

CAMPAIGN FOR JUDICIAL ACCOUNTABILITY AND REFORMS

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Statement on the lack of transparency in collegium recommendations and nepotism in judicial appointments

26th August 2025

CJAR notes with dismay the recent collegium statement of [25th August](#) as uploaded on the Supreme Court website, which makes a mockery of the earlier resolutions with respect to standards of transparency in judicial appointments. As reported in the [media](#), the collegium took a 4-1 split decision with respect to the elevation of Chief Justice of the Patna High Court, Justice Pancholi, as Judge of the Supreme Court. It is reported that Justice B V Nagarathna, as member of the Collegium, recorded a strong note of dissent against the appointment of Justice Pancholi to the Supreme Court, stating that his appointment would be “counter productive” to the administration of justice and would erode the credibility of the collegium system. It is further noted that Justice Nagarathna first expressed such reservations to the appointment of Justice Pancholi in the month of May this year. She had even called for minutes of meetings related to Justice Pancholi's transfer from Gujarat to Patna High Court in 2023, which did not seem routine.

It is not clear what has swayed the Supreme Court collegium in recommending Justice Pancholi to the Supreme Court, since Justice Pancholi is not merely the third judge from Gujarat to be elevated to the Supreme Court, (disproportionate to the size of the Gujarat High Court and leaving various other High Courts unrepresented) but he is also 57th in all India seniority list of High Court judges. As reported, Justice Nagarathna opined in her dissent, that several meritorious and more senior judges had been bypassed while recommending him. She is reported to have further stated that Justice Pancholi's future CJI-ship tenure would not be in the institution's interest. The strong dissent note of Justice Nagarathna has not been published, despite her expressly asking for the same to be published on the Supreme Court's website.

CJAR had welcomed the disclosure by the previous Chief Justice of India, of proposals for judicial appointments approved by the Supreme Court collegium. The documents then uploaded on the Supreme Court website provided crucial details, including on the background of the candidates, whether they were related to any sitting/retired judge and the details of appointments approved by the Collegium which are pending with the government. This level of transparency had increased public faith in the collegium system to some extent. We had hoped that this level of disclosure would become the norm for every future appointment.

However, the Supreme Court resolution of 25th August mentioned above, is lacking on three counts, namely:

1. Only names of appointees are mentioned without details being given of the background of the candidates as used to be the practice
2. The collegium coram making the recommendations is missing
3. Criteria for giving preference to a certain candidate even though they are lower in seniority are not being mentioned.

CJAR strongly urges that the detailed and reasoned resolutions of the collegium must continue to be made public as the practice was until recently. The retrogression in transparency is most undesirable and unbecoming. The minutes of collegium meetings, together with the resolutions and dissent notes, should be disclosed in line with the court's own directions on appointments under the RTI Act and CVC Act, in order to restore public faith in the process of appointments to the higher judiciary

CJAR is also constrained to highlight and note with concern that the Supreme Court collegium resolution of [19th August](#) wherein 8 advocates were recommended for elevation to the Bombay High Court, also reportedly included the name of CJI Gavai's, nephew. CJAR has repeatedly highlighted that such appointments that betray favouritism strike at the root of judicial propriety, and only full disclosures can quell the legitimate doubts that arise. It is necessary that details of the decision making process be put out in the public domain, to strengthen institutional transparency and accountability

CJAR therefore reiterates that openness and accountability to the people of India will only strengthen the judiciary and safeguard its independence, and we call upon the Supreme Court to:

1. Indicate the reasons for the recommendation to elevate Chief Justice Pancholi of the Patna High Court and the reason for superseding all the other judges, higher in seniority
2. Make public the reported dissent note of Justice BV Nagarathna allegedly recorded in the meeting of the collegium dated 25 August, 2025 as she has requested.