

6. Supreme Court on Judicial Corruption- Polity

SC hearing on NCERT Class 8 textbook, updates- Supreme Court orders blanket ban on NCERT textbook with chapter on 'corruption' in judiciary. The Supreme Court's ban on the NCERT chapter highlights the application of Article 19(2) restrictions on Freedom of Speech. By invoking the Contempt of Courts Act, the judiciary has asserted that its Institutional Integrity is part of the Basic Structure, protecting it from academic discourse that could be perceived as "scandalizing" or "undermining" public faith.

1. Key Observations of the Supreme Court

A Bench headed by Chief Justice Surya Kant expressed severe concern over the pedagogical inclusion of judicial corruption-

Calculated Undermining- The Court described the content as a "calculated move" to weaken the judiciary's standing.

Criminal Contempt- The Bench noted that portraying the judiciary in such a light could fall under the definition of criminal contempt as it tends to lower the court's authority.

Erosion of Faith- Unchecked academic narratives focusing on institutional flaws without context could destroy the public trust that grants the courts their legitimacy.

Institutional Accountability- The Court demanded a deep probe into the curriculum-setting process, stating emphatically that "Heads must roll."

Executive Response- The Solicitor General offered an unconditional apology on behalf of the Ministry of Education for the oversight.

2. Constitutional and Legal Framework

Concept	Legal Basis	Implications in this Case
Independence of Judiciary	Basic Structure Doctrine (Kesavananda Bharati Case)	Viewed as a shield against any narrative that might weaken the court's autonomy or public standing.
Contempt of Court	Contempt of Courts Act, 1971	Includes "scandalizing the court." The SC viewed the textbook as an act that obstructs the administration of justice.
Freedom of Expression	Article 19(1)(a)	While fundamental, it is subject to Article 19(2), which allows restrictions on the grounds of "Contempt of Court."
Separation of Powers	Article 50	Mandates the separation of the Judiciary from the Executive to ensure an impartial rule of law.

3. The Tension- Accountability vs. Independence

The incident brings to light the delicate balance required between maintaining judicial dignity and allowing for democratic criticism.

Judicial Transparency- Concerns often centre on the Collegium System (evolved through the Three Judges Cases), which critics argue lacks transparency and promotes institutional insularity.

In-House Mechanism- The current internal inquiry process for judges lacks statutory backing, leading to calls for more formal accountability measures.

Power of Contempt- Articles 129 and 215 empower the Supreme Court and High Courts to punish for contempt. This power is intended to protect the seat of justice, not the individual judge, though the line is often debated.

4. Curriculum Governance and NCERT

The role of NCERT in shaping the minds of young citizens is constitutionally significant.

Curriculum Oversight- This case raises questions about the vetting process for textbooks. Should academic content regarding constitutional bodies undergo a "Consultation Process" with the respective institutions?

Academic Accountability- The court's intervention highlights that academic freedom in school textbooks is not absolute, especially when it concerns the "Basic Structure" of the Constitution.

Institutional Trust- In a democracy, while constructive criticism is a strength, the court maintains that sensationalist or unfounded allegations in a school setting can be permanently damaging to democratic stability.

5. Conclusion

The Supreme Court's "blanket ban" reaffirms that Judicial Independence is a non-negotiable pillar of the Indian Constitution. While the higher judiciary faces ongoing debates regarding its appointment process (Collegium) and in-house accountability, the Court has made it clear that the school classroom is not the venue for narratives that might "scandalize" the institution. The focus remains on preserving the Legitimacy of the Rule of Law through institutional dignity.

Source- <https://www.thehindu.com/news/national/supreme-court-ncert-class-8-chapter-corruption-in-judiciary-suo-motu-case-hearing-february-26-live-updates/article70678221.ece>

