

SC NOT TO DECIDE ON DEFERRED POLITICAL ENTRY OF OFFICIALS

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

Legislators, not judges, have to determine whether a cooling-off period is required for government officials before they join politics and contest elections after retirement.

This was stated by a Bench of Justices Indira Banerjee and A.S. Bopanna while replying to a writ petition seeking a direction to the legislature to frame a law imposing a cooling-off period for retired bureaucrats with political ambitions.

The petitioner, Vivek Krishna, said the need to give time to cool off after retirement was necessary owing to a high probability that civil servants, while in service, may do favours for certain parties with an eye on a political future or a high position.

The Bench, in a recent four-page order, categorically said that civil servants would be liable for stringent action in case of any such breach in ethical standards under the All India Services (Conduct) Rules of 1968.

Work ethic

“There can be no doubt that civil servants should maintain the highest ethical standards of integrity and honesty, political neutrality, fairness and impartiality in the discharge of duties,” the court observed.

It said that for civil servants, “courtesy, accountability and transparency, integrity, impartiality, neutrality, transparency and honesty are non-negotiable”.

However, the Bench stated that the court could not make a law to introduce a cooling-off period for civil servants. The question whether to make such a law or not was best left to the legislature.

Dismissing the petition, the court observed that the allegations made in it of bureaucrats deviating from strict norms of political neutrality with a view to obtaining party ticket to contest elections were “vague, devoid of particulars and unsupported by any materials which could justify intervention of this court”.

No solid data

“No particulars have been given of the number and/or percentage of erstwhile bureaucrats, who have contested elections on the ticket of a political party, not to speak of any act on their part, prior to their retirement, in deviation of the standards required of bureaucrats,” it noted.

The court refused to intervene in the petition, saying it was for the appropriate authorities to decide whether there should be any rules/guidelines for bureaucrats contesting polls.

END

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