

**(i) JUDGESHIP WISE JURISDICTION OF
HIGH COURT**

PRINCIPAL SEAT, JODHPUR		BENCH AT JAIPUR	
1.	BALOTRA	1.	AJMER
2.	BANSWARA	2.	ALWAR
3.	BHILWARA	3.	BARAN
4.	BIKANER	4.	BHARATPUR
5.	CHITTORGARH	5.	BUNDI
6.	CHURU	6.	DAUSA
7.	DUNGARPUR	7.	DHOLPUR
8.	SRIGANGANAGAR	8.	JAIPUR DISTRICT
9.	HANUMANGARH	9.	JAIPUR METROPOLITAN-I
10.	JAISALMER	10.	JAIPUR METROPOLITAN-II
11.	JALORE	11.	JHALAWAR
12.	JODHPUR DISTRICT	12.	JHUNJHUNU
13.	JODHPUR METROPOLITAN	13.	KARALI
14.	MERTA	14.	KOTA
15.	PALI	15.	SAWAI MADHOPUR
16.	PRATAPGARH	16.	SIKAR
17.	RAJSAMAND	17.	TONK
18.	SIROHI		
19.	UDAIPUR		

(ii) JURISDICTION OF THE COURT

The jurisdiction of the Court can broadly be categorized as Original Jurisdiction, Supervisory Jurisdiction, Appellate Jurisdiction and Revisional Jurisdiction etc.

(A) Original Jurisdiction

Article 226 of the Constitution of India

Article 226 of the Constitution of India empowers the High Court to issue writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari against the Government or Government authorities. This Article can be invoked not only for the enforcement of the Fundamental Rights but for 'any other purpose' as well.

A Public Interest Litigation (PIL) may also be filed before the High Court under Article 226 of the Constitution of India under its writ jurisdiction.

Section 482 Cr.P.C.

In order to prevent abuse of the process of any court, or otherwise to secure the ends of justice or to make such orders as may be necessary to give effect to any order under this Code, a miscellaneous petition under the inherent powers of the High Court under Section 482 Cr.P.C. may be filed and such petition is entertained and registered as "S.B. Criminal Misc. Petition".

Section 24 CPC

On the application of any of the parties or of its own motion, the High Court may at any stage -

- (a) transfer any suit, appeal or other proceeding including execution application pending before it for trial or disposal to any Court subordinate to it and competent to try or dispose of the same, or
- (b) withdraw any suit, appeal or other proceeding including execution application pending in any court subordinate to it, and

- (i) try or dispose of the same; or
- (ii) transfer the same for trial or disposal to any Court subordinate to it and competent to try or dispose of the same.

Election Disputes

Part VI of the Representation of Peoples' Act, 1951 deals with disputes regarding elections and provides for manner of presentation of election petitions, their trial and procedure thereof. Section 80 of this Act provides that 'No Election Petition shall be called in question except by an Election Petition presented in accordance with the provisions of this part.' In furtherance of this provision it is provided in Section 81 that the Court having jurisdiction to try Election Petition shall be High Court. Such jurisdiction shall be exercised by a Single Judge of the High Court.

Therefore, election disputes under the above enactment are within the original jurisdiction of the High Court and under the aforesaid provisions Election Petitions can be filed in the High Court, which are entertained and registered as 'Election Petitions'.

Arbitration and Conciliation Act, 1996 :-

For resolving the disputes arising out of any contract or agreement entered into between the parties, containing an arbitration clause, any one of the parties has got the legal remedy of filing an arbitration application before the Hon'ble Chief Justice under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of the Arbitrator and such application is entertained and registered as "S.B. Arbitration Application".

Company Petition:-

Under Indian Companies Act, the company disputes are entertained in the High Court under the head "Company Petition".

(B) Supervisory Jurisdiction

Article 227 of the Constitution of India

Under Article 227, the High Court has the power of superintendence over all Courts and Tribunals throughout the territories in relation to which it exercises jurisdiction except any Court or Tribunal constituted by or under any law relating to armed forces. However, the supervisory jurisdiction conferred on the High Court under this Article is limited to seeing that an inferior Court or Tribunal functions within the limit of its authority.

(C) APPELLATE JURISDICTION

Intra court Appeal : A special appeal Under Rule 134 of the Rajasthan High Court Rules, 1952 lies to the High Court from the Judgement or a final order of one Judge of the High Court and such appeal is entertained and registered as “DB Special Appeal/Writ”.

Sec.96 CPC :-

An appeal shall lie to the High Court from any decree (save where otherwise expressly provided in the body of the Code or by any other law for the time being in force) passed by District Court exercising original jurisdiction, and such appeal is entertained and registered under the Head “S.B. Civil First Appeal”.

However, no appeal shall lie from a decree passed by the Court with the consent of the parties.

Sec.100 CPC :-

An appeal shall lie to the High Court from any decree (save where otherwise expressly provided in the body of the Code or by any other law for the time being in force) passed in appeal by Court subordinate to the High Court, if the High Court is satisfied that the case involves a substantial question of law and such appeal is entertained and registered under the Head “S.B. Civil Second Appeal”.

Sec.366 Cr.P.C. :-

Sentence of death to be submitted by Court of Session for confirmation:- When the Court of Session passes a sentence of death, the proceedings shall be submitted to the High Court, and the sentence shall not be executed unless it is confirmed by the High Court.

Sec.374 Cr.P.C. :-

The conviction of any person on a trial held by a Sessions Judge or an Additional Sessions Judge or on a trial held by any other Court in which a sentence of imprisonment for more than seven years has been passed against him or against any other person convicted at the same trial, may be assailed by the accused person concerned by filing an appeal before the High Court.

Sec.378(4) Cr.P.C. :-

If an accused is acquitted in any case instituted upon the complaint, the complainant may file an application in this behalf to the High Court and the High Court may grant special leave to appeal from the order of acquittal and then the complainant may present such an appeal to the High Court.

Sec.19 Family Courts Act, 1984 :-

Under Section 19 of the Family Courts Act, 1984, an appeal shall lie from every judgment or order, not being an interlocutory order, of a Family Court to the High Court both on facts and on law and such appeal is entertained and register as 'D.B. Civil Misc. Appeal'.

S.B.Civil Misc. Appeals :

Under the various provisions of Order 43 CPC, appeals may be filed and they are entertained as Civil Miscellaneous Appeals.

Sec.173 Motor Vehicles Act, 1988

Any person, aggrieved by an Award of a Claims Tribunal may, within ninety days from the date of Award, prefer an appeal to

the High Court under Section 173 of the Motor Vehicles Act, 1988 and such appeal is entertained and registered as 'S.B. Civil Misc. Appeal'.

However, no appeal by the person who is required to pay any amount in terms of such award shall be entertained by the High Court unless he has deposited with it Rs. 25000/- or 50% of the amount so awarded, whichever is less, in the manner directed by the High Court.

Commercial Appellate Jurisdiction

(D) Revisional Jurisdiction :-

Sec. 115 CPC:-

The High Court may call for the record of any case which has been decided by any Court subordinate to the High Court and in which no appeal lies thereto, and if such subordinate Court appears-

- (a) to have exercised a jurisdiction not vested in it by law, or
- (b) to have failed to exercise a jurisdiction so vested, or
- (c) to have acted in the exercise of its jurisdiction illegally or with material irregularity, (E)

the High Court may make such order in the case as it thinks fit.

Sec.397 Cr.P.C. :-

The High Court may call for and examine the record of any proceeding before any inferior Criminal Court situated within its local jurisdiction for the purpose of satisfying itself as to the correctness, legality or propriety of any findings, sentence or order, recorded or passed, and as to the regularity of any proceedings of such inferior Court. The High Court may, when calling for such record, direct that the execution of any sentence or order be suspended, and if the accused is in confinement, that he be released on bail or on his own bond pending the examination of the record.

BAIL MATTERS Section 438 Cr.P.C. :-

If any person has reason to believe that he may be arrested on accusation of having committed a non-bailable offence, he may apply to the High Court for a direction that in the event of his arrest, he shall be released on bail and for this purpose, an application under section 438 Cr.P.C. may be filed in the High Court, and such a case is entertained and registered as "S.B. Criminal Misc. Bail Application"

Section 439 Cr.P.C. :-

Any person accused of an offence and who is in custody, may apply to the High Court for grant of bail and for this purpose, an application under section 439 Cr.P.C. may be filed in the High Court, and such a case is entertained and registered as "S.B. Criminal Misc. Bail Application".

(F) CONTEMPT PROCEEDINGS

When it is alleged, or appears to the High Court upon its own view, that a person has been guilty of contempt committed in its presence or hearing, the court may cause such person to be detained in custody, and, at any time before the rising of the court, on the same day, or as early as possible thereafter, shall

- (a) cause him to be informed in writing of the contempt with which he is charged;
- (b) afford him an opportunity to make his defence to the charge;
- (c) after taking such evidence as may be necessary or as may be offered by such person and after hearing him, proceed, either forthwith or after adjournment, to determine the matter of the charge; and
- (d) make such order for the punishment or discharge of such person as may be just.

The High Court has same jurisdiction, powers and authority, in accordance with the same procedure and practice, in respect of contempt of courts subordinate to it as it has and exercises in respect of contempt of itself.

(G) REVIEW

Rule 64 of the Rules of 1952 :-

An application for the review of a judgment shall be presented to the Registrar who shall endorse thereon the date when it is presented and lay the same as early as possible before the Judge or Judges by whom such judgment was delivered along with an office report as to limitation and sufficiency of court fees. If such Judge or Judges or anyone or more of such Judges be no longer attached to the Court, or all, or any of them, are or is precluded, by absence or other cause for a period of six months next after the application, from considering the decree or order to which the application refers, the application shall be laid before the Chief Justice, who shall with due regard to the provisions of Rule 5 of Order XLVII of the Code, arrange for a Bench for the hearing and disposal of such application.

Such a review application is registered as "Review Petition".

(H) Public Interest Litigation, Letter Petition & Jail Petition

PUBLIC INTEREST LITIGATION :-

The Court may take up and deal with any matter relating to a public cause or of public interest by way of a petition registered as "PIL Petition" in accordance with the provisions contained in Chapter XXII-A of the Rules of 1952.

The provisions contained in these rules in relation to the petitions under Article 226 of the Constitution of India shall generally apply to every petition registered as a PIL Petition.

Every matter to be taken up as PIL Petition, whether on a regularly filed petition or upon a letter petition or upon suo motu cognizance, shall be separately registered as "PIL Petition"; and every such PIL Petition shall, unless otherwise ordered by the Chief Justice, be laid before and dealt with by a Division Bench.

In any matter taken up as PIL Petition, whether on a regularly filed petition or upon a letter petition or upon suo motu cognizance, it shall be permissible for the Court to pass any interim order at any stage of the proceedings against any person/authority whether specifically joined in the petition or not, as considered expedient to secure the ends of justice.

A PIL could be filed in the High Court espousing a public cause in the nature of regular public interest petition by an individual or by individuals having social public standing/professional status/public spirited antecedents. Such petition could also be filed by or with any social action group or a non-governmental organization:

Provided that in every petition filed in public interest, the particulars of the petitioner, or of the petitioners when there be more than one petitioner, shall be distinctly stated; and the petition shall carry photograph as well as address proof of every individual petitioner and so also of the deponent filing the affidavit in support of the petition:

Provided further that in every petition filed by or with any social action group or non-governmental organization, a specific resolution of such group or organization to file such petition while authorising particular person or persons to prosecute the matter shall also be annexed to the petition.

A petition filed in public interest shall disclose-

- (1) the social public standing/professional status and public spirited antecedents of the petitioner/petitioners;
- (2) the sources of finance for meeting the expenditure related with the petition along with Permanent Account Number, if any, with the Income Tax Department;
- (3) the source of the information on which the averments made in the petition are based;
- (4) the facts constituting the cause;
- (5) the nature of injury caused or likely to be caused to the public;
- (6) the nature and extent of the personal interest, if any, of the petitioner/petitioners involved in the cause; and

(7) as to whether the petitioner, or any of the petitioners when there are more than one, is or has been involved in any other civil, revenue, criminal litigation in any capacity before any Court or Tribunal and if so, complete details of such litigation including the subject matter thereof.

A petition filed in public interest shall, as far as practicable, be supported by prima facie proof, and an affidavit, on each substantive averment/allegation.

A petition filed in public interest shall contain a declaration of the petitioner/petitioners that a thorough research has been conducted in the matter raised through the public interest litigation; and all the relevant material in respect of such research shall be annexed with the petition.

A petition filed in public interest shall further contain a declaration of the petitioner/petitioners that to the best of his/their knowledge and research, the issue raised was not dealt with or decided and that a similar or identical petition was not filed earlier by any person; and in case, such an issue was dealt with or a similar or identical petition was filed earlier, its status or the result.

The Court may at any time during the course of hearing of the matter filed in public interest require the petitioner/petitioners to furnish security of such nature as considered appropriate towards costs or any other charges; and it shall be required of every petitioner to state an undertaking to comply with such requirements.

LETTER PETITIONS :-

No Letter Petition espousing individual/personal cause, or any such
(20)

Cause as may from time to time be specified by the High Court, shall be entertained as a PIL Petition.

Ordinarily, a letter petition shall not be directed to be registered simply because the petitioner lacks financial resources to prosecute the remedy available to him under the law. In such cases, appropriate direction to the Legal Services Committee or the State Legal Services Authority may be made by the Chief Justice or

by the Judge or the Committee of the Judges nominated by the Chief Justice. Nothing contained in these rules shall be deemed to restrict the powers of the Chief Justice to register a Letter Petition in his discretion.

SUO MOTU COGNIZANCE :-

Upon an order having been drawn by a Judge or by Judges of the Court during the course of hearing of any matter or otherwise, in relation to any cause, matter, or issue that has come to his or their knowledge having the element of public interest involved and requiring intervention of the Court, such order together with such other material as may be directed shall immediately be registered as a PIL Petition and shall be placed before the Chief Justice for assignment to appropriate Bench.

AMICUS CURIAE :-

In a petition registered as PIL Petition upon taking of suo motu cognizance as aforesaid, it shall be permissible for the Bench dealing with the matter to request any lawyer or lawyers to render assistance in the matter who shall act as Amicus Curiae on such terms as may be settled by the Court looking to the nature and circumstances of the case.

Application or petition by post : -

The officer in charge of a jail may forward an application or petition presented to him by a prisoner confined in the jail to the Court by post. Any other application or petition received by post shall be returned for presentation either in person or through an Advocate or where the prisoner is confined in a jail through the officer in charge of the jail concerned.