

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE**

**LOK SABHA
UNSTARRED QUESTION NO. 5722
TO BE ANSWERED ON FRIDAY, THE 27TH MARCH, 2026**

VACANCIES IN SUBORDINATE JUDICIARY

5722. SHRI E T MOHAMMED BASHEER:

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

- (a) whether the Government has formulated a time-bound plan, in coordination with State Governments and High Courts, to fill the large number of vacancies in the subordinate judiciary which handles more than 85 per cent of the total judicial workload, if so, the details thereof;
- (b) the current status and roadmap for building consensus on the establishment of the All India Judicial Service (AIJS) to standardize recruitment and strengthen justice delivery across the country;
- (c) whether the Government is taking any legislative or executive steps to ensure the statutory independence, functional autonomy, and financial stability of various quasi-judicial tribunals in line with the Supreme Court's rulings; and
- (d) if so, the measures being taken to ensure transparent appointments and long-term tenure provisions for tribunal members to restore public confidence in specialized dispute resolution mechanisms?

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): 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.

(b): 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. The proposal was again discussed in a high-level meeting in January 2017 and examined by Parliamentary Committees, including the Parliamentary Consultative Committee (2017) and the Parliamentary Committee on the Welfare of SCs/STs (2021). Although it was proposed to place the matter before the Joint Conference of Chief Ministers and Chief Justices in April 2022, the same could not be taken up. 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.

(c) & (d): The Government has undertaken various legislative and administrative measures from time to time to ensure the statutory independence, functional autonomy, and financial stability of various quasi-judicial tribunals. The process of rationalization and merger of tribunals was carried out through the Finance Act, 2017 as part of the first phase of tribunal reforms. Thereafter, further reforms in this regard have been taken forward by the Department of Revenue. Subsequently, the Tribunals Reforms Act, 2021 was enacted, inter alia, to abolish certain appellate bodies and to provide for uniform terms and conditions of service for Chairpersons and Members of various tribunals. Appointments to tribunals are made through a transparent process involving Search-cum-Selection Committees. Further, thirteen tribunals have been discontinued pursuant to the provisions of the Finance Act, 2017 and the Tribunals Reforms Act, 2021.

The Hon'ble Supreme Court, in its judgment dated 19.11.2025 in Madras Bar Association v. Union of India, has examined certain provisions relating to tenure, eligibility conditions and appointment process, and reiterated the principles of judicial independence and separation of powers.

The Government continues to take necessary Legislative and administrative measures, in consultation with stakeholders and in compliance with judicial directions, to ensure the independence, functional autonomy and effective functioning of tribunals.
