Polity & Governance · GS - II

Examine the role of prosecution sanction in protecting honest public servants while ensuring accountability for alleged abuse of official authority.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 26/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Public servant protection, prosecution sanction, rule of law, official duty, abuse of authority, judicial scrutiny, administrative accountability

Model Answer

The Rationale Behind Prosecution Sanction

Prosecution sanction is a legal safeguard intended to protect public servants from vexatious criminal proceedings arising out of acts performed in the discharge of official duties. It seeks to preserve administrative independence without granting blanket immunity from criminal liability.

Balancing Protection and Accountability

1. **Protection of honest administration:** The requirement of prior sanction can prevent malicious litigation and enable officials to take legitimate decisions without undue fear of prosecution.

2. **Limits of official immunity:** Sanction protection is not absolute. Courts examine whether the alleged conduct has a reasonable nexus with official duties. Acts entirely unrelated to official functions may not qualify for such protection.

3. **Judicial oversight:** Courts assess the nature of allegations and the circumstances of the alleged conduct while determining whether statutory sanction is necessary.

4. **Rule of law:** Public office cannot become a shield for alleged criminal conduct. Officials remain subject to ordinary criminal law where applicable.

Governance Challenges

Excessive delays in sanction decisions can obstruct investigations and weaken public confidence. Conversely, arbitrary prosecution can discourage administrative initiative and create a climate of fear among public servants.

Institutional Priorities

1. Establish transparent and time-bound procedures for deciding sanction requests.
2. Distinguish bona fide administrative decisions from alleged acts of personal misconduct or criminal facilitation.
3. Strengthen departmental vigilance, documentary verification and independent investigation.
4. Ensure that sanction decisions are reasoned and subject to appropriate judicial scrutiny.

Conclusion

Prosecution sanction must function as a safeguard for legitimate public service, not as an instrument of impunity. A balanced approach can protect administrative independence while upholding accountability and equality before law.

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