

## JURISDICTION AND KINDS OF JURISDICTION

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Jurisdiction (from the Latin *ius, iuris* meaning "law" and *dicere* meaning "to speak") is the practical authority granted to a formally constituted legal body or to a political leader to deal with and make pronouncements on legal matters and, by implication, to administer justice within a defined area of responsibility. The term is also used to denote the geographical area or subject-matter to which such authority applies. Jurisdiction draws its substance from public international law, conflict of laws, constitutional law and the powers of the executive and legislative branches of government to allocate resources to best serve the needs of its native society.

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Jurisdiction in a wide sense means the extent of the power of the court to entertain suits, appeals and applications. In its technical sense jurisdiction means the extent of the authority of a court to administer Justice not only with reference to the subject-matter of the suit but also to the local and pecuniary limits of its jurisdiction.

The meaning of the word "jurisdiction" has been expounded with some detail in a Full Bench case in *Hriday Nath Roy v. Ram Chandra*, (A.I.R. 1921 Cal. 34). The following passage from the judgment of the said case is relevant in this connection:

"In the order of reference to a Full Bench in the case of *Sukhlal v. Tara Chand*, [(1905) 33 Cal. 68], it was stated that jurisdiction may be defined to be the power of Court to hear and determine a cause, to adjudicate and exercise any judicial power in relation to it; in other words, by

jurisdiction is meant the authority which a Court has to decide matters that are litigated before it or to take cognizance of matters presented in a formal way for its decision.

An examination of the cases in the books discloses numerous attempts to define the term “jurisdiction”, which has been stated to be the power to hear and determine issues of law and fact, ‘the authority by which the judicial officers take cognizance of and decide a legal controversy,’ the power to hear and determine the subject-matter in controversy between parties to a suit and to adjudicate or exercise any judicial power over them; ‘the power to hear, determine and pronounce judgment on the issues before the Court’; the power or authority which is conferred upon a Court by the Legislature to hear and determine causes between parties and to carry the judgments into effect, to apply the law, to pronounce the judgment and carry into execution.” *Kallu Khan v. Kamarulnish*, 1962 [A.L.J. 1039, 1056 (F.B.)].

Jurisdiction, as stated above, can be classified into three categories, viz., (1) jurisdiction over the subject-matter; (2) territorial jurisdiction; and (3) pecuniary jurisdiction.

#### *1. Jurisdiction over the subject-matter:*

Certain courts are precluded from entertaining suits of particular classes by status. Thus, a small cause court can try only such suits as a suit for money due on account of an oral loan or under a bond or promissory note, a suit for price of work done, etc., but it has no jurisdiction to try suits for specific performance of contracts for a dissolution of partnership, for an injunction or suits relating to immovable property.

#### *2. Territorial Jurisdiction:*

Every court has its own limits, fixed by the State Government, beyond which it cannot exercise its jurisdiction. Thus, the District Judge is in charge of the district and cannot exercise his power beyond that district. The Munsif West and Munsif East are in charge of the areas assigned to them. The High Court has jurisdiction over the whole territory of the State.

#### *3. Pecuniary Jurisdiction:*

Throughout India there are a large number of civil courts of different grades having jurisdiction to try suits or hear appeals of different amounts or value. Some of these courts have unlimited pecuniary jurisdiction. Thus the High Court, the District Judge and the Civil Judge have unlimited

pecuniary jurisdiction. Other courts have only a limited pecuniary jurisdiction. The jurisdiction of the Munsifs in Uttar Pradesh is limited. Further, on the small cause court's side the Civil Judge's jurisdiction is limited. A small Cause Court Judge also exercises a limited pecuniary jurisdiction.

#### *4. Original or Appellate Jurisdiction:*

The jurisdiction of a court may again be Original or Appellate. In the exercise of its original jurisdiction a court entertains original suits, while in the exercise of its appellate jurisdiction it entertains appeals.

The Munsifs court and the court of small causes have only original jurisdiction; the District Judge's court and the various High Courts have both original and appellate jurisdiction.

The High Court of Allahabad has limited original jurisdiction. In the first place, it has original jurisdiction with regard to matrimonial, testamentary, probate and company matters.

And, in the second place, it can exercise extraordinary original jurisdiction in any suit or trial, as it has the power to remove a suit from a subordinate court to itself for trial and determination