

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 1398
ANSWERED ON – 30/07/2026

VACANCY OF JUDGES

1398 SHRI SANJAY SETH:

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

- (a) the number of sanctioned and vacant posts for judges in High Courts and subordinate judiciary across India;
- (b) the sanctioned versus working strength of judges and judicial officers in Uttar Pradesh;
- (c) the impact of these vacancies on pendency of cases;
- (d) the steps being taken, in coordination with High Courts, to fill these vacancies expeditiously; and
- (e) the status of ‘All India Judicial Service’?

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) & (b): As per data available on the Nyaya Vikas Portal 2.0, the numbers of sanctioned and vacant posts for judges in High Courts and subordinate judiciary across India are as under:

Name of Court	Sanctioned strength	Vacancy
High Courts (as on 01.07.2026)	1122	341
District & Subordinate Courts (as on 24.07.2026)	30868	7311

The sanctioned versus working strength of judges and judicial officers in Uttar Pradesh is as follows:

Name of Court	Sanctioned strength	Working strength
Judges of Allahabad High Court (as on 01.07.2026)	160	107
Judicial Officers in District & Subordinate Courts (as on 24.07.2026)	3700	2618

(c) & (d): Pendency of cases in courts arise due to several factors besides availability of adequate number of Judges and Judicial officers. These factors include, inter alia, complexity of the facts involved, quality of investigation, nature of evidence, co-operation of stakeholders, viz., bar, investigation agencies, witness and litigants, availability of physical infrastructure, supporting court staff, etc.

Filling up of the vacancy 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 which 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.

Further, filling up of vacant positions of the 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 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. 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.

(e): Article 312 of the Constitution provides for the establishment of an All India Judicial Service (AIJS), excluding posts below the rank of District Judge. The proposal has been examined at various stages and has been recommended by the First National Judicial Pay Commission (Justice Shetty Commission) as well as by the Law Commission of India in its 14th (1958), 77th (1978) and 116th (1986) Reports. A comprehensive proposal approved by the Committee of Secretaries in November 2012 was considered in the Conference of Chief Ministers and Chief Justices in April 2013, where it was decided that further deliberations were required and views of State Governments and High Courts were sought. However, divergent opinions emerged among stakeholders on the constitution of the AIJS.

The matter was further deliberated in conferences and meetings held in April 2015, wherein it was resolved to leave it to the respective High Courts to evolve appropriate mechanisms within the existing system to fill vacancies of District Judges expeditiously. In view of the continuing divergence of opinion among key stakeholders, no consensus has yet been reached on the establishment of the All India Judicial Service.
