AILF INSIGHTS · COURTS AND DELAY

Judge vacancies: why India's courts are short of judges

Hundreds of High Court posts and thousands of district court posts are vacant. How judges are appointed in India and why vacancies persist.

A court can decide cases only as fast as it has judges to hear them. India has fewer judges for its population than most comparable democracies, and a substantial share of the posts that exist are empty.

The numbers

Government data placed before Parliament in 2026 showed that the High Courts together have a sanctioned strength of 1,122 judges. As on 1 July 2026, 341 of those posts were vacant, about three in ten. In the district and subordinate courts, several thousand posts were unfilled.

On sanctioned strength, India has about 22 judges for every ten lakh people, calculated on the 2011 Census. The Law Commission recommended fifty as long ago as 1987.

How judges are appointed

Supreme Court and High Courts. Appointments are made by the President on recommendations that originate with the collegium of senior judges, with inputs from the Government. For a High Court, the process starts with the High Court collegium and passes through the State and Central Governments and the Supreme Court collegium.

District judiciary. Recruitment is conducted by the High Courts and State Public Service Commissions, with appointments made by State Governments.

Why vacancies persist

- Recommendations are not always initiated well before a vacancy arises.
- Names move slowly between the many authorities involved.
- Some of those approached at the Bar decline, because elevation means a sharp fall in income and a transfer policy that may take them from home.
- Recruitment examinations for the district judiciary are held irregularly in some States, and not all advertised posts are filled.
- New posts are sometimes sanctioned without courtrooms or staff.

What can be done

Start early. A vacancy on a known retirement date should have a recommendation ready months ahead.

Keep to timelines at each stage, and publish them.

Hold district recruitment on a fixed annual calendar.

Make judicial service attractive: better working conditions, support staff, housing and security.

Match posts with infrastructure, so that each new judge has a courtroom.

Use retired judges for old cases where the Constitution permits.

The role of the Bar

The Bench is drawn from the Bar. A profession that encourages its ablest members to accept judgeship strengthens the system it depends upon.

Why firms should care

For clients, an unfilled court is an unheard case. Every vacant commercial bench lengthens a dispute and raises the cost of doing business. Filling the Bench is the most direct investment India can make in faster justice.

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