

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE**

LOK SABHA

UNSTARRED QUESTION NO. 1602

TO BE ANSWERED ON FRIDAY, THE 10.02.2023

Transfer of High Court Judges

1602. SHRI A.K.P. CHINRAJ:

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

- (a) the details of Supreme Court collegium recommendations on transfer of High Court judges pending with the Government; and
- (b) the timeline to be followed as per updated memorandum of procedure for Supreme Court collegium recommendations on transfer of High Court judges?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to (b): As on 06.02.2023, proposals for transfer of 10 High Court Judges from one High Court to other High Courts are under various stages of processing.

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, 6th, 1993 (Second Judges case) read with the advisory opinion of October, 28th, 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.
