

✓ HC can quash **ultra vires** or illegal **executive acts** via **writs**.



25. ✗ **High Courts** are powerless over **tribunals**.

✓ HC can **review tribunal orders** on **jurisdictional** or **constitutional grounds** (limited **ouster clauses** aside).



26. ✗ **High Court jurisdiction** ends at state border.

✓ **Jurisdiction** is territorial, but **courts** can exercise **extraterritorial jurisdiction** in specific cases (service, contracts with inter-state implications).



27. ✗ **High Courts** lack power to enforce **environmental norms**.

✓ HCs have been active in **environmental protection** using **writ powers** and **PILs**.



28. ✗ HCs cannot enforce **human rights**.

✓ HCs enforce **human rights** through **writ jurisdiction** and **PIL routes**.



29. ✗ **High Courts** manage only **judges** of subordinate **courts**.

✓ HCs exercise general **superintendence** over subordinate **courts** and **tribunals** under their control.



30. ✗ **High Courts** cannot transfer cases between subordinate **courts**.

✓ They can transfer cases in the interest of **justice** and for efficiency.

Superintendence & Control

31. **✗ High Courts** cannot issue practice directions.

HCs regularly issue practice directions, rules and guidelines for subordinate courts and bar.

33. **✗ High Courts** cannot set precedent binding on lower courts.

HC judgments are binding on subordinate courts within the state unless overruled.

35. **✗ High Courts** cannot prescribe court fees and procedure.

HCs influence procedural practice (but procedural statutes are enacted by Legislature).

37. **✗ High Courts' superintendence** is purely advisory.

It is legal and binding in many administrative aspects of subordinate judiciary.

39. **✗ Every High Court** must have a Chief Justice and a fixed number of judges.

Strength varies by statute; vacancies and sanctioned strength differ across HCs.

32. **✗ High Courts** have no role in subordinate courts' appointments.

HCs are involved in selection/recommendations, inspections, and discipline of subordinate judiciary (subject to state rules).

34. **✗ High Courts** have no administrative control over district judges.

HCs supervise appointments, postings, and disciplinary control of district judiciary to a considerable extent.

36. **✗ High Courts** cannot suspend subordinate judges.

HCs can initiate inquiries and recommend suspension/discipline through prescribed procedures.

38. **✗ HCs** have no power to create special courts.

They can be instrumental in constituting special courts under statute by directing or recommending as part of judicial administration.

40. **✗ Chief Justice** is the only administrative head.

Chief Justice leads administration, but collegial bodies and Registrar General assist in administration.

Composition, Benches & Strength

1 41. ~~X~~ All benches of a High Court must be headed by the Chief Justice.

Benches are constituted by the Chief Justice — but not all benches require C.J. to preside.

2 42. ~~X~~ Judges sit only singly or as division benches; larger benches never exist.

Full court or larger benches are constituted for important or conflicting questions of law.

3 43. ~~X~~ High Court Benches cannot sit outside their principal seat.

Many HCs have permanent or circuit benches at other locations within jurisdiction.

4 44. ~~X~~ Judges are appointed to a High Court and cannot be transferred.

Transfers are constitutionally possible (for administrative reasons), subject to consultation.

5 45. ~~X~~ High Courts have uniform retirement age nationwide.

HC judges retire at a uniform age (62) — but appointment/tenure rules are constitutionally set.

6 46. ~~X~~ Strength of a HC judge bench is only a number; appointment rules are arbitrary.

Sanctioned strength arises from demand, workload and Parliament/State sanction.

7 47. ~~X~~ Acting judges are equally remunerated and have identical status always.

Acting or additional judges have temporary status and limited tenure compared to permanent judges.

8 48. ~~X~~ High Court strength is fixed by the Chief Justice alone.

Strength is determined by legislation and executive approval following recommendations.

9 49. ~~X~~ State governors appoint HC judges.

President appoints HC judges after consultation with the Chief Justice of India, Governor and other relevant members.

10 50. ~~X~~ High Court judges are appointed only by state government.

Appointment is a presidential act performed after consultations; state plays a consultative role.

Appointments, Transfers & Collegium

01

51. **✗ There is no role of the Supreme Court/collegium in HC appointments.**

The collegium system (judicial recommendation) plays a key role in practice.

03

53. **✗ HC judges** are appointed through an open competitive exam.

Judges are appointed from bar (advocates) and **subordinate judiciary** by nomination/selection, not competitive exam.

05

55. **✗ HC judges** can be removed by state legislature.

Removal follows a **parliamentary process (impeachment at national level)** — a stringent process.

07

57. **✗ HC judge appointments** can be made by executive fiat without consultation.

Constitutional practice requires consultation with **judiciary leaders**; **arbitrary appointments** would face challenge.

09

59. **✗ Transfer of HC judges** cannot be challenged.

Transfers can be challenged when mala fide or **arbitrary**, though **courts** are cautious about interfering with internal administration.

02

52. **✗ Governor's concurrence is optional in HC appointments.**

Governor is consulted, especially about suitability and local factors; his views are part of the process.

04

54. **✗ HC judges** can be transferred only on their request.

Transfer by the **President** (after consultation) can be made in **public interest**; consent considerations exist but not absolute veto.

06

56. **✗ Collegium recommendations** are publicly transparent by default.

Collegium functioning is opaque, though transparency pressures have grown.

08

58. **✗ High Court** can appoint its own **judges** directly.

Only **President** can appoint after consultation and recommendation process.

10

60. **✗ Retirement benefits for HC judges are decided by state government arbitrarily.**

Remuneration and benefits are governed by law and **constitutional safeguards; arbitrary reductions** unlawful.

Independence, Security & Conduct

<p>61. ✗ HC judge appointments are uniform in method everywhere.</p> <p><input checked="" type="checkbox"/> Article practices and collegium dynamics vary; state factors influence process.</p>	<p>62. ✗ HC judges once appointed cannot be promoted/transferred to Supreme Court.</p> <p><input checked="" type="checkbox"/> Many HC judges are elevated to the Supreme Court by appointment.</p>
<p>63. ✗ Acting judges become permanent by virtue of tenure only.</p> <p><input checked="" type="checkbox"/> Acting/additional judges require separate appointment/confirmation as permanent judges.</p>	<p>64. ✗ A retired HC judge can resume private practice in the same state's courts.</p> <p><input checked="" type="checkbox"/> There are restrictions on practice after retirement; norms vary and ethical expectations apply.</p>
<p>65. ✗ High Court judges can be removed easily by state governments.</p> <p><input checked="" type="checkbox"/> Removal is difficult — akin to SC removal — protecting judicial independence.</p>	<p>66. ✗ High Court judges are susceptible to executive transfers for political reasons freely.</p> <p><input checked="" type="checkbox"/> Transfers can be made but collegium/consultation norms and judicial review curb arbitrariness.</p>
<p>67. ✗ High Court judges can engage in politics after retirement freely.</p> <p><input checked="" type="checkbox"/> Judicial propriety discourages post-retirement political engagements; rules and controversies exist.</p>	<p>68. ✗ HC judges' salaries are voted yearly by state assemblies.</p> <p><input checked="" type="checkbox"/> Remuneration is protected by law and not casually altered to preserve independence.</p>
<p>69. ✗ HC judges can be directed by state executive on case outcomes.</p> <p><input checked="" type="checkbox"/> Any such direction would violate separation of powers and be unconstitutional.</p>	<p>70. ✗ High Court judges never declare conflicts of interest.</p> <p><input checked="" type="checkbox"/> Judicial ethics and practice require recusal in conflicts, though practice varies.</p>

Judicial Conduct & Accountability



71. **✗ There is no disciplinary mechanism for HC judges.**
 Mechanisms (inquiry, references, and parliamentary removal) exist to deal with misconduct.

72. **✗ A judge can be criminally prosecuted without any safeguard.**
 Prosecution of judges follows strict procedural and constitutional safeguards.

73. **✗ Judges' speeches and conduct outside court are unregulated.**
 Judges must follow codes of conduct and norms; imprudent public conduct draws scrutiny.

74. **✗ HC judges are appointed for life.**
 They have fixed retirement age (not life tenure).

75. **✗ HC judges can take part in political rallies post-retirement without controversy.**
 Such actions often spark debate about judicial propriety and independence.

76. **✗ Judicial independence means absolute immunity from law.**
 Independence works within constitutional bounds; judges are accountable.

77. **✗ High Courts cannot admit PILs.**
 HCs receive PILs for public interest matters within their territorial jurisdiction.

78. **✗ HCs cannot exercise discretion in admitting PILs.**
 HCs exercise judicial discretion and screening for frivolous PILs.

79. **✗ HCs cannot pass structural or policy directions.**
 High Courts sometimes issue structural remedies or directions (schools, prisons, pollution) using continuing mandamus.

80. **✗ High Courts cannot oversee commissions of inquiry.**
 HCs can monitor inquiries and even issue directions regarding their constitution and functioning.

Procedure, Evidence & PILs

81. ~~High Courts~~ cannot direct states to frame policies.

✓ HCs can direct policy framing when constitutional rights or statutory duties are invoked.

82. ~~Evidence rules~~ are entirely different in HC benches.

✓ Evidence law (Evidence Act, Criminal Procedure) applies uniformly, though High Courts interpret and develop law.

83. ~~HCs~~ cannot grant compensation in public law matters.

✓ HCs grant compensation for violations (environmental damage, illegal detention).

84. ~~HCs~~ cannot enforce international law obligations.

✓ HCs can refer to international law for interpretation and to shape domestic norms (not binding but persuasive).

85. ~~HCs~~ cannot set timelines for state action.

✓ HCs often fix timetables and monitor compliance through periodic reports.

86. ~~High Courts~~ do not interfere in labour disputes.

✓ Many labour disputes reach HCs by writ or appeal; HCs shape labour jurisprudence.

87. ~~High Courts~~ lack power to coordinate multi-departmental responses.

✓ HCs coordinate inter-departmental action via directions in public interest cases.

88. ~~HCs~~ cannot order release of detained persons.

✓ Through habeas corpus, HCs frequently order release or inquiry into detention.

89. ~~High Courts~~ have no jurisdiction over tribunals.

✓ HCs can superintend and review tribunal actions on jurisdictional grounds and legality.

90. ~~Tribunals~~ completely oust HC jurisdiction.

✓ Ouster clauses are interpreted narrowly; HCs retain supervisory powers unless clearly barred.

Contemporary & Miscellaneous Traps

91. **✗ High Courts** cannot stay **tribunal appointments**.

✓ HC can examine validity of **tribunal appointments** and stay actions if **unlawful**.

93. **✗ HCs** cannot exercise **supervisory jurisdiction** over **administrative authorities**.

✓ Superintendence includes **administrative bodies** exercising **quasi-judicial functions**.

95. **✗ HCs** cannot order **reconstitution** of **tribunals/boards**.

✓ HCs can direct **reconstitution** if **statutory requirements** or **fairness breached**.

97. **✗ High Courts** are immune to **RTI** and **transparency demands**.

✓ HCs are subject to **transparency** norms in **administrative functions**; **judicial records** have special considerations.

99. **✗ High Court decisions** outside the state are irrelevant elsewhere.

✓ While not strictly binding outside their state, **HC decisions** are persuasive and sometimes followed across **jurisdictions** until **SC** settles the law.

92. **✗ HCs** are powerless to correct unfair **tribunal procedures**.

✓ HCs can **quash** procedurally flawed **decisions** and ensure **natural justice**.

94. **✗ High Courts** cannot consolidate conflicting **tribunal precedents**.

✓ HC can harmonise conflicting orders and set binding **precedent**.

96. **✗ HCs** cannot adjudicate rights under **special statutes (tax, service)** where **tribunals** exist.

✓ HCs can question **tribunal jurisdictional excesses** and **Fundamental Rights breaches**.

98. **✗ High Courts** are only **reactive courts**.

✓ They can be **proactive** — **suo motu cognisance**, directions, and structural **supervision**.

100. **✗ High Courts** are temples of technicalities alone, not instruments of **social change**.

✓ High Courts often drive **social justice, governance reform** and **rights protection** through **purposive interpretation** and **remedies**.