

**GOVERNMENT OF INDIA**  
**MINISTRY OF LAW & JUSTICE**  
**RAJYA SABHA**  
**QUESTION NO 26.07.2010**  
**ANSWERED ON**  
**IRREGULARITIES IN TRANSFER OF JUDGES**

64

Shri K.N. Balagopal

Will the Minister of RURAL DEVELOPMENT INFORMATION AND BROADCASTING LAW & JUSTICE be pleased to state :-

- (a) what is the present practice of transfer of Judges in High Courts including the Chief Justices;
- (b) whether any complaint regarding this has come to Government's notice; and
- (c) if so, the details thereof?

**ANSWER**

MINISTER OF LAW AND JUSTICE (DR. M. VEERAPPA MOILY)

(a): Article 222 of the Constitution makes provision for the transfer of a Judge (including Chief Justice) from one High Court to any other High Court. As per Memorandum of Procedure for appointment/transfer of Judges, the proposal for the transfer of a Judge is initiated by the Chief Justice of India, whose opinion in this regard is determinative. Consent of a Judge for his first or subsequent transfer is not required. All transfers are made in public interest i.e. for promoting better administration of justice throughout the country. In the formation of his opinion for the transfer of a Judge other than the Chief Justice, the Chief Justice of India is expected to take into account the views of the Chief Justice of the 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.

(b): No, Sir.

(c): Does not arise.