Polity & Governance · GS - II

The doctrine of territorial jurisdiction under Article 226 seeks to balance access to constitutional remedies with judicial efficiency. Examine its significance in the context of administrative and human rights disputes.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 20/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Article 226, territorial jurisdiction, cause of action, NHRC, forum conveniens, judicial review, access to justice, constitutional remedies.

Model Answer

Introduction

Article 226 empowers High Courts to issue writs for the enforcement of fundamental rights and other legal rights. However, the exercise of this power is subject to territorial jurisdiction, ensuring a meaningful connection between the dispute and the court.

Constitutional Framework

- Article 226(1) empowers High Courts to issue writs within their territorial jurisdiction.
- Article 226(2) extends jurisdiction where the cause of action arises wholly or partly within the territory, even if the seat of the authority is outside it.
- The doctrine of *forum conveniens* allows courts to consider whether another competent forum is more appropriate for adjudicating a dispute.

Significance

1. Preventing Forum Shopping

Petitioners cannot automatically approach a High Court merely because a national authority has its headquarters within its jurisdiction.

2. Judicial Efficiency

Courts can avoid unnecessary litigation in distant forums when the relevant facts, evidence and affected parties are located elsewhere.

3. Access to Justice

Territorial jurisdiction encourages disputes to be heard by courts having a substantial connection with the cause of action.

4. Accountability of Public Authorities

It does not grant administrative authorities immunity from judicial review. Their decisions remain open to challenge before a competent court.

Conclusion

Territorial jurisdiction is not merely a procedural technicality; it is an instrument for balancing judicial accessibility, institutional efficiency and constitutional accountability. Its application must remain consistent with the right to effective judicial remedies.

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