



## Authority of High Court Benches

**For Prelims:** [Public Interest Litigation](#), [High Court](#), Benches of Court

**For Mains:** [Public Interest Litigation](#), Jurisdiction of [High Court](#)

**Source:** [TH](#)

### Why in News?

Recently, the Madras [High Court](#) (principal seat) has reinstated the Madurai Bench's authority to adjudicate on all types of [public interest Litigation \(PIL\)](#), including those involving matters concerning the entire State, rather than just the 13 districts within its territorial jurisdiction.

### Note

The Madras High Court's **principal bench** in Chennai has a **permanent bench** in **Madurai**, which exercises jurisdiction in all matters **except original jurisdiction**, mirroring the principal bench.

### What is the Ruling of the Madras Court?

- **Issue:**
  - A judgement passed by the former [Chief Justice](#) of the Madras [High Court](#) had emphasised the need to file PILs regarding temple interests statewide at the **principal seat** of the court, rather than the **Madurai Bench**, focusing on district-specific cases.
- **Judgement:**
  - However, in the recent judgement, the rights of the Madurai Bench of Madras High Court have been **restored to hear all kinds of PILs** including those that concern issues related to the entire State, and not just the 13 districts under its **territorial jurisdiction**.
    - The court stated that while the **Chief Justice can transfer** a case from principal bench to the permanent bench if necessary, **a blanket order requiring all pan-state matters** to be filed only at the principal seat would not be suitable for the Madurai Bench's functioning.
- **Legal Basis of Judgement:**
  - The court relied on the **presidential notification** issued in **2004** for the constitution of the Madurai Bench that **had not imposed any such restriction**.
  - The court also noted that a full Bench ruling in ***B. Stalin versus Registrar, 2012*** clarified that there were **no restrictions** on the types of PILs that could be filed and heard at the Madurai Bench, although it affirmed the **Chief Justice's authority to transfer cases** between the principal seat and the Madurai Bench.

### What is the Process of Establishment of High Court and Permanent Benches?

- **Establishment of High Court Benches:**
  - **Article 214 of the constitution** of India provides that there shall be a High Court for each state.
  - However, **Section 51 of the [States' Reorganisation Act, 1956](#)** provide for setting up benches away from the principal seat.
- **Justice Jaswant Singh Commission:**
  - In 1981, a commission was appointed to consider demands for High Court Benches in Western districts of Uttar Pradesh.
  - Terms of reference were later expanded in 1983 to examine the general question of establishing Benches of High Courts at places other than their principal seats.
  - **Recommendations:**
    - The commission **recommended criteria** including characteristics of the region, population size, area, means of travel and communication, distance for litigants, pendency rates, infrastructure availability, and legal talent.
- **Supreme Court's Position:**
  - In a writ petition, the **Supreme Court** examined the demand for establishing High Court Benches at centres other than the principal seat, emphasising that decisions should be based on rational, not emotional, sentimental, or parochial considerations.
    - The consensus among the State Government, the Chief Justice of the concerned High Court, and the Governor is necessary for setting up Benches.
- **Role of Union Government:**
  - The government considers proposals for setting up benches only after receiving a **complete proposal** from the **State Government**, with the consent of the Chief Justice and the **Governor**.
  - The State Government is responsible for providing **infrastructural facilities** and bearing the entire expenditure of the High Court and its Bench.
  - The **Chief Justice** manages the **day-to-day administration** of the High Court and its Bench, deputing Judges from the Principal Seat to the Bench as needed.
  - A **consultative approach** requiring **consensus** among the State Government and the High Court is adopted for deciding on setting up Benches.

## THE CONSTITUTION OF INDIA



drishti

### PART VI | THE STATES | THE HIGH COURTS

#### ARTICLES:

**Article 215** High Courts to be courts of record

**Article 222** Transfer of a Judge from one High Court to another

**Article 225** Jurisdiction of existing High Courts

**Article 226** Power of High Courts to issue certain writs

**Article 230** Extension of jurisdiction of High Courts to Union territories.

**Article 231** Establishment of a common High Court for two or more States.

## What is Public Interest Litigation?

- The concept of Public Interest Litigation (PIL) **originated** and **developed** in the **USA** in the **1960s**.
- In India, the PIL is a product of **judicial activism**. **Justice V.R. Krishna Iyer** and **Justice P.N. Bhagwati** were the pioneers of the concept of PIL.
- The introduction of PIL in India was facilitated by the **relaxation** of the **traditional rule of 'locus standi'**. According to this rule, only that person **whose rights** are **infringed** alone can move the court for the remedies, whereas, the **PIL is an exception** to this traditional rule.
- The Supreme Court has defined the **PIL as "a legal action initiated in a court of law for the enforcement of public interest** or general interest in which the public or a class of the community have pecuniary interest or some interest by which their legal rights or liabilities are affected.
- Public interest litigation is **not defined** in any **statute or in any act**. It has been interpreted by judges to consider the intent of the public at large.
- Some of the **matters** that are entertained under PIL are:
  - Bonded Labour matters
  - Neglected Children
  - Non-payment of minimum wages to workers and exploitation of casual workers
  - Atrocities on women
  - Environmental pollution and disturbance of ecological balance.

### **Drishti Mains Questions:**

Q. Analyse the role and significance of Public Interest Litigation (PIL) in India's judicial system. How has PIL evolved over the years, and what impact has it had on governance and social justice?

## **UPSC Civil Services Examination, Previous Year Question (PYQ)**

### **Prelims**

**Q. Which one of the following statements is correct? (2013)**

- (a)** In India, the same person cannot be appointed as Governor for two or more States at the same time
- (b)** The Judges of the High Court of the States in India are appointed by the Governor of the State just as the Judges of the Supreme Court are appointed by the President
- (c)** No procedure has been laid down in the Constitution of India for the removal of a Governor from his/her post
- (d)** In the case of a Union Territory having a legislative setup, the Chief Minister is appointed by the Lt. Governor on the basis of majority support

**Ans: ( c )**

**Q. With reference to the Indian judiciary, consider the following statements: (2021)**

1. Any retired judge of the Supreme Court of India can be called back to sit and act as a Supreme Court judge by the Chief Justice of India with the prior permission of the President of India.
2. A High Court in India has the power to review its own judgment as the Supreme Court does.

**Which of the statements given above is/are correct?**

- (a)** 1 only
- (b)** 2 only
- (c)** Both 1 and 2

(d) Neither 1 nor 2

Ans: (a)

PDF Refernece URL: <https://www.drishtias.com/printpdf/authority-of-high-court-benches>

