

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

**LOK SABHA
UNSTARRED QUESTION NO. 1006**

TO BE ANSWERED ON FRIDAY, THE 08.12.2023

Transfer of High Court Judges

1006. SHRI A.K.P. CHINRAJ:

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

- (a) whether the Government seeks opinion individually of High Court Judges who are recommended by Supreme Court Collegium for transfer from one High Court to another and if so, the details thereof;
- (b) whether certain High Court Judges who were recommended by Supreme Court Collegium for transfer from one High Court to another in the recent past have written to Government to hold the transfer, if so, the details thereof; and
- (c) the list of transfer of High Court Judges recommended by Supreme Court Collegium and the list of Judges recommended for elevation as High Court Judges pending with the Government for more than three months?

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): As per the existing Memorandum of Procedure(MoP) for appointment and transfer of High Court Judges, 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. The views on the proposed transfer of a Judge or a Chief Justice of a High Court should be expressed in writing and should be considered by the Chief Justice of India and the four senior most Judges of the Supreme Court. The personal factors relating to the concerned Judge, including the Chief Justice, and his response to the proposal, including his preference of places, should invariably be taken into account by the Chief Justice of India and the first four puisne Judges of the Supreme Court before arriving at conclusion on the proposal. Therefore, the SCC considers and decides on the proposed transfers before sending them to the Government.

The Government does not seek opinion of individual Judges of High Court on the proposal of transfer of Judges from one High Court to another. 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.

As on 01.01.2023, 171 proposals for elevation as High Court Judges received from High Court Collegiums (HCC) were at different stages of processing. During the calendar year 2023, 121 fresh proposals were received. Out of the total 292 proposals for consideration during the current calendar year, 110 Judges have been appointed and 60 recommendations were remitted to the High Courts on the advice of the SCC. As on 04.12.2023, 122 proposals are at various stages of processing. Out of these 122 proposals, 87 proposals were sent to the Supreme Court Collegium (SCC) for seeking advice against which the SCC has provided advice on 45 proposals which are at various stages of processing in the Government. 42 proposals are under consideration with the SCC. 35 fresh proposals received recently are being processed for seeking the

advice of the SCC. Recommendations are yet to be received from High Court Collegiums in respect of the remaining 198 vacancies.

As a result of the collaborative process between the Executive and Judiciary, during the year 2022, 165 Judges were appointed in various High Courts and 08 transfer among High Courts were made (02 Chief Justices and 06 Judges) and during the year 2023, a total of 110 Judges have been appointed in various High Courts and 34 judges have been transferred among various High Courts till 04.12.2023.
