

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 2188
ANSWERED ON-07/08/2025

VACANCIES OF JUDGES IN HIGH COURTS

2188. SHRI HARIS BEERAN:

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

- (a) the details of present number of vacancies of judges in High Courts and details of the recommendation by the Supreme Court collegium pending before Government and the reasons for pendency;
- (b) whether Government has evaluated the impact of the vacancies on a large number of pending cases in the country;
- (c) if so, the details thereof; and
- (d) the details of steps taken by Government to fill these vacancies in various courts?

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 (d): As on 04.08.2025, against the sanctioned strength of 1122 Judges, 788 Judges are working and 334 posts of Judges are vacant in various High Courts. Against these vacancies, 126 proposals for appointment of High Court Judges are at various stages of processing between the Government and the Supreme Court Collegium. The recommendations against 208 vacancies are yet to be received from the High Court Collegiums.

Appointment of Judges to High Courts is made under Articles 217 and 224 of the Constitution of India and according to the procedure laid down in the Memorandum of Procedure (MoP) prepared in 1998 pursuant to the Supreme Court Judgment of October 6, 1993 (Second Judges case) read with their Advisory Opinion of October 28, 1998 (Third Judges case). As per the MoP, the responsibility

for initiation of proposals for appointment of Judges in the Supreme Court vests with the Chief Justice of India, while the responsibility for initiation of proposals for appointment of Judges in the High Courts vests with the Chief Justice of the concerned High Court, in consultation with two senior-most puisne Judges of the High Court. As per the MoP, the High Courts are required to make recommendations at least 06 months before the occurrence of a vacancy. However, this time limit is rarely observed. For appointments to the High Courts, the views of concerned State Government are obtained in accordance with the MoP. The recommendations also have to be considered in the light of such other reports as may be available to the Government in respect of the names under consideration. The recommendations of the High Court Collegium, the State Governments and the Government of India are then forwarded to the Supreme Court Collegium (SCC) for advice.

Appointment of Judges in the higher judiciary is a continuous, integrated and collaborative process between the executive and the judiciary. It requires consultation and approval from various Constitutional Authorities both at State and Central level. Only those persons whose names have been recommended by the SCC are appointed as Judges of the High Courts. Since May 2014 till 04.08.2025, 1099 Judges have been appointed in various High Courts.

Pendency of cases in courts arise due to several factors which inter alia, include complexity of the facts involved, nature of evidence, co-operation of stake-holders viz. Bar, investigation agencies, witnesses and litigants besides the availability of physical infrastructure, supporting court staff and proper application of rules and procedures to monitor, track and bunch hearing of cases. Furthermore, pendency of cases and vacancy position of judges in High Courts are not necessarily directly related.

Filling up of vacant positions of Judicial Officers in District and Subordinate courts is the responsibility of the High Courts and State Governments concerned. As per the Constitutional framework, in exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the Constitution, the respective State Government in consultation with the High Court frames the rules and regulations regarding the appointment and recruitment of Judicial Officers in the respective State Judicial Service. The Hon'ble Supreme Court vide order passed in January 2007 in the Malik Mazhar Sultan case, has inter-alia, stipulated certain timelines, which are to be followed by the States and the respective High Courts for recruitment of judges in District and Subordinate Courts.