

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

**LOK SABHA
UNSTARRED QUESTION NO. 2520
TO BE ANSWERED ON FRIDAY, THE 13th FEBRUARY, 2026**

EXECUTIVE INTERFERENCE IN TRANSFER OF JUDGES

2520. SHRI ANAND BHADAURIA:

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

- (a) whether the Government is aware of the recent instances of interference by the executive in transfer of judges of lower judiciary and High Courts;
- (b) if so, the details thereof;
- (c) whether the Government would take steps to prevent the executive from interfering in the transfer of judges and to restore 'Separation of Power' which has been declared as Basic Feature of the Constitution by Hon'ble Supreme Court;
- (d) if so, the details thereof; and
- (e) if not, the reasons therefor?

ANSWER

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW
AND JUSTICE; AND MINISTER OF STATE IN THE MINISTRY OF
PARLIAMENTARY AFFAIRS**

(SHRI ARJUN RAM MEGHWAL)

(a) to (e): Article 235 of the Constitution of India provides that “*The control over district courts and courts subordinate thereto including the posting and promotion of, and the grant of leave to, persons belonging to the judicial service of a State and holding any post inferior to the post of district judge shall be vested in the High Court, but nothing in this article shall be construed as taking away from any such person any right of appeal which he may have under the law regulating the conditions of his service or as authorising the High Court to deal with him otherwise than in accordance with the conditions of his service prescribed under such law.*”

As per the 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 position to offer views. 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. All transfers are to be made in public interest i.e. for promoting better administration of justice throughout the country.
