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A Textbook, Criticism, the Court and Contempt

Context

- There was a recent controversy surrounding a Class VIII textbook published by the National Council of Educational Research and Training about a chapter '**Corruption in Judiciary**'.
- And the intervention of the Supreme Court of India has revived debate over the limits of criticism of the judiciary and the **scope of contempt powers**.
- The decision to withdraw the book and appoint a review committee underscores the delicate balance between protecting judicial authority and safeguarding **free speech, academic freedom**, and democratic values.

Understanding Contempt of Court

- The power of contempt is a key mechanism to uphold the integrity of the judiciary. It consists of **civil contempt** and **criminal contempt**.
- Civil contempt addresses **disobedience of court orders**, while criminal contempt involves acts that obstruct justice, prejudice proceedings, or scandalise the court by undermining public confidence.

- The concept of scandalising the court is complex. It is not intended to protect individual judges from criticism or personal offence, but to prevent the spread of false narratives that damage the institution.
- The distinction lies between legitimate critique and **malicious criticism** that weakens the system.

The Foundation of Judicial Power: Public Trust

- The judiciary does not command the power of the purse or the power of the sword. Its authority rests on the Constitution, the rule of law, and most importantly, public trust.
- This trust is built through consistent delivery of justice, protection of fundamental rights, and adherence to fairness and objectivity.
- **Public confidence forms the backbone** of judicial legitimacy. Persistent and unfounded attacks can erode this trust, thereby weakening the judiciary's ability to function effectively.
- At the same time, openness to accountability and introspection is essential to maintain credibility.

The Judiciary and Tolerance of Criticism

- Judicial wisdom has long emphasized tolerance toward criticism. Sabyasachi Mukherjee acknowledged systemic shortcomings and encouraged inward reflection.
- B. Gajendragadkar cautioned that excessive use of contempt powers could harm the court's dignity rather than preserve it.
- The **broad shoulders approach**, articulated by S. P. Bharucha, highlights the importance of restraint.
- Courts must demonstrate judicial restraint, allowing space for dissent and criticism without reacting defensively.
- Globally, Lord Denning affirmed that courts should not use contempt powers to suppress criticism. Freedom of speech, including the right to fair comment, remains fundamental.
- Judicial dignity is best upheld through **fairness, objectivity, and judicial conduct**, not punitive action.

Drawing the Line: Responsible Criticism vs. Contempt

- A clear boundary exists between acceptable criticism and actionable contempt. Criticism must be **fact-based, non-reckless**, and free from **ill intent**.
- Deliberate attempts to denigrate the institution or spread misinformation may justify legal intervention.
- This distinction is crucial because the judiciary exercises judicial review, a power that ensures accountability, transparency, and good governance.
- Public support for this role depends on trust in the institution. Weakening that trust risks undermining democratic checks and balances.

The Role of Due Process and Academic Freedom

- Situations involving intellectual or academic expression require a cautious approach.
- Providing an opportunity for explanation, clarification, or correction aligns with due process and promotes fairness.
- A measured response can prevent escalation and preserve institutional dignity.

- The judiciary, as a protector of rights, must ensure that **academic freedom** is not stifled. Excessive intervention may create a **chilling effect**, discouraging open discussion and critical thinking.
- A balance between **institutional respect** and freedom of expression is essential.

Challenges Within the Judiciary

- Internal challenges, particularly **judicial corruption**, pose a significant threat to public confidence. Even isolated instances can damage the institution's reputation.
- Existing mechanisms such as impeachment, transfer, and in-house inquiry often prove inadequate or slow.
- Strengthening accountability mechanisms is necessary to address misconduct effectively.
- This would reinforce trust, support honest judges, and enhance the overall administration of justice. A transparent and robust system is essential for sustaining credibility.

Conclusion

- The tension between protecting judicial authority and preserving freedom of expression is inherent in a democracy.
- The judiciary's strength lies not in the frequent use of contempt powers but in its ability to command respect through **integrity, fairness, and constitutional values**.
- A balanced approach that embraces **constructive criticism** while guarding against harmful attacks can strengthen both the judiciary and democratic discourse.
- By promoting accountability, respecting free speech, and maintaining public trust, the judiciary can continue to serve as a guardian of rights and the **rule of law**.

A Textbook, Criticism, the Court and Contempt FAQs

Q1. What are the two types of contempt of court?

Ans. Civil contempt and criminal contempt are the two types of contempt of court.

Q2. Why is public trust important for the judiciary?

Ans. Public trust is important because it forms the foundation of the judiciary's authority and legitimacy.

Q3. Can the judiciary be criticised?

Ans. Yes, the judiciary can be criticised as long as the criticism is fair, factual, and not malicious.

Q4. What is judicial review?

Ans. Judicial review is the power of courts to examine and ensure the legality of actions of the legislature and executive.

Q5. Why should contempt powers be used cautiously?

Ans. Contempt powers should be used cautiously to avoid harming free speech and the dignity of the judiciary.

Source: **The Hindu**

A Flame the State Cannot Guarantee

Context

- India's LPG crisis of March 2026, triggered by the war in West Asia and disruptions in the Strait of Hormuz, is often explained through **import dependence**, **chokepoint vulnerability**, and **inadequate storage**.
- While these explain the trigger, they fail to address why a major welfare programme could not shield its beneficiaries.
- The deeper issue lies in the **welfare architecture**, which amplified the crisis's impact and the distinction between supply chain shock and structural weakness is crucial to understanding the severity of the disruption.

Gaps in India's LPG Welfare Architecture and Its Impact

• Expansion Without Resilience

- Over the past decade, the **Pradhan Mantri Ujjwala Yojana (PMUY)** expanded LPG access to over 10 crore households, significantly improving clean cooking access.
- This transition reduced reliance on biomass fuels, delivering measurable gains such as time savings, reduced drudgery, and improved health outcomes for women.
- The programme represented a major step toward energy transition and social welfare expansion.
- However, the model prioritised **connections over continuity**. While access increased, the system lacked safeguards to ensure uninterrupted supply during disruptions.
- The absence of **resilience planning** meant that benefits remained conditional on stable market conditions, exposing households to external shocks.

• From State Provision to Market Dependence

- A critical shift occurred when LPG replaced kerosene distributed through the **Public Distribution System (PDS)**.
- Despite inefficiencies, the PDS ensured state-controlled supply, physical stockholding, and predictable access.
- The transition to LPG moved households into a market-based system dependent on global commodity flows.
- India imports nearly 60% of its LPG, with about 90% routed through the Strait of Hormuz, creating a severe geopolitical risk.
- Unlike crude oil, there is no dedicated strategic LPG reserve, and existing reserves remain limited.
- This shift replaced a controlled but flawed system with an efficient yet fragile one, without building adequate **supply security mechanisms**.

The Illusion of Sovereign Guarantee

- PMUY projected a strong sovereign guarantee, reinforced through government branding, Direct Benefit Transfer (DBT), and political ownership.
- These elements created an expectation of state accountability and reliability.
- In practice, however, supply depended on global markets and vulnerable trade routes. The state retained symbolic control while lacking direct capacity to manage disruptions.
- This resulted in a **misalignment between promise and delivery**, where visible assurances were not supported by physical infrastructure or contingency systems.

The Crisis Impact: Unequal Burdens and Social Stratification

- Even in normal conditions, many beneficiaries struggled with affordability constraints, leading to low refill rates or partial reversion to traditional fuels.
- Rising prices and delays intensified this energy insecurity.
- Existing social inequalities further shape access. Scheduled Caste and tribal households face lower LPG usage due to gaps in distribution networks and entrenched hierarchies.
- During shortages, these disparities become sharper, reflecting **structural exclusion** within delivery systems.
- The **gendered burden** is equally significant. Although women are the formal beneficiaries, they lack control over supply and pricing.
- When LPG becomes inaccessible, women absorb the impact through increased labour, often reverting to biomass.
- This undermines gains in **women's empowerment**, revealing a gap between **formal entitlement** and actual agency.

The Way Forward: Designing for Resilience

- Strengthening the system requires targeted reforms rather than complete overhaul.
- Establishing a strategic LPG buffer can protect against short-term shocks, while diversifying import routes can reduce reliance on a single maritime chokepoint.
- Clear crisis protocols are essential to ensure equitable distribution during shortages. Expanding alternatives such as community biogas, supported under initiatives like GOBARdhan, can provide localised energy solutions.
- Similarly, scaling up piped gas networks in urban areas can reduce dependence on cylinder-based supply.
- A resilient welfare system must incorporate **redundancy, decentralised alternatives**, and adaptive mechanisms to prevent disruptions from reaching households.

Conclusion

- The LPG crisis highlights a fundamental limitation in welfare design: success was measured in **coverage expansion** rather than reliability.
- While PMUY achieved large-scale inclusion, it did not ensure **continuity under stress**.
- A durable welfare system must go beyond access to guarantee **supply stability**, especially in times of crisis.

- True transformation requires embedding **resilience**, ensuring that benefits remain intact even under adverse conditions.
- Without this shift, welfare gains remain vulnerable, and the promise of inclusive development risks becoming contingent on fragile global systems.

A Flame the State Cannot Guarantee FAQs

Q1. What triggered India's LPG crisis in March 2026?

Ans. The crisis was triggered by disruptions in the Strait of Hormuz due to the war in West Asia.

Q2. What is the key weakness in the LPG welfare architecture?

Ans. The key weakness is the lack of resilience and continuity planning during supply disruptions.

Q3. How did PMUY improve households' lives?

Ans. PMUY improved lives by providing clean cooking fuel, reducing drudgery, and saving time for women.

Q4. Why are poorer and marginalized groups more affected?

Ans. They are more affected due to affordability constraints and unequal access within distribution networks.

Q5. What is one major solution to improve the system?

Ans. One major solution is to create a strategic LPG buffer to ensure supply during crises.

Source: **The Hindu**

Uniform Civil Code (UCC) - Beyond Uniformity to Justice

Context

- The debate on the Uniform Civil Code (UCC) has resurfaced, this time catalysed by judicial observations rather than executive action, despite **Article 44** placing it within the Directive Principles of State Policy (DPSP).
- A recent petition before the Supreme Court sought to strike down the Muslim Shariat (Application) Act, 1937, prompting important reflections on personal laws, gender justice, and constitutional equality.

Key Issues in the Current Debate

- **Judicial push vs legislative domain:**
 - A three-judge Bench led by the CJI Surya Kant highlighted the need for reform in Muslim Personal Law (MPL).
 - However, concerns arise regarding **judicial overreach** into a domain reserved for policymaking.
- **Equality vs testamentary freedom:**
 - Equal succession rights may be undermined by absolute testamentary powers (allowing a person to will away their entire property to anyone he chooses).
 - For example, the Gujarat UCC has been challenged for inconsistencies in inheritance law.

- Notably, none of the Hindu Succession Act, 1956; the Indian Succession Act, 1925; and the Uttarakhand Uniform Civil Code, 2024, restrict such testamentary freedom.

Muslim Personal Law - Nuanced Realities

- **Protective features in inheritance:**
 - Under the Muslim Shariat (Application) Act, 1937, a Muslim cannot will away more than one-third of property, and cannot favour one heir without consent of others.
 - These restrictions may protect women's inheritance rights better than some "uniform" laws.
- **Codified and jurist-made nature:** MPL is not merely customary, it is partly codified through legislation (1937 Act), and developed through judicial precedents and scholarly interpretations.

Constitutional and Judicial Dimensions

- **Essential religious practices debate:** In **Shayara Bano** vs Union of India (2017), instant triple talaq was invalidated as it lacked Qur'anic basis.
- However, inheritance rules are Qur'an-based, making reform constitutionally complex.
- The evolving jurisprudence (e.g., Sabarimala review) questions the "essential practices doctrine."

Gender Justice - A Mixed Picture

- **Gaps in existing laws:**
 - The Shariat Act excludes agricultural land, limiting women's property rights.
 - State land laws (e.g., Uttar Pradesh Revenue Code, 2006), provide partial rights (e.g., to unmarried daughters).
 - Hence, such distinctions violate **Article 14** (Right to Equality).
- **Progressive aspects of MPL:**
 - Marriage is treated as a civil contract, not a sacrament.
 - Key protections are consent of bride mandatory, Mehar (dower) as financial security, and customisable Nikahnama.
 - Similarly, divorce rights are Khula (no-fault divorce for women), and judicial divorce under Dissolution of Muslim Marriages Act, 1939 on grounds like cruelty, desertion, etc.
 - In some respects, MPL appears more **women-friendly** than certain provisions in Hindu law or even recent UCC models.

Challenges in Implementing UCC

- **One-size-fits-all approach:** Uniformity may ignore community-specific safeguards, especially for women.
- **Risk of regressive outcomes:** Removal of beneficial provisions (e.g., limits on testamentary powers) could harm vulnerable groups.
- **Federal and legal complexities:** Personal laws intersect with Religious freedoms (Article 25), Equality (Article 14), and legislative competence (Centre vs States).
- **Social sensitivities:** Perception of UCC as targeting specific communities may hinder consensus.

Way Forward

- **Gradual, piecemeal reform:** Instead of a blanket UCC, pursue incremental harmonisation of laws.
- **Focus on substantive justice:** Prioritise gender justice over mere uniformity. Ensure reforms do not dilute existing protections.
- **Adopt Best Practices across laws:** Incorporate progressive elements from all personal laws. For example, testamentary restrictions (from MPL), and gender-equal succession (from Hindu law).
- **Address structural gaps:** Reform land laws to ensure equal rights for women. Remove arbitrary distinctions (e.g., married vs unmarried daughters).
- **Build social consensus:** Engage stakeholders, religious bodies, and civil society to ensure inclusive reform.

Conclusion

- The UCC debate must move beyond ideological binaries of uniformity versus diversity.
- A truly effective civil code should be **just, inclusive, and gender-sensitive**, rather than merely uniform.
- India's legal evolution has historically involved **cross-pollination** of ideas across traditions—a process that should guide future reforms.
- The goal must not be legal homogeneity, but substantive equality and dignity for all citizens.

Uniform Civil Code (UCC) FAQs

Q1. Whether the Uniform Civil Code (UCC) ensures substantive gender justice in India?

Ans. UCC may ensure formal equality, but it may undermine substantive gender justice by limiting testamentary powers.

Q2. What are the constitutional challenges involved in implementing the UCC in India?

Ans. UCC faces challenges in balancing Article 44 with religious freedom (Article 25) and equality (Article 14).

Q3. What is the role of Muslim Personal Law in protecting women's rights in India?

Ans. Despite certain limitations, Muslim Personal Law contains progressive elements like restricted testamentary powers.

Q4. Why is a piecemeal approach suggested for implementing the UCC in India?

Ans. A gradual approach allows incorporation of best practices from different personal laws while avoiding regressive outcomes.

Q5. What are the limitations of existing inheritance laws in ensuring gender equality in India?

Ans. Existing laws often allow absolute testamentary freedom and discriminatory provisions in land laws, undermining women's inheritance rights.

Source: **IE**