

Study on the Appointment of Female Judges in India with Reference to the Transfer Policy

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Abstract: *In India, the subordinate judiciary lacks central control. According to Article 234 of the Constitution, the High Court (HC) and the State Public Service Commission of each state have the joint power to establish the criteria for selecting and appointing judges. Although there is often a lack of consistency in the selection process, it is widely known that states generally agree on the policy regarding the transfer of judges.*

Initially, it is mandated that lower judicial officers undergo transfers at intervals of two to three years. Furthermore, in order to prevent Nemo judex in causa sua, which means that no one can be a judge in their own case, states impose limitations on the appointment of judges based on their place of residency or that of their spouse. The likelihood of a disagreement involving an individual known to a judge is significantly increased when the judge is assigned to their place of living or that of their spouse. Although it may appear gender-neutral, this transfer regulation does not adhere to a standard application among all judges.

This paper scrutinises the transfer policy applied to the female judges and the factors influence their transfer related dilemma and decisions

Keywords: transfer policy, female judges, appointment, structural bias, family, female judicial officers