

1. IS THE HIGH COURTS' POWER TO ISSUE 'WRITS' WIDER THAN THAT OF THE SUPREME COURT OF INDIA?

Both the Supreme Court as well as High Courts possess writ jurisdiction under Article 32 and Article 226 respectively. Article 226 empowers a high court to issue writs including habeas corpus, mandamus, certiorari, prohibition and quo-warranto for the enforcement of fundamental rights and for any other purposes. While the Supreme Court can issue writs only when there is violation of fundamental rights, a high court can issue writs not only in the cases of infringement of fundamental rights but also in cases where an ordinary legal right has been infringed. The high court can issue writs to any person, authority and government not only within its territorial jurisdiction but also outside it if the cause of action arises in its territorial jurisdiction. In the Chandra Kumar case, 1997, the Supreme courts held that writ jurisdiction of both the Supreme Court and high courts constitute the basic structure of the Constitution.



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