

## General Studies-2; Topic: Role of civil services in democracy; Important aspects of governance, transparency and accountability,

### Criminal Laws (Rajasthan Amendment) Ordinance, 2017

#### 1) Introduction

- The Criminal Laws (Rajasthan Amendment) Ordinance, 2017, was promulgated recently.
- Accordingly, prior sanction from an authority was required before an investigation into an offence committed by a public official could commence.
- The ordinance amends the Criminal Code of Procedure, 1973
- The media is also barred from publishing any details identifying an accused till the government gives its nod for investigation.

#### 2) Arguments supporting the ordinance

- Ordinance is aimed to control false cases, so that honest and hard-working public servants can continue to work without any stress and slander.
- Overzealous inspection and constant suspicion can cramp decision making
- The government shared data from 2013 until June 2017, and said that about 73 per cent cases were found to be false and the officials had to face slander and stress even though they were not guilty.
- False cases take away time from the judiciary and the government.

#### 3) Supreme Court's Views

- The Supreme Court has twice struck down this blanket requirement of prior approval.
- The Supreme Court had earlier struck down a statutory provision for prior government clearance for a CBI probe against officials of the rank of joint secretary and above.
- The Supreme Court in another case observed that such a provision destroys the objective of anti-corruption legislation and prevents independent investigation.

#### 4) Criticism

- Rajasthan's ordinance shields the corrupt, threatens the media, the whistle-blowers and the public's right to know.
- This would create a cover for wrong doing by the government officials and encourage others to indulge in corruption.
- This is the first time a section prescribing punishment for disclosure is being introduced in India
- Special protection to those in power, in instances of corruption, seems to go against Article 14 of the Constitution, conferring equal rights in front of the law.
- It stops the media from disclosing the identity of any official in a corruption scandal which means such cases will never come to public attention.
- This is a hit on free speech and expression, not just of the journalists but also citizens
- It is actively restoring a colonial-era directive that protects officials from legitimate scrutiny
- By placing official reputations above the need for accountability, it inverts the relationship between public servants and the public they are meant to serve.

#### 5) Way Forward

- The Lokpal Act must be operationalised.

- It is time the Centre enforced a strong body of legislation that punishes the corrupt, protects the honest, and ensures time-bound public services and whistle-blower safety.
- Centre should speed up amendments that redefine criminal misconduct among public servants at the same time protecting legitimate decisions.
- There needs to be a balance between truth-seeking and institutional stability.

