

GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF JUSTICE  
**RAJYA SABHA**  
**UNSTARRED QUESTION No. 2513**  
ANSWERED ON THURSDAY, THE 10.08.2023

**Transfer policy of higher judiciary judges**

**2513 Ms. Dola Sen:**

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

- (a) whether Government has data in relation to the number of transfers that were made with respect to High Court Judges in the year 2021-22 and 2022-23;
- (b) if so, the details thereof, if not, the reasons therefor;
- (c) whether Government has drafted a uniform policy with regard to the transfer of judges of higher judiciary in the country; and
- (d) if so, the details thereof, if not, the reasons therefor?

**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 (d): Since 01.01.2021 till 03.08.2023, 08 Chief Justices and 46 Judges have been transferred from one High Court to other High Court.

Judges of High Courts are transferred as per the procedure laid down in the Memorandum of Procedure prepared in 1998 pursuant to the Supreme Court Judgment of October 6<sup>th</sup>, 1993 (Second Judges Case) read with the Advisory Opinion of October 28<sup>th</sup>, 1998 (Third Judges Case).

As per the existing MoP, the proposal for transfer of High Court Judges (including Chief Justice) is initiated by the Chief Justice of India in consultation with four senior-most puisne Judges of the Supreme Court. In the case of transfer of a High Court Judge, 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.

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