

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
STARRED QUESTION NO. 131
ANSWERED ON – 30/07/2026

VACANCIES OF JUDGES

***131. SHRI VIVEK K. TANKHA:**

Will the Minister of *Law and Justice* be pleased to state:

- (a) the sanctioned and actual judge strength in High Courts and subordinate judiciary nationally, as on date;
- (b) the number of vacancies pending for more than one year;
- (c) the status of recommendations made by Collegiums for these vacancies; and
- (d) the expected timeline for filling them up?

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): A statement is laid on the Table of the House.

**STATEMENT REFERRED TO IN REPLY TO PARTS (A) to (D) OF RAJYA SABHA
STARRED QUESTION NO. *131 FOR ANSWER ON 30.07.2026 REGARDING
VACANCIES OF JUDGES**

(a) to (d): As on 23.07.2026, against the sanctioned strength of 1122, 781 Judges are working in various High Courts.

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. Only those persons whose names have been recommended by the SCC are appointed as Judges of the High Courts.

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. Hence, the time needed for filling up of vacancies of the Judges in the High Courts cannot be indicated.

Filling up of vacant positions of judges 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 the 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 the recruitment of judges in District and Subordinate Courts. As on 20.07.2026, the sanctioned strength and Working Strength of Judicial Officers in the District & Subordinate Courts is 30,868 & 23,558, respectively.
