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EDITORIAL ANALYSIS

NCERT Book Ban — A Chapter on Judicial Transparency and Free Speech

 **THE HINDU**

21 March 2026

SUBJECTS COVERED**POLITY****SOCIAL ISSUES****GS PAPERS****GS2****GS4****CURATED & WRITTEN BY****Bharat Choudhary**

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The Hindu

21 March 2026

GS2

GS4

TH The Hindu

MAINS RELEVANCE:

GS Paper 2

GS Paper 4



INTERVIEW ANGLE

"Can judicial dignity be protected without restricting academic freedom and free speech? Where should the line be drawn?"

WHY IN NEWS

The Supreme Court imposed a blanket ban on an NCERT Class VIII social science textbook that contained a chapter discussing judicial delays, case backlogs, and judicial corruption. The Court issued contempt notices to the NCERT Director and a Ministry of Education official, ordering seizure of all physical and digital copies.

THE SUPREME COURT ORDER

A Bench led by **Chief Justice of India Surya Kant** took suo motu cognisance and ordered:

Complete blanket ban on the NCERT Class VIII social science textbook

Seizure of all copies — both physical and digital

Contempt notices issued to the NCERT Director and the Secretary, Ministry of Education

The Court held that the textbook content could “instil bias in young students” and “undermine judicial authority”

What the Textbook Contained

The contested chapter discussed:

Judicial delays — India’s courts have over **5 crore (50 million) pending cases** across all levels

Case backlogs — average disposal time exceeding years in many High Courts

Judicial corruption — referenced widely acknowledged systemic issues

Access to justice — how delays affect the poor disproportionately

THE EDITORIAL'S CORE ARGUMENT

The Hindu editorial argues that the ban raises **serious concerns** about censorship, procedural fairness, and the judiciary's willingness to tolerate scrutiny:

1. Free Speech Violation

Article 19(1)(a) guarantees freedom of speech and expression, which includes the right to publish, educate, and disseminate information

Article 19(2) allows reasonable restrictions — but only on grounds of sovereignty, security, public order, decency, morality, contempt of court, defamation, and incitement

The editorial questions whether a factual textbook chapter constitutes **contempt of court** under the Contempt of Courts Act, 1971

2. Due Process Concerns

NCERT officials were issued contempt notices **without a prior hearing** — violating principles of **natural justice** (audi alteram partem)

A blanket ban was imposed without considering less restrictive alternatives (revision, disclaimer, contextualisation)

The order amounts to **prior restraint** — censoring content before harm is demonstrated

3. The Paradox of Judicial Review

The editorial highlights a fundamental paradox:

Courts are the **ultimate protectors of fundamental rights** under Articles 32 and 226

When the judiciary itself restricts rights (book bans, speech restrictions), **citizens have no effective remedy**

This creates a situation where the **guardian of rights becomes the source of rights limitation**

CONTEMPT OF COURT — LEGAL FRAMEWORK

Aspect	Details
Constitutional basis	Article 129 (Supreme Court) and Article 215 (High Courts) — courts of record with contempt power
Statutory law	Contempt of Courts Act, 1971
Civil contempt	Wilful disobedience of court orders
Criminal contempt	Publication that scandalises or lowers the authority of the court
Truth as defence	2006 Amendment — truth is a valid defence if publication is in public interest and made in good faith
Key case	Prashant Bhushan (2020) — convicted for tweets criticising CJI; raised debate on contempt vs free speech

JUDICIAL ACCOUNTABILITY — GLOBAL COMPARISON

Country	Mechanism
USA	Judicial appointments involve Senate confirmation hearings; judges can be impeached; strong tradition of judicial criticism in media and academia
UK	Judicial Appointments Commission; Supreme Court proceedings are livestreamed; robust academic critique is encouraged
India	Collegium system (opaque); limited transparency in appointments; contempt powers used to restrict criticism
South Africa	Judicial Service Commission holds public interviews; judges' asset declarations are public

THE CASE FOR TRANSPARENCY

The editorial argues that judicial credibility is strengthened — not weakened — by transparency:

Acknowledging problems leads to structural reform; suppressing criticism leads to erosion of trust

Pendency data (5 crore+ cases) is publicly available from the National Judicial Data Grid — banning its discussion in textbooks is inconsistent

International best practice — democracies that allow robust judicial criticism have stronger, more trusted judiciaries

Education's role — teaching students about institutional challenges builds informed citizenship, not contempt

UPSC RELEVANCE

Article 19(1)(a), Article 19(2) (reasonable restrictions), Contempt of Courts Act 1971 (2006 amendment — truth as defence), Article 129 (SC as court of record), Article 215 (HC as court of record), NCERT.

MAINS GS2:

Judicial accountability vs judicial independence; contempt power and free speech; role of education in democratic governance; Collegium system and transparency.

MAINS GS4:

Ethics of institutional self-protection vs public accountability; tension between dignity and transparency.

★ FACTS CORNER — KNOWLEDGEPEDIA
THE SC ORDER:

CJI Surya Kant-led Bench; suo motu cognisance
 Blanket ban on NCERT Class VIII social science textbook
 Contempt notices to NCERT Director and Ministry of Education Secretary
 Ground: textbook chapter on judicial delays, corruption, and case backlogs

CONTEMPT OF COURTS ACT, 1971:

Civil contempt: wilful disobedience of court orders
 Criminal contempt: scandalising or lowering authority of court
 2006 Amendment: truth is a valid defence if in public interest and good faith
 Prashant Bhushan case (2020): convicted for tweets criticising CJI

JUDICIAL PENDENCY IN INDIA:

Total pending cases: over 5 crore (50 million) across all courts
 Source: National Judicial Data Grid (NJDG)
 SC sanctioned strength: 34 judges; HC total: ~1,100 (significant vacancies)

CONSTITUTIONAL PROVISIONS:

Article 19(1)(a): freedom of speech and expression
 Article 19(2): reasonable restrictions (8 grounds including contempt of court)
 Article 129: SC as court of record with contempt power
 Article 215: HC as court of record with contempt power
 Article 32 and 226: right to constitutional remedies (SC and HC)

Sources: [The Hindu](#), [LiveLaw](#)

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