

Constitution of India Art 222 - Transfer of a Judge from one High Court to another

(1) The President may, on the recommendation of the National Judicial Appointments Commission referred to in article 124A, transfer a Judge from one High Court to any other High Court.

(2) When a Judge has been or is so transferred, he shall, during the period he serves, after the commencement of the Constitution (Fifteenth Amendment) Act, 1963, as a Judge of the other High Court, be entitled to receive in addition to his salary such compensatory allowance as may be determined by Parliament by law and, until so determined, such compensatory allowance as the President may by order fix.

SYNOPSIS

NOTE = Effect of Supreme Court Advocates-on-Record Assn. v. Union of India, (2016) 5 SCC 1. Article 222 ought to now read as:

Transfer of Judges: Transfer of High Court judges/Chief Justices by President must be in public interest, such transfer cannot be treated as punitive or an erosion in the independence of Judiciary, S.C. Advocates-on-Record Assn. v. Union of India, (1993) 4 SCC 441.

Opinion of CJI: Sole individual opinion of CJI not enough and implies consultation with a plurality of Judges in the formation of opinion of the CJI, Special Reference No. 1 of 1998, Re (1998) 7 SCC 739.