

Handout 2b: From Basic Law: The Judiciary (1984)

Chapter Three: The Courts

Supreme Court (*beit mishpat ehyon*)

- (a) The seat of the Supreme Court is Jerusalem.
- (b) The Supreme Court shall hear appeals against judgments and other decisions of the District Courts.
- (c) The Supreme Court shall sit also as a High Court of Justice (*beit mishpat gavoah latzedek*). When so sitting, it shall hear matters in which it deems it necessary to grant relief for the sake of justice and which are not within the jurisdiction of another court (*beit mishpat* or *beit din*).
- (d) Without prejudice to the generality of the provisions of subsection (c), the Supreme Court sitting as a High Court of Justice shall be competent -
 - (1) to make orders for the release of persons unlawfully detained or imprisoned.
 - (2) to order State and local authorities and the officials and bodies thereof, and other persons carrying out public functions under law, to do or refrain from doing any act in the lawful exercise of their functions or, if they were improperly elected or appointed, to refrain from acting;
 - (3) to order courts (*batei mishpat* and *batei din*) and bodies and persons having judicial or quasi-judicial powers under law, other than courts dealt with by this Law and other than religious courts (*batei din*), to hear, refrain from hearing, or continue hearing a particular matter or to void a proceeding improperly taken or a decision improperly given;
 - (4) to order religious courts (*batei din*) to hear a particular matter within their jurisdiction or to refrain from hearing or continue hearing a particular matter not within their jurisdiction, provided that the court shall not entertain an application under this paragraph if the applicant did not raise the question of jurisdiction at the earliest opportunity; and if he had no measurable opportunity to raise the question of jurisdiction until a decision had been given by a religious court (*beit din*), the court may quash a proceeding taken or a decision given by the religious court (*beit din*) without authority.
- (e) Other powers of the Supreme Court shall be prescribed by Law.

Questions:

1. What is the difference between the Supreme Court's regular duties and its special role as *beit mishpat gavoah latzedek*, High Court of Justice?
2. What does the Basic Law mean when it says that the High Court of Justice will "grant relief for the sake of justice?"