

Roll it back

The Vasundhara Raje government in Rajasthan proposes to step beyond the ambit of custom, and even beyond the Constitution. It seeks to convert its ordinance of September into criminal law, imposing prior restraint on the investigation of state judicial and government officers, and even barring their identification. Investigation is the cornerstone of the law and order machinery, and restraint amounts to supporting misuse of official powers. The police are under the command of the executive, which can hold off sanctioning for six months, by which time the issue would have faded from public memory - with a little help from the accused. The bar on disclosing identity attacks the freedom of the press, which can't report anything concerning an accusation against an official - even its very existence. The curbs apply not only to corruption charges, but to the whole gamut of crime, down to rape and murder. Had such a law been in force earlier, the media could not have reported, in Rajasthan, on official collusion in Lalit Modi's escape or the wrongful allocation of mining rights in the Aravallis. And if Rajasthan's law inspired Central legislation, no scam would ever be reported, nationwide. Insulation from the law can only breed impunity.

Reasonable restrictions to protect officials from wrongful prosecution have concerned the courts. The Supreme Court had drawn the line at the level of investigation in 2016, empowering the police to file an FIR. It is a public document detailing persons and charges, which are reported in the press. Executive sanction is required only for trial. Officials are protected from court proceedings, without constraining the right to investigate or to report. But Rajasthan has now gone boldly where no assembly has ever gone before.

The amendment to the Criminal Procedure Code which the Raje government seeks will be constitutionally challenged. A state which has gained notoriety for failing to respond to serious social and political problems may not desire the opprobrium which must follow. The lynching of Pehlu Khan in Alwar was not met immediately with the state response that law and justice demanded. Vandalism at the Jaipur Art Summit last year left an exhibitor injured. A professor of Jodhpur University was suspended for inviting a JNU academic whose views are poorly regarded by the government. And history was doctored in a school textbook to make Maharana Pratap the victor of Haldighati. Rajasthan has been blotting its copybook quite liberally, and a law which effectively protects corrupt officials from investigation and scrutiny would be a crowning inglorious. For a chief minister who likes to project soft power, an immediate rollback would be the prudent response.

END

Downloaded from crackIAS.com

© **Zuccess App** by crackIAS.com