



Supreme Judicial Appointment Ordinance, 2025: A critical analysis of transparency and accountability



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Established under the Constitutional Reform Act of 2005, the JAC operates as an independent public body, free from executive interference. The commission's process emphasizes objectivity, with criteria for judicial office clearly defined and publicly available. Candidates are assessed through a rigorous evaluation process, which includes competency-based applications, independent references, and interviews. Importantly, the UK system encourages public engagement by publishing detailed reports on selection processes and outcomes, fostering accountability.

This openness, combined with the commission's independence, strengthens public trust in the impartiality of the judiciary, ensuring that appointments are made solely based on merit and not influenced by political considerations. India's approach to judicial appointments, governed by the Supreme Court's collegium system, offers a different perspective. The collegium, a body comprising the Chief Justice of India and the four senior-most Supreme Court judges, assumes the exclusive responsibility of recommending appointments to the higher judiciary.

While this system effectively minimizes executive control and underscores the judiciary's autonomy, it has faced criticism for its lack of transparency and accountability. The absence of publicly accessible criteria for evaluating candidates, coupled with the opacity surrounding the deliberation process, has led to perceptions of favouritism and inconsistency in appointments. Renowned legal scholar Professor Upendra Baxi argues that the collegium's closed-door nature undermines its legitimacy, despite its intent to shield the judiciary from political interference. Nevertheless, the system remains a crucial mechanism for preserving judicial independence in a context where executive overreach has historically posed a significant threat.