

B.A. LL.B VI SEMESTER

MOOD COURT

Unit-2 Judicial System In India

Topic:- Transfer of a judge

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Introduction:-

- In case of selection and **transfer** of HC judges, the collegiums consists of CJI, 2 senior most judges of the SC and CJ of the concerned High Courts. The **transfer** of judges is done in cases like: a. When a **judge** is appointed as Chief Justice he is generally **transferred** to another HC.

Judicial Transfer:-

- Independence of Judiciary is bedrock of the democracy. This independence must be combined with accountability and responsibility. In recent there have been various issues raised regarding the issue. (Justice C.S. Karnan issue).

Process of selection and transfer:-

- a. At present the selection and transfer of Judges of Supreme Court and High Court is done by President on consultation with collegiums system.
- b. For selection to SC collegium consists of CJI and 4 senior most judges.
- c. In case of selection and transfer of HC judges, the collegiums consists of CJI, 2 senior most judges of the SC and CJ of the concerned High Courts.
- d. The proposal of NJAC to replace collegium system was struck down by SC and after that the executive is working on a New Memorandum of Procedures to reform the collegium system

Criteria for transfer:-

- The transfer of judges is done in cases like:
 - a. When a judge is appointed as Chief Justice he is generally transferred to another HC.
 - b. In case when a lawyer from the bar is appointed as Judge or when a judge is promoted to HC. These transfers are done to avoid instances of favoritism.
 - c. Also in instances of any complain of corruption or any other charges which does not lead to his impeachment, the judge is transferred to another High Court. These are called punishment transferring.