



Judging the Judge: India's Curriculum Ban and Democratic Accountability

by [Bhavya Johari](#) | Apr 6, 2026



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On **February 26, 2026**, India's Supreme Court took suo motu cognizance of a grade 8 NCERT textbook chapter titled "Corruption in the Judiciary," directing seizure of all circulating copies and imposing a blanket publication ban. Two weeks later, on **March 11**, having recalled 82,440 copies, the Court escalated by ordering: the disassociation of three academics who drafted the chapter from all public educational work without a hearing; that any future curriculum on the judiciary must be approved by a committee including a former judge collaborating with the National Judicial Academy (NJA); and that the government must identify social media accounts that discussed the orders *irresponsibly*. This blog argues that when courts control what may be taught about the courts, they violate the *nemo iudex in causa sua* principle (no one may judge their own cause), undermining democratic legitimacy.

The Wholesale Ban Without Individualized Assessment

The Court disclaims intent to stifle critique, yet bans an entire chapter without identifying which passages warrant suppression. This violates the principles set out in the United Nations' (UN) UN Human Rights Committee's [General Comment 34](#), the authoritative interpretation of Article 19 of the [International Covenant on Civil and Political Rights \(ICCPR\)](#), which protects freedom of expression. The Committee held that expression restrictions cannot include blanket publication bans unless authorities demonstrate that specific, non-severable content can be legitimately prohibited. The wholesale ban reveals the Court treats teaching students about judicial corruption as presumptively illegitimate.

The blacklisting without a hearing compounds this. The European Court of Human Rights (ECtHR), in [Kyprianou v Cyprus](#), identified a structural problem also present in the Indian Supreme Court's orders: when the judge who is the subject of criticism also adjudicates the contempt charge, fair-trial guarantees are violated. Here, the entire institution judges its own criticism.

Institutional Capture Through Circular Logic

The orders reveal progression from suppression to control. Having banned the chapter, the Court extended its reach to monitor who discusses orders and determine who may teach about the judiciary. The March 11 order directs the identification of social media accounts that acted irresponsibly, but provides no standard defining irresponsibility, no safeguards, and no temporal boundary.

The UN Office of the High Commissioner for Human Rights has documented that [even the possibility of surveillance creates a chilling effect](#) on Article 19 ICCPR expression rights. Citizens must now calculate whether discussing a Supreme Court order might expose them to contempt liability. This transforms critique from democratic practice into risk calculation.

But surveillance alone does not complete institutional capture. The curriculum mandate does. The Court requires any rewritten chapter to be approved by a committee, including a former judge collaborating with the NJA. The judiciary determines whether its criticism is legitimate, blacklists academics whose work fails this test, and then mandates that judges approve future curriculum.

The ECtHR in [Mustafa Erdoğan v Turkey](#), applying Article 10 of the [European Convention on Human Rights](#) (protecting freedom of expression), held that academic freedom extends to the examination and criticism of public institutions, as democracies require independent assessment. India's Supreme Court requires such examination to be vetted by the institution examined. When courts determine what may be taught about courts, they eliminate external scrutiny that legitimacy requires and invert accountability fundamental to democratic governance.

Why Nemo Judex Matters

When courts control boundaries of permissible criticism, they claim institutional privilege incompatible with democratic accountability. The global retreat from scandalizing contempt reflects this. The United Kingdom abolished the offense of scandalizing the court in 2013 through [Section 33 of the Crime and Courts Act 2013](#), emphasizing that respect for the judiciary is undermined by criminal offenses that provide special protection from criticism. Canada's Ontario Court of Appeal in [R v Kopyto](#) held that the same offense violated freedom of expression under [Section 2 of the Canadian Charter of Rights and Freedoms](#), reasoning that courts earn public regard through merit, not through suppressing questioning.

This principle (that courts earn respect through merit, not by suppressing criticism) is embodied in international standards. The [Commonwealth Latimer House Principles](#), which India endorses, state that contempt proceedings should not restrict legitimate criticism of judicial performance. The [2002 Joint Declaration](#) by the UN, the Organization for Security and Cooperation in Europe (OSCE), and the Organization of American States (OAS) Special Rapporteurs on freedom of expression declares that

special restrictions on commenting on courts cannot be justified. These instruments reflect a principle about what courts protect when invoking contempt power.

South Africa's Constitutional Court, in *S v Mamabolo*, captured that principle: contempt law protects not judicial officers' self-esteem or dignity, but the moral authority of the judicial process, which depends on informed public scrutiny as a democratic check. When courts police the boundaries of criticism, they undermine the legitimacy they claim to protect. India's Supreme Court exemplifies this: requiring judicial pre-approval for curriculum on judicial corruption exercises institutional veto over accountability itself.

Proving the Thesis Through Suppression

The Court proved what it sought to suppress. Banning curriculum on judicial corruption, blacklisting academics without hearings, and mandating judicial approval to treat critique as a threat rather than accountability. If courts control what is taught, what prevents other institutions from claiming privilege? Where does self-protection end and accountability begin? When global consensus rejects contempt to shield courts, why India's opposite trajectory? The institution that claims to protect independence demonstrates the insecurity that undermines it.