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EDITORIAL ANALYSIS

Jan Vishwas: From 'Danda' to Trust — India's Largest Decriminalisation Exercise

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INTERVIEW ANGLE

"Is replacing imprisonment with fines sufficient to improve India's business environment, or does it merely change the form of state coercion without reducing its frequency?"

WHY IN NEWS

The Jan Vishwas (Amendment of Provisions) Bill, 2026, India's largest-ever decriminalisation exercise, proposes to remove criminal penalties from over 12,500 compliance provisions across 79 Acts — replacing imprisonment with civil penalties for procedural and technical violations.

THE EDITORIAL ARGUMENT

The Jan Vishwas Bill 2026 represents a philosophical shift in the state's relationship with citizens: from presuming guilt (and threatening imprisonment) to presuming good faith (and using proportionate civil penalties). This is not merely regulatory tinkering — it is an attempt to rebuild investor and citizen trust in India's compliance architecture. Whether it succeeds depends on implementation, not just legislation.

THE PROBLEM IT ADDRESSES

India's regulatory landscape is burdened by colonial-era laws that criminalised minor procedural failures. Filing a return one day late, failing to display a registration certificate, using slightly wrong label formats — hundreds of such violations across companies, food safety, labour, and environmental laws carried criminal penalties including imprisonment.

The consequences:

- **Chilling investment:** Foreign investors routinely cite legal risk from technical violations as a barrier to India entry or expansion



- **Judicial burden:** Criminal courts handle millions of minor regulatory cases, delaying justice for serious offences
- **Harassment potential:** Criminal provisions give low-level inspectors **disproportionate** leverage over businesses
- **Perverse incentives:** Threat of imprisonment encourages bribery rather than compliance

The first Jan Vishwas Act (2023) decriminalised 183 provisions across 42 Acts — a pilot exercise. The 2026 Bill scales this 70x.

WHAT THE 2026 BILL DOES

PARAMETER	SCALE
Acts covered	79
Provisions decriminalised	12,500+
Replacement mechanism	Civil penalties (monetary fines)
Adjudicating authority	Adjudicatory Officers (civil process)
Criminal penalty retained	Only for fraud, wilful evasion, large-scale harm

Key sectors affected: Companies Act compliance, FSSAI food labelling, labour law filings, environmental reporting, pharmaceutical manufacturing GMP documentation, import/export documentation.

THE PHILOSOPHICAL SHIFT: “DANDA” TO “DATA”

The traditional Indian regulatory approach is described as “danda” governance — policing through threat of criminal prosecution. The Jan Vishwas model pivots to a data-driven, incentive-based model:

- Compliance is measured and tracked (not presumed guilty until proven otherwise)
- Civil penalties create financial incentives without criminalising business decisions
- The state trusts citizens to comply when given clear rules and proportionate consequences

This aligns with the broader Digital India agenda where compliance evidence is automated (GST filings, EPF returns, FSSAI tracking) rather than manually inspected.



THE LIMITATIONS

Civil Penalties Can Also Be Weaponised

Replacing imprisonment with fines does not eliminate regulatory harassment if adjudicatory officers lack independence, appeal mechanisms are slow, or penalty amounts are disproportionately high.

Selective Decriminalisation

Environmental violations, where corporate offences can cause large-scale public harm, need careful calibration — removing criminal penalties for genuine environmental non-compliance would create moral hazard.

Implementation Gap

India has a history of transformative legislation with poor implementation. Adjudicatory officers must be trained, their numbers must match caseloads, and appeal tribunals must be functional. Without this, Jan Vishwas replaces criminal harassment with civil harassment.

COMPARISON: GLOBAL BEST PRACTICES

Countries like Singapore, the UK, and Australia have moved toward regulatory pyramids — starting with guidance, escalating to civil penalties, reserving criminal prosecution for the most serious violations. India is finally making this shift. The question is whether the culture within inspecting agencies changes to match.

UPSC RELEVANCE

GS Paper 2 — Governance

- Ease of Doing Business reforms; decriminalisation of business laws
- Jan Vishwas Act 2023; Jan Vishwas Bill 2026
- Second Administrative Reforms Commission recommendations on regulatory reform

GS Paper 3 — Economy

- Investment climate; regulatory burden on MSMEs and businesses
- Labour law reforms; FSSAI compliance; environmental compliance

Mains Keywords

Jan Vishwas, decriminalisation, civil penalty, regulatory reform, adjudicatory officer, ease of doing business, danda governance, proportionate regulation



KEY FACTS

Jan Vishwas Bill 2026: 12,500+ provisions decriminalised; 79 Acts; criminal → civil penalties

Jan Vishwas Act 2023 (first exercise): 183 provisions, 42 Acts

Adjudicating authority: civil process (not criminal courts)

Global model: Regulatory pyramid — guidance → civil penalty → criminal prosecution

Second ARC (2005-09): Recommended decriminalisation of minor regulatory violations

Key sectors: Companies Act, FSSAI, labour laws, environmental reporting

Sources: [Indian Express](#), [PRS Legislative Research](#), [Ministry of Commerce](#)

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