

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 592

ANSWERED ON 07/12/2023

Transfer of High Court Judges

592. #SHRI RAM NATH THAKUR:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether it is a fact that there is laxity on the part of Government in approving the recommendations of the Collegium for transfer of High Court judges;
- (b) whether it is also a fact that Government is issuing orders regarding the transfer of selected High Court judges subsequent to the recommendations of the Collegium; and
- (c) the details of judges of High Courts transferred on the recommendations of the Collegium in the last one year along with the cases where more time was taken and the reasons for the said delay?

ANSWER

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE
MINISTRY OF LAW AND JUSTICE; MINISTER OF STATE IN THE
MINISTRY OF PARLIAMENTARY AFFAIRS; AND MINISTER OF
STATE IN THE MINISTRY OF CULTURE**

(SHRI ARJUN RAM MEGHWAL)

(a) to (c): Judges and Chief Justices of the High Courts are transferred under Article 222 of the Constitution of India and according to the procedure laid down in the Memorandum of Procedure (MoP) prepared in 1998 pursuant to the Supreme Court Judgment of October 6, 1993 (Second Judges case) read with their Advisory Opinion of October 28, 1998 (Third Judges case).

As per the existing MoP, the proposal for transfer of High Court Judges is initiated by the Chief Justice of India in consultation with four senior-most puisne Judges of the Supreme Court. The MoP further provides that the Chief Justice of India is also expected to take into account the views of the Chief Justice of High Court from which the judge is to be transferred, as also the Chief Justice of the High Court to which the transfer is to be effected, besides taking into account the views of one or more Supreme Court judges who are in a position to offer views.

All transfers are to be made in public interest i.e. for promoting better administration of justice throughout the country. No timeline has been prescribed in the MoP for transfer of judges from one High Court to another.

From 01st October, 2022 to 01st December, 2023, 01 Chief Justice and 34 Judges of High Courts have been transferred from one High Court to another.
