

GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF JUSTICE

**LOK SABHA**  
**UNSTARRED QUESTION NO. 4038**

**TO BE ANSWERED ON WEDNESDAY, THE 18.03.2020**

**Collegium on Appointment and Transfer of Judges**

4038. PROF. SAUGATA RAY:

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

- (a) whether there is any standard criteria to implement the collegium recommendations on appointment and transfer of Judges in the country;
- (b) if so, the details thereof;
- (c) whether the Government has allegedly followed pick and choose policy in this regard; and
- (d) if so, the details thereof?

**ANSWER**

**MINISTER OF LAW AND JUSTICE, COMMUNICATIONS AND  
ELECTRONICS & INFORMATION TECHNOLOGY**

**(SHRI RAVI SHANKAR PRASAD)**

(a) and (b): Judges of High Courts are appointed and 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 Memorandum of Procedure (MoP), initiation of proposal for appointment of Judges of the High Courts vests with the Chief Justice of the concerned High Court. Before forwarding the recommendation, the Chief Justice consults two of his senior-most colleagues regarding suitability of candidates. As per MoP, the various attributes such as integrity and character, competence, judicial potential, antecedents, age, Annual Confidential Report (in respect of Judicial Officers), Professional income and reported & unreported judgments (in respect of advocates), complaints/involvement in any criminal or civil litigation etc. are taken into consideration for appointment of Judges of High Courts.

Regarding transfer of a High Court Judge from one High Court to another, MoP provides that the proposal 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.

(c): No Sir.

(d): Does not arise.

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