

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

LOK SABHA

STARRED QUESTION No. 340

TO BE ANSWERED ON FRIDAY, THE 11.08.2023

Transfer of High Court Judge

***340. SHRI A.K.P. CHINRAJ:**

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

- (a) whether the Supreme Court Collegium recommendation dated November 16, 2022 and April 19, 2023 on transfer of then acting Chief Justice of Madras High Court was not acted upon by the Union Government till the retirement of the said judge, if so, the reasons for the same; and
- (b) whether the Government seeks IB or RAW report on transfer of High Court Judges and if so, the details thereof?

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) & (b): A statement is laid on the Table of the House.

Statement referred to in reply to parts (a) & (b) of Lok Sabha Starred Question No. *340 due for answer on 11.08.2023 regarding “Transfer of High Court Judge”

(a): The Supreme Court Collegium, vide its resolution dated 16.11.2022 and on 19.04.2023, recommended the transfer of the then Acting Chief Justice of Madras High Court as a Judge of the Rajasthan High Court. While recommendation of the Supreme Court Collegium regarding his transfer was under consideration, the said Judge of Madras High Court retired on superannuation on 24.05.2023.

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 (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.

(b): Government does not obtain I.B. or RAW inputs on transfer of High Court Judges.