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**EDITORIAL ANALYSIS**

# Decriminalising the State – Jan Vishwas Act 2026 and the Long Road to Trust-Based Governance

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25 April 2026

**ECONOMY****POLITY****GS2****GS3**

CURATED &amp; WRITTEN BY

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# Decriminalising the State — Jan Vishwas Act 2026 and the Long Road to Trust-Based Governance

The Indian Express 25 April 2026

GS2

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4 tags



## INTERVIEW ANGLE

*"The Jan Vishwas Act 2026 decriminalises 784 regulatory provisions across 79 laws — a significant Ease of Doing Business reform. But does decriminalisation alone constitute trust-based governance, or does India need deeper structural changes in inspector raj and regulatory culture?"*

## THE CORE ARGUMENT

The Jan Vishwas (Amendment of Provisions) Act, 2026 — decriminalising 784 provisions across 79 Central Acts — is the largest single decriminalisation exercise in India's post-independence legislative history. The editorial argues that while this is a genuine reform, its impact will remain limited unless accompanied by: (1) implementation capacity (regulatory bodies must be staffed and digitised to administer civil penalties efficiently); (2) cultural reform in the inspection ecosystem (inspector raj cannot be solved by legal amendment alone); and (3) deeper regulatory rationalisation (repealing obsolete laws rather than amending them). The shift from criminal to civil is necessary but not sufficient for trust-based governance.

## WHAT THE JAN VISHWAS ACT 2026 DOES

### Scale

PARAMETER	PHASE 1 (2023)	PHASE 2 (2026)
Acts amended	42	79
Provisions amended	183	784
Ministries involved	~19	23

## The Core Mechanism

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Replaces **imprisonment + criminal fine** with:

- **Graded enforcement:** advisory → warning → civil penalty
- **Monetary civil penalty:** calibrated to severity; collected by regulatory authority
- **No criminal record** for minor/technical defaults
- **Criminal prosecution retained** for: fraud, public safety violations, intentional offences

## WHY CRIMINALISATION OF MINOR DEFAULTS IS A PROBLEM

### The Scale of India's Over-Criminalised Statute Book

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India has **~1,500 Acts at the Centre** and **~30,000+** at state levels. A significant fraction contain criminal penalties for minor regulatory violations — an inheritance of British colonial administration that used criminal threat as a compliance mechanism.

Consequences:

- ❶ **Chilling effect on entrepreneurship:** Fear of criminal prosecution deters risk-taking and formalisation
- ❷ **Corruption enablement:** Criminal threat gives inspectors **leverage** to extract bribes
- ❸ **Judicial overload:** Thousands of minor regulatory cases crowd criminal courts
- ❹ **Disproportionate punishment:** A labelling error on food packaging triggering imprisonment is a violation of proportionality (Article 14 — equality)

### Who Bears the Cost

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The cost of over-criminalisation falls disproportionately on:

- **Small and medium enterprises** — who lack legal departments and cannot manage criminal defence costs
- **First-generation entrepreneurs** — unfamiliar with complex regulatory compliance
- **Informal sector transitioning to formal** — who face the full force of regulations they were previously exempt from

## WHAT REMAINS UNADDRESSED

### 1. Implementation Capacity

Converting criminal to civil penalties only works if civil adjudication is fast, cheap, and fair. India currently lacks:

- Dedicated adjudicatory bodies for civil regulatory penalties in most ministries
- Digital systems to track compliance history (needed for graded enforcement)
- Training for regulatory officials in civil penalty adjudication

### 2. Inspector Raj — A Cultural Problem

Criminal threat is one source of inspector raj; the other is **discretionary power combined with weak accountability**. An inspector who cannot threaten criminal prosecution can still delay approvals, demand documentation, or threaten adverse reporting. Jan Vishwas removes one lever of harassment but not all.

### 3. Law Proliferation vs Rationalisation

The more fundamental reform is to **repeal obsolete laws**, not merely amend them. The Factories Act, the Shops and Establishments Acts, and dozens of sector-specific regulations need zero-based review — not amendment-by-amendment decriminalisation.

## INTERNATIONAL COMPARISON

COUNTRY	APPROACH	OUTCOME
<b>UK</b>	Better Regulation Act — regulatory impact assessments mandatory	Reduced compliance burden by 20%+
<b>USA</b>	Notice-and-comment rulemaking; sunset provisions	Regulatory churn reduced
<b>Singapore</b>	Unified business registration; one-window clearance	World #1 EODB for years
<b>India (now)</b>	Jan Vishwas (phased decriminalisation)	Positive direction; incomplete

## UPSC ANGLE

PAPER	ANGLE
GS2 — Governance	Ease of Doing Business; regulatory reform; trust-based governance
GS3 — Economy	SME competitiveness; compliance burden; investment environment
GS4 — Ethics	Proportionality in punishment; rule of law vs. rule of fear

**Mains Keywords:** Jan Vishwas Act, decriminalisation, inspector raj, ease of doing business, proportionality, civil penalty

**Probable Question:** “Decriminalisation of minor regulatory defaults is a necessary but not sufficient condition for ease of doing business in India. Critically examine.” (GS2/GS3 Mains)

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